
Making Children's Rights Real

Evaluation of the One Foundation's
support of advocacy in children's rights.

The **One** Foundation

A large, abstract graphic in the bottom right corner of the page. It consists of several overlapping, semi-transparent orange shapes that form a large, irregular circular or semi-circular pattern. The colors range from a deep, dark orange to a lighter, more muted orange, creating a sense of depth and movement.

Acknowledgements

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Introduction

The One Foundation was co-founded in 2004 by Declan Ryan and Deirdre Mortell to improve the lives of disadvantaged children in Ireland and Vietnam. The foundation will have invested €75 million, mostly in non-profit organisations over a ten-year period between 2004 and 2013, in part via co-investments with another limited life foundation operating in Ireland, The Atlantic Philanthropies.

In June 2012, the foundation commissioned an external evaluation of its advocacy investments focusing specifically on three advocacy goals named in mid-2008:

- 1) To make children's rights real
- 2) To make immigrant rights real
- 3) To build political will on mental health

The following is the review of the foundation's advocacy on 'making children's rights real' and a case study on the Children's Rights Alliance.

The full report "Evaluation of The One Foundation's (2004-2013) Support of Advocacy on Children's Rights, Immigrant Rights and Mental Health Reform, Ireland," including methodology and context is available on www.onefoundation.ie

Making Children's Rights Real

The following is an overview of the position of children in Irish society highlighting inadequacies in state supports for vulnerable children and their families. A discussion of the One Foundation's advocacy goal and strategy follows, and a case study of the Children's Rights Alliance assesses advocacy activities and effectiveness, and presents lessons learned.

Children, Ireland

For One Foundation (OF), the core of its efforts from 2004 to 2013 related to improving the lives of vulnerable children. In the early 2000s, child poverty was a real and documented issue in Ireland, despite the fact that the state provided a universal monthly children's allowance for each child, irrespective of family income¹. As Fintan O'Toole concluded, at a time when Ireland was ranked the most globalised nation in the world (Globalisation Index, 2003), "for many families, even at the height of the boom, the wolf was at the door."²

In 2005, the government's Combat Poverty Agency reported that some 148,000 children were living in consistent poverty in Ireland, which means living with a family income of less than 60% of the median income and lacking other basics such as adequate heating, warm meals, and a good strong pair of shoes.³ Parental unemployment was a key factor contributing to childhood poverty. Additional factors compounded the problem, including poor quality parenting, nutrition, neighbourhoods, housing and so forth. Economic and social issues in combination with a cycle of adult unemployment, intergenerational poverty and breakdown of traditional family and community supports were at the centre of childhood disadvantage in Ireland. Other barriers to addressing change in child poverty were more directly reflective of longstanding policy shortcomings such as insufficient investment in health and education, and systematic weaknesses such as insufficient numbers of service providers to support children in need and limited, affordable childcare.

Barnardos, the main NGO in Ireland delivering programmes to help children and their families via community-based centres and national services, concluded that: "Children living in poverty live life in the margins, excluded from opportunities and often unable to break the cycle of intergenerational poverty. Poverty affects every aspect of a child's life having short and long term consequences on their health, education outcomes and life chances."⁴

Children's issues were not a political priority and, without a vote, children's voices and issues were seldom heard in political processes. Advocates were required to speak for children to ensure their voices and needs did inform the political choices. While it is true that children do not vote in any country, a further possible factor of relevance in Ireland was that the Irish Constitution (1937) largely ignores children, apart from referring to their education rights. In addition, the constitutional position reflected the primacy of the family over the individual historically, in line with Catholic church teaching, a major influence at the time.⁵

The relationship between the Catholic church and the Irish state was a close one through the 20th century and many vulnerable children were entrusted by the state into the care of religious congregations. Reports of appalling abuse of children in industrial schools (and elsewhere) were not much heeded until recently.

1 See Understanding Childhood Deprivation in Ireland, Dorothy Watson and Bertrand Maitre (ESRI) and Christopher Whelan, UCD, ESRI, Dublin, 2012, www.esri.ie/publications.
2 Fintan O'Toole, *After the Ball*, 2003. See pages 4-5, Foreign Policy Magazine's Globalisation Index, 2003 based on three measures – economic integration, technology, political engagement and personal contact.
3 Ending Child Poverty, 2005. Combat Poverty Agency. Dublin.
4 Barnardos lists key statistics from the EU SILC that chart trends for 2008-2011 in relation to consistent poverty, deprivation etc. www.barnardos.ie/child-poverty.html
5 The Irish Constitution's main architect, Eamon de Valera, consulted regularly with the future Archbishop of Dublin, John Charles McQuaid during the drafting process. See Diarmaid Ferriter, *The Transformation of Ireland 1900-2000*, Profile Books, 2004, p.369.

In February 1996, Louis Lentin broadcast his Dear Daughter documentary on RTÉ about Christine Buckley's experience in Goldenbridge residential school from 1950 to 1964. Her allegations against the Sisters of Mercy caused a wave of media reports. This was followed by two documentaries by the late journalist Mary Raftery. Findings from her investigations were broadcast in two TV series – States of Fear (April/May 1999) and Cardinal Secrets (2002). All three documentaries aired on the national broadcast network, RTÉ, shocked the nation.

Children's issues were not a political priority and, without a vote, children's voices and issues were seldom heard in political processes.

Raftery's documentaries expanded the investigation beyond one case to expose the systematic abuse of children and cover-up by the Irish government and Catholic church. As a result of her findings in the States of Fear documentary, the Irish government established the Commission to Inquire into Child Abuse (CICA) in 1999 to investigate the extent and effects of abuse on children from 1936 onwards in the 60 residential reform and industrial schools in Ireland, run by religious organisations, but funded and supervised by the Department of Education. The Commission's findings were that children were treated like prison inmates and slaves, subjected to physical, emotional and sexual abuse, and ritualised beatings. Since it appears that the majority of children in institutional care were from poor families, the documentaries demonstrated how social class was a major factor in how the State cared for its children.

The broadcasting of Cardinal Secrets in 2002 led to the setting up of a Commission of Investigation into clerical abuse in the Roman Catholic Dublin Archdioceses from 1974-2004. Published in 2009, the report found that secrecy and avoidance of scandal were the main priorities of the church and that the complaints of parents and children were ignored.

Responsibility for children lay within the remit of the Department of Health and Children (1997-2011). While each successive Minister with responsibility for children since 1998 introduced some measures to improve the situation for children, issues arose in relation to implementation consistently. For example, Minister Mary Hanafin, TD, introduced a National Children's Strategy (2000); Minister Brian Lenihan, TD, advanced the idea of referendum; Minister Barry Andrews, TD, brought in the universal pre-school year (a successful and much lauded measure), and under the watch of the current (full) Minister, Frances Fitzgerald, the children's referendum has been held and a Child and Family Agency is being developed. Therefore, politicians and policy-makers have sought to put in place some changes to improve children's lives, including establishing an Office of the Ombudsman for Children in 2003.

However, pockets of progress in relation to legislation to protect children have often proved inadequate in practice. For example, despite the existence of the 1991 Child Care Act (that requires the state's health authorities to identify children not receiving the necessary care), throughout the 1990s a series of abuse scandals

were reported in the media that highlighted instances of abuse of children in the family home (1995, McColgan Case) and in organisations where adults interacted with children, such as the Irish Amateur Swimming Association (1993). In addition, according to Harvey (2011), detailed guidelines to protect children, contained in the document *Children First* (1999 revised in 2011), were not operational, data on services for children were patchy and in disorder, and the government did not appear to seek advice from NGOs providing grassroots services and supports. Despite the existence of the government's Children's Services Committee and a Prevention and Early Intervention Programme, Harvey also notes that it remains unclear to what extent the measures have any impact on the lives of children.⁶ Therefore, OF work to improve the lives of children took place in a context where Ireland needed to seriously address its policy and practice in relation to children, child poverty and protection.

Advocacy Goal 4 & Strategy – 'Make children's rights real'

This advocacy goal – to make children's rights real - is at the heart of all of The One Foundation's (OF) activities and its operations: *It is embedded in all of our work and our advocacy* (EI:1). It was the primary motivator for the establishment of OF, based on the two co-founders' experience of working with Barnardos (Ireland's main NGO supporting children and families through a range of services). Declan Ryan was Chair of the Barnardos board for a number of years, and Deirdre Mortell was responsible for Barnardos' fundraising and public campaigns.

During its strategic review in 2008, OF explored the causes of childhood disadvantage to chart a course of strategic intervention. Given the enormity and complexity of the underlying problem of disadvantaged children, and with a five-year timeframe, OF concluded a significant barrier to effecting change in the area and to improving the lives of disadvantaged children was the fact that children's rights were not included in Ireland's Constitution. In addition, two other target areas were identified for advocacy impact: policy implementation and service delivery. The idea was to change policy and thereby influence the direction of the state's resources towards ensuring improved structures and systems to support children's wellbeing. Therefore, all three targets were to address the main issues - an absence of any legal or constitutional basis for children's rights, inadequate implementation of government policies and poor practices in terms of services. In the final analysis, the bull's eye – 'to make children's rights real' - was to embed children's rights in the Constitution while also seeking to improve policy and practices in order to maximise positive outcomes for disadvantaged children.

6 Brian Harvey, *A Way Forward for Delivering Children's Services*, a report for Barnardos, 2011. www.barnardos.ie

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Investments, 2004-2013

Initially the idea was to invest a million into each organisation, but it was clear that many, many NGOs were institutionally 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. (EI:21).

Investments made up to 2008 were to build organisational capacity to either scale up or to grow advocacy capacity. For example over €5 million was invested in Barnardos between 2004-2008, of which 25% was designated in support of advocacy activities. Barnardos is the premier, national, respected programme-based service organisation, whose activities aim to “mitigate the disabling effects of disadvantage.”⁷

While the investment was directed at ensuring that Barnardos provide more and better services, advocacy outcomes were also expected, a factor that influenced the CEO selection process: *[The OF] helped put a really bright person in place in Barnardos* (EI:5). The CEO appointed (Fergus Finlay) was a nationally-recognised advocate on social justice issues, who had served as Senior Advisor in a previous government. He therefore knew first-hand the internal machinations of politics and government, parliamentary procedures and civil service operations. With OF's investment, Barnardos added further to its advocacy capacity. It employed an Advocacy Director (Norah Gibbons, an internal appointment), another nationally-respected children's rights advocate, someone who had worked in the area of child protection in UK and in Ireland and was subsequently appointed to numerous government committees and advisory bodies.

Next to Barnardos, the second highest investment in 2004-08 of over a half million euros was to the Children's Rights Alliance (CRA), an organisation where advocacy is the primary activity. CRA is a coalition of more than 100 organisations (including Barnardos), working to secure the rights of children in Ireland by campaigning for changes in law, policies, services and for implementation of the UN Convention on the Rights of the Child. With OF'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 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.

⁷ See www.barnardos.ie

Three smaller investments were made in 2004-2008. In the area of Migrant Separated Children, research was commissioned to determine the extent and nature of the problem to establish equity of care for these children, because this vulnerable group was absent from national migrant data.⁸ The investment in Best Place was for a new initiative to embed and realise children's rights at community level.⁹ By 2009, two additional investments were made in Longford Women's Link (working with migrant, refugee and asylum seeker women and their children), and Stand Up for Children (later Campaign for Children, to educate the public about children's rights).

Organisations, Investment Amount, Children's Rights Advocacy, 2004-2013

Organisation	2004-2008 € Amount, % advocacy	2009-2013 € Amount, % advocacy
Children's Rights Alliance	517,800 (100%)	1,269,200 (100%)
SUFC	-	703,500 (100%)
Separated Children	139,000 (100%)	285,000 (100%)
Best Place	108,462 (100%)	-
Barnardos	1,288,250 (25% of 5,153,000)	790,680 (44% of 1,797,000)
Longford Women's Link	-	151,600 (20% of 758,000)
TOTAL	€2,053,512	€3,199,980

The Push for Advocacy Impact

Advocacy investments accounted for 31% of spend in the area of Children's Rights during the first five years, and 66% in the remaining five years. The matrix below illustrates the investment shift and reflects the evolution in OF thinking on the importance of supporting advocacy as opposed to services:

Total Investments €, Children's Rights AGA, 2004-2013

	2004-2008	2009-2013
Total CRs investments	6,533,162	4,812,700
Advocacy investments	2,053,512 (31%)	3,199,980 (66%)
TOTAL	€11,345,862 of which advocacy accounted for a total of €5,253,492	

Several factors influenced OF's change in focus. These included a sense of urgency with only five years remaining and a strong push by members of the Advisory Group *I was pushing the agenda, even though Declan was not keen because advocacy was very public* (EI:21). An important insight was that by supporting services, OF might be allowing government to shun its service

⁸ Anthony Finn & Hilary Curley, 2007, Missing: Research into Separated Children Gone Missing from State Care. www.onefoundation.ie

⁹ Research conducted by Middlequarter, Ireland and academic Roger Hart, USA, resulted in a plan and tools for working with children from an early stage in urban communities.

responsibilities: *you could keep providing services forever, whereas if you changed legislation you guaranteed long-term change* (EI:5).

The naming of the goal, to make children's rights real, reflects the evolution of OF's thinking and its appreciation of the potential value of advocacy in terms of achieving constitutional change and policy implementation, thereby ensuring better long-term outcomes for children. The objectives and indicators of achievement of the goal (2008) were:

Law and Constitution

– secure children's rights in Constitution - via a referendum on children's rights.

Policy and Implementation

– ensure children's rights in policy – implement the recommendations of the Ryan Report Implementation Plan 2009.¹⁰

Practice and Service Delivery

– improve delivery of children's services.

With the clear identification of its advocacy strategy, objectives and outcomes, OF doubled its advocacy investments. The Children's Rights Alliance became the primary advocacy driver in OF's portfolio for 2009-2013, reflected in the investment of €1,269,200 (100% dedicated to advocacy), compared to a €790,680 investment in Barnardos (44% of its total grant of €1,797,000). Both NGOs had different and complementary advocacy styles that used public and private advocacy routes to advance children's rights.

CRA's senior management (Jillian van Turnhout, CEO and Maria Corbett, Legal & Policy Director) combined skills in political lobbying and policy analysis with CRA's representative status (100+ members) to conduct successful elite advocacy at ministerial level, with civil servants and other state insiders. CRA's advocacy was not targeted at changing public attitudes. While Barnardos was primarily involved in service provision (supported under a separate OF goal), it had a CEO with a public presence and very good communication skills. Barnardos' Advocacy Director was a respected national expert in the area of children at risk, someone who liaised directly with the minister's office. Therefore, high performing advocates amplified the call for change on children's rights.

Additional investments made under this goal were to complement the advocacy work conducted by Children Rights Alliance and Barnardos. For example, the 2011 investment in Stand Up For Children (SUFC) was made in partnership with The Atlantic Philanthropies to educate the public about children's rights. Retired High Court Judge Catherine McGuinness, the first person to identify the constitutional gap in terms of children's rights, became chair of the organisation.¹¹ Finally, exceptional investments were also made. For example, as plans for a new Child and Family Agency (CFA) were being formulated, OF partnered with AP and the

¹⁰ Ryan Report Implementation Plan – www.dcy.gov.ie/RyanImplementation

¹¹ Catherine McGuinness. Report of the Kilkenny Incest Investigation, 1993. Government Publications.

department to support the agency's development. This exceptional investment was made because of the strategic importance of the agency and the opportunity to "get it right the first time," in order to support vulnerable children and their families. Finally, in 2012, OF supported the Child Care Law Reporting Project (with AP and the department) and the Children's Law Centre.

Key Achievements

Law & Constitution

Referendum passed in 2012, though the result is subject to a High Court challenge, children's rights will likely be embedded in Ireland's Constitution. Legislation approved to allow Court Researcher to monitor proceedings of District Courts and to report annually on findings.

Policy Implementation

Senior (Cabinet) Minister for Children in government. Incremental moves on the Ryan Implementation Report, more Social Worker posts, "Children First" policy revised, universal pre-school year.

Structural

Steps taken to establish a new dedicated Child and Family Agency, change management processes taking place, new monitoring and accountability systems for support of children and families.

Practice/Service Delivery

New HIQA (Health Information and Quality Authority) standards/monitoring system in relation to child protection and welfare (July 2012).



Referendum on Children's Rights - Advocacy win

On November 10th 2012, the people of Ireland voted to strengthen children's rights in the Irish Constitution after what was described as a lacklustre campaign, attributable primarily to the fact that the 'Yes' campaign had widespread support among Irish voters: *Who was going to be against children's rights?* (EI:8). Some 58% of those who voted supported the referendum, with 40 of 43 geographic constituencies supporting the change. The fact that the government prioritised a referendum on children's rights in the context of an economic recession was generally accepted as evidence of advocacy impact. The result provided: *A unique opportunity ... We have failed earlier generations [of children]. This is a positive legacy for all generations to come.* (EI:31)

The amendment, with several provisions,

- a) recognises the rights of the child;
- b) recalibrates the trigger for State intervention in the family where the welfare or safety of the child is negatively affected, and
- c) enshrines the State's duty to pass laws to make adoption available to all children. In addition, in certain judicial proceedings, it makes
- d) the best interests of the child paramount and ensures that the child's views are heard.¹² In an Irish context, this is a radical shift in locating children at the centre of judicial decision-making and acknowledging their right to have their voices heard in matters affecting them.

Subject to a positive outcome from the current High Court challenge, the result requires the parliament (Oireachtas) to legislate to make these provisions happen in practice. Some parts of the amendment wording are specifically "limited to judicial proceedings, and to the family law setting." Therefore, OF and AP partnered with the Minister for Children and Youth Affairs, to financially support the development of a Child Care Law Reporting Project (each partner provides a third of the costs).¹³

According to Professor Ursula Kilkelly, the change (pending) to the Irish Constitution provides enormous advocacy opportunities for children's rights in the future: "Skilled advocates and lawyers can use the Constitution to ensure the legal system works for children by holding the State to account and providing an effective remedy to children whose rights are ignored or violated."¹⁴ There is also the potential to draw on established UN and European law to argue for more expansive children's rights (work being undertaken by the Children's Rights Alliance).

Case Study – Children's Rights Alliance (www.childrensrights.ie)

This section discusses the work of one of OF's grantees, the Children's Rights Alliance (CRA), to understand the actions taken to contribute to the achievement of the advocacy goal, and lessons learned during the campaign. The focus is primarily on CRA's work in relation to the referendum, not all of its advocacy work.

¹² The Children's Referendum will insert a new article 'Children' in the Constitution. It will be numbered Article 42A and will be located between Articles 42 and 43. There are four parts to Article 42A: (42A.1), (42A.2 – with two parts, 42A.2.1 and 42A.2.2), (42A.3) and (42A.4 – with two parts, 42A.4.1 and 42A.4.2).

¹³ Dr. Carol Coulter will monitor and report on the proceedings of the district courts where childcare cases are heard involving applications by the HSE for orders to protect children. www.childlawproject.ie.

¹⁴ Professor Ursula Kilkelly, Irish Times article, November 7, 2012.

Background, Activities & Milestones

Established in 1995, the Children's Rights Alliance (CRA) is a coalition of over 100 organisations working to secure the rights of children in Ireland. The core focus of CRA's work is to advocate for the full implementation of the UN Convention on the Rights of the Child (ratified by Ireland in 1992). The organisation aims to improve the lives of all children under 18 through "securing the necessary changes in Ireland's laws, policies and services." A core (founding) objective of CRA was to have the Irish Constitution amended to strengthen the rights of children.

Key CRA activities in pursuit of its goals have been to:

1. build consensus with member organisations (on the contents of Shadow Reports to UN, to push for change in Ireland, and in relation to wording of a potential constitutional amendment);
2. advocate within government (to build agreement on the need for a referendum and to inform the wording of the amendment),
3. advocate outside government (with the UN Committee on the Rights of the Child to "influence their recommendations to the Government of Ireland in favour of an explicit acknowledgement of the constitutional rights of children").

CRA's success in building political will across political parties is evidenced by the fact that the momentum for change continued to build under four different Ministers for Children and Youth Affairs (Brian Lenihan, Brendan Smith, Barry Andrews and Frances Fitzgerald), and through three different governments. In addition, the elevation of current Minister Frances Fitzgerald to full ministerial status (as recommended by CRA), with a seat at Cabinet, is further evidence of advocacy impact. The diagram below captures the main elements of CRA's advocacy approach alongside key milestones on the journey to this historic, significant advocacy win.

Children's Rights Alliance (CRA) 2005 - 2013 Key Milestones

- 2006 – UN Shadow Report; Referendum announced; Draft 1, wording;
- 2007 – Oireachtas Committee appointed to agree wording;
- 2010 – Draft 2 wording;
- 2011 – Full cabinet Minister for Children, committed to referendum;
- 2012 – September wording announced; November referendum passed.



From the outset, OF support was critical to CRA's path to advocacy success. It participated on the panel to recruit a new CEO in 2005 to lead the organisation through a new phase of organisational development and campaigning. This person, Jillian van Turnhout, was subsequently appointed to Seanad Éireann (the upper House of Parliament) in 2011, a move interpreted by many observers as evidence of CRA's successful advocacy impact. *It was the Taoiseach's (Prime Minister's) call ...to have her shepherd the referendum through the Seanad (EI:1).* Legal/policy analyst Maria Corbett prepared robust policy submissions that explained complex legal matters in accessible terms. The current CEO (Tanya Ward) has been Deputy CEO of the Irish Council for Civil Liberties (ICCL), and is an experienced legal human rights advocate/scholar (a specialist on the Irish judiciary). This will be important because: *It's how the courts interpret the wording that will impact on the practice on the ground (EI:6).*

Up to the successful passage of the referendum on children's rights, much of CRA's advocacy work took the form of insider lobbying, i.e. direct engagement with government Ministers, civil servants and politicians with a view to raising their awareness and informing them of possible routes to effect change, crucially through holding a referendum. Perceived as a player across all parties, CRA informed party political policies, monitored government performance (using a scorecard system), and contributed to drafting the final legislation. Elite advocacy at UN level provided additional leverage to prompt the Irish government in the direction of a referendum.¹⁵ *There were times we felt we were really out on a limb, that the push for a referendum could collapse us. They [The One Foundation] told us all along 'We'll watch your back. Just keep doing what you're doing.' We knew they really wanted the referendum to happen. It gave us tremendous confidence. (EI:7)*



¹⁵ Work in relation to the UN Convention on the Rights of the Child continues to be the backdrop for activities. The UN Committee on the Rights of the Child's monitoring body for the UN Convention examined Ireland's progress in 2006 and called on Ireland to incorporate children's rights into its domestic law – Concluding Observations of the Committee, U.N. Doc. CRA/C/IRL/CO/2, 29th September 2006.

Key Achievements – Advocacy wins & Impact:

2006

—
CRA submits Shadow Report to UN, based on input from member organisations, and presents case for a referendum: From Rhetoric to Rights, Second Shadow Report to the UN Committee on the Rights of the Child, Children's Rights Alliance, 2006.

Minister for Children, Brian Lenihan, TD asks the CRA in its capacity as the main umbrella body for children's NGOs, to consult the sector to inform the government's formulation of wording for the constitutional amendment.

2007

—
CRA submission: 'The Constitution and Children: A Position Paper on the Proposed Referendum on Children's Rights, 2007,' outlined core principles.

The government published its proposed wording in 2007' (influenced by CRA's submission), prior to General Election. All political parties now committed to referendum.

The new Government established an Oireachtas Committee on the Constitutional Amendment on Children to facilitate an examination of the proposal for a constitutional referendum, to build consensus on amendment wording, and to make recommendation to the Oireachtas. Children's rights discussed in this high-level parliamentary forum for several years, with significant inputs by the CRA to the committee's three reports.

2010

—
Third report of Joint Committee with all-party agreement on a proposed referendum wording. Government refers this to the Attorney General and senior civil servants for review.

2011

—
In January, Minister for Children and Youth Affairs disseminated a proposed amendment wording to NGOs and all parties,

2011

—
General election campaign, each of the political parties manifestos contained a commitment to a referendum, a promise that was subsequently contained in the Programme for Government in March 2011.¹⁶

In November 2012, the referendum was held, and passed.

Therefore, from 2006 onwards, it is possible to track a growing momentum for change, reflected in the substantive steps taken to build consensus around the idea of a referendum and its wording. Remembering that The One Foundation support began in 2005, the investment (along with that of The Atlantic Philanthropies, the other main funder) contributed to building the capacity of the organisation, and improving its advocacy until September 2012, when the referendum was announced. At that point, CRA shifted gear into serious campaign mode to build on its earlier advocacy work.¹⁷ The following section discusses CRA's advocacy effectiveness, and lessons arising from the experience, using the Quinn-Patton analytical framework.

Advocacy Effectiveness

A Strong High Capacity Coalitions

The Children's Rights Alliance (CRA) membership is located throughout Ireland and includes a wide array of organisations, mainly service providers, including national representative bodies, local youth groups, human rights and disability groups. CRA is first and foremost an advocacy organisation with a mission to influence policy formulation and implementation. Its role as a representative body has given the organisation added advocacy legitimacy, and facilitated access to government, especially when the idea of a referendum was being promoted and negotiated: *Government love consortia. They listen when there's a mandate* (EI:9).

CRA successfully facilitated agreement by its members on a Shadow Report, submitted to the UN in 2006, following a series of workshops and individual consultations.¹⁸ This document presented a unified, agreed position for constitutional change and was the catalyst for spurring the government to commit to the referendum. CRA was the only NGO invited by government to hear the Taoiseach, Bertie Ahern, TD, announce his intention to amend the Constitution (November 2006). On the basis of its engagement in the UN review and monitoring process, CRA was approached by the Minister for Children, Brian Lenihan, TD, and asked to consult with other NGOs working on children's issues regarding referendum wording. The resulting document "The Constitution and Children: A Position Paper on the Proposed Referendum on Children's Rights" was presented to the Minister in 2007.

Government love consortia. They listen when there's a mandate.

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.

¹⁷ See Summary of Referendum Campaign Activities, www.childrensrights.ie

¹⁸ From Rhetoric to Rights, Second Shadow Report, UN Committee on the Rights of the Child, CRA, 2006.

In the intervening years, civil servants and politicians continued to consult with CRA in recognition of its status as coalition leader. Its response to the Ryan Report (2006), 'Learning from the Past,' influenced the government's implementation plan. Based on the submission, CRA was granted a seat on the inter-departmental monitoring group for the plan, the only independent body participating: "The role of the Alliance in bringing together and speaking for a broad membership is highly valued by senior civil servants and political leaders."¹⁹

Examples of CRA's efforts to build a strong coalition to advance children's constitutional rights were in evidence in 2010 and again in 2012. In 2010, CRA collaborated with Barnardos under the banner of "Saving Childhood Ryan" (a group of eight organisations) to promote findings emerging from an opinion poll on public attitudes to the proposed referendum.²⁰ The poll demonstrated widespread support among the Irish people for the proposed referendum (62% of respondents reporting they would vote in favour of it). Once the referendum was announced, CRA assumed a much more public profile. It developed and disseminated a suite of materials to explain why a referendum was needed, engaged with various media, and conducted briefings with parliamentarians and key advocacy targets. Its Constitutional Working Group (formed in March 2012, before the referendum announcement) ensured a two-way information flow with member organisations during the campaign. Members were updated regularly via email, briefings, and phone calls. Some 77 member organisations adopted public positions calling for a "Yes" vote, and CRA arranged media training for 25 organisations.

CRA also participated in the "Yes for Children" campaign. This coalition consisted of a number of children's organisations that came together to campaign jointly for a yes vote.²¹ Despite agreement to collaborate under the "Yes for Children" campaign banner, some bellwethers reported that "solo runs" by certain member organisations diluted the public perception of a unified campaign force.

The main lesson emerging is that CRA's legitimacy as an umbrella body (representing over 100 organisations and 300 individuals supportive of children's rights) provided valuable insider advocacy access to parliamentarians and policy makers because it presented a unified sectoral position on avenues for change on children's rights. CRA's wide membership base provided a nation-wide platform for mobilisation once the referendum campaign kicked into gear. By contrast, its engagement with the short-lived "Yes for Children" campaign coalition (September-November, 2012) did not contribute substantially to its advocacy effectiveness.

B Strong National Grassroots Coordination

As mentioned earlier, CRA's membership spans a range of service providers, professional bodies, human rights groups etc. Members were consulted for the UN Shadow Report in 2006, and are consulted during the preparation of its annual Report Card, which rates the government's performance on its commitments to

¹⁹ Compass, 2011: 21.

²⁰ Barnardos commissioned the poll. Other NGOs in the group were CARI, Dublin Rape Crisis Centre, ISPCC, Irish Association of Young People in Care (renamed EPIC), One in Four and Rape Crisis Network, Ireland.

²¹ Irish Association of Young People in Care (renamed EPIC), One in Four and Rape Crisis Network, Ireland. Barnardos, the Children's Rights Alliance, ISPCC and Campaign for Children came together in September 2012 as "Yes for Children." This was not a legal entity but a loose campaigning coalition. See The Irish Times video of the launch www.youtube.com/watch?v=IB01aqoxIEA, CRA CEO.

children. Each member has a vote at the AGM, including voting in the Board of Directors. Therefore, strong national-grassroots coordination is at the heart of the organisation's work. Members are kept abreast of policy developments and Dáil proceedings via CRA's information sources (emailed to members and available on the website): a quarterly Newsletter, weekly Oireachtas Monitor, occasional Policy Briefings and Press Releases etc.



During the campaign in 2012, members were provided with a host of information sources for use in local campaign-related activities (see Summary of Referendum Campaign Activities). These included: A summary explanation of amendment wording; Frequently asked question; Short guide to the children's referendum; Nóta treorach maidir le reifreann na leanaí (Referendum note in the Irish language); Analysis of the children's amendment; Note on the children's referendum and disability etc. The Campaign Toolkit and a Resource section of the website were used by members to support the referendum and "get the vote out," especially in the final days leading up to the vote. The Constitutional Working Group was formed in March 2012 in order to deepen engagement with and seek members' views and ideas for the referendum campaign.

To further promote voter mobilisation, CRA member organisations were offered information leaflets, posters stickers and badges for a "Yes" vote, and members were encouraged to add the campaign logo to email signature, a Facebook ribbon and countdown clock. For example, as part of the campaign, CRA offered three simple ways for member organisations and others to become involved: 1. Pledge – your vote and encourage family and friends to do likewise; 2. Share – this email with your colleagues, friends and family; 3. Vote – on 10th November 2012. CRA media training allowed a range of different members to call for a yes vote. CRA also devised a "Connectors" project to spread the yes message through influential stakeholders and organisations. It engaged in a series of meetings, photo-calls, and also held briefings to explain how the referendum would impact positively on the specific sectors, for example, early years, legal and disability.

Therefore, one advocacy lesson emerging is that established two-way systems and processes for national grassroots coordination and input in representative

organisations expedite exchange of ideas, information flow and critical mobilisation mass for campaigns and thereby contribute to advocacy effectiveness.

C Disciplined and focused messages and effective communications

The main focus of CRA's messaging and communication's efforts in the early years was in relation to policy makers – senior civil servants and politicians in government and to a lesser extent, the general public. CRA's direct insider lobbying was enhanced by a capacity to communicate solutions, without laying claim to the wins publically: *Some organisations are better at promoting word of their access and influence* (EI:13). Inputs to crafting and drafting legislation needed to be played down rather than communicated more broadly in order to preserve CRA's working relationship with government.

Within statutory circles, CRA is seen as a considered voice, a resource for those working in the area of child welfare and children's rights. Its messages are thought of as *respectful of the state and the barriers it faces* (EI:10). Senior civil servants have developed a relationship of trust and mutual respect with senior CRA staff (CEO, Jillian van Turnhout, Legal & Policy Director, Maria Corbett). This has resulted in *a layered understanding, identifying the blockages* (EI:10) which was a crucial factor when drafting the appropriate wording for the amendment to the Irish Constitution.

CRA used an annual Report Card to communicate to a wider audience the Irish government's performance against its stated commitments to children in a range of areas from education to poverty.²² Again, the level of collaboration with government in development of this advocacy tool was important. Senior civil servants reviewed the assessments before they were rated or released to the public. *We did run it by the civil servants, a chapter on each area, to check if we got it right. They had no idea what grade we'd give* (EI:7). The end result was subject to independent scrutiny by an external assessment panel. Therefore, facilitating a government preview helped to validate the findings and strengthen the organisation's message on the need for reform. CRA has scored the government's commitments to children's rights as outlined in documents such as Social Partnership Agreement: Towards 2016; the Programme for Government, 2007-2012; and the Ryan Report Implementation Plan, 2009.

For example, Report Card 2013 covered the following main areas – Children's Constitutional Rights, Right to Education, Right to Health, Right to an Adequate Standard of Living, Right to Protection from Abuse and Neglect, and Right to Equality and Non-discrimination. CRA rated the government's progress in relation to subcategories and made recommendations for improvement – e.g. Implementation of the Ryan Report (B- grade), Child and Family Agency (B-grade) and Children's Rights Referendum (A grade).

Not all civil servants were pleased with the Report Card system and some reacted negatively to being blamed for not meeting standards when they

²² The Report Card was adapted from one used in the USA by the organisation Children Now, California, who were one of The Atlantic Foundation's grantees.

said it was their political masters *pulling the strings* (EI:11). Others were less impressed by CRA's concentration on the referendum at the expense of maintaining pressure on government (via its communications' systems) to provide services in support of children and vulnerable families: All my life I have worked for improved and efficient services... *Legislation won't make that happen. Implementation of the Ryan Report recommendations will. Work with the mainstream. Improve the services. The outside money [from foundations] will be gone soon.* (EI:10).

To maximise the impact of the annual Report Card findings, CRA conducted follow-up meetings with individual politicians and with party leaders. During these meetings, CRA used short briefing documents that conveyed various political party's stated policy positions and also offered solutions, i.e. avenues to be pursued for change: *Here is where you can make a difference. This is what your policy statement is. Give it to them. Then back again to make the case* (EI:6).

CRA's referendum campaign activities involved production and dissemination of information materials and commentary, on-going engagement with member organisations (messaging and media training), targeted external engagement (briefing with key advocacy targets), media coverage, maintaining an online presence, production of videos with member organisations etc. However, as part of joining the "Yes for Children" campaign, the organisations involved, including the CRA agreed to a single media contact and to only press release as "Yes for Children." This policy was followed by CRA, even though at times the staff found it frustrating.

During the campaign CRA participated in media interviews and debates carried in various traditional media outlets, produced a high number of opinion pieces and had a consistent presence and following in new media (Facebook and Twitter). For example, as of April 2013, CRA had 2,977 followers on Twitter and 4,097 Facebook followers. The national TV and radio agenda-setting shows were prioritised such as "Drivetime," "Morning Ireland," "News at One," and the current affairs TV programme, "Prime Time." However, the degree of consensus on the need for a referendum meant that CRA's communication's work was "a hard sell." *Too much consensus meant that the media lost interest. A little more controversy could have sparked more public interest. Instead, the general feeling prevailed that 'Ah, sure, it will pass.'* (EI:13)

Twenty-five member organisations received media training. Visits to the website spiked with 1,999 visits on 9th November 2012, the day before the referendum. The referendum page received 21,712 views in 2012. A set of short videos created with members was uploaded to the website and YouTube channels. This was a cost-effective way to develop clips for multiple dissemination opportunities. However, the Supreme Court Judgment (on the Thursday before the Saturday vote, with a moratorium on media reporting from 1pm on Friday) confused the public and the media. The Court's finding was that the government's information booklet on the referendum was unlawful. This finding had a negative impact on voter turnout.

The key lesson emerging from the CRA's communications' experience was the benefit of having several strategies to boost the communications effort and ensure

messaging “hits” landed on multiple advocacy target sites: from training member organisations to ensure multiple voices on the issue throughout Ireland, to on-going updates to the website and a constant presence on social media etc., activities that were part of the campaign information and communication's work that contributed to widespread information and awareness-raising and mobilisation (see Summary of Referendum Campaign Activities).

D Solid Research & Knowledge Base

OF supported grantees to commission or gather data to advance advocacy arguments. The area of children's rights in Ireland posed a particular problem because of the paucity of data. Therefore, CRA's annual Report Card was both a mechanism for rating performance relative to government's commitments, but also a means by which to solicit data from government in response to the ratings given. *The Alliance just kept on rating certain areas poorly until the information was released* (EI:1). This strategy enabled CRA to produce trend data from 2009-2012 in relation to progress in major areas affecting children's lives like education and health, and thereby contribute to the knowledge base. As one policy-maker reported, *They [CRA] have quality inputs and materials, budget submissions and scorecard...even if we don't like all of it* (EI:10).

Much of CRA's advocacy work in relation to the content of the constitutional amendment was carried out in a confidential manner and in consultation with legal experts such as Geoffrey Shannon (the government's Rapporteur on Child Protection). It is possible to trace the imprint of CRA's language and submissions in government policy documents. This level of cooperation and collaboration provided a comprehensive analysis that would not have been possible otherwise. During formulation of the amendment wording, in addition to written submissions, meetings were held with the Minister's advisors. *[NGO] Advocacy was very closely watched...during the period ...for a leak* (EI:6). The irony is that while many of CRA's submissions and research inputs to government were subsequently used, they cannot be directly attributed. Examples viewed during the evaluation, however, demonstrate how parts of CRA policy submissions were replicated in government materials. *The wording does not go as far we would have liked but a satisfactory compromise was struck that is stronger than the option we understood was being considered prior to our intervention.* (EI:6).

The Alliance just kept on rating certain areas poorly until the information was released.

In addition to its contributions to emerging legislation, CRA's research contained in its submissions had a positive impact on structural changes. For example, CRA has advocated for a separate, senior (cabinet level) Minister for Children, and outlined the brief in some detail. The appointment of a dynamic Minister, committed to reform in 2011, brought added value to CRA's propositions for change. A critical step taken by the Minister was to begin the process of establishing the Child and Family Agency with its own dedicated management, reporting, performance assessments, accountability and resources.

The government has actively sought CRA inputs on many occasions because its knowledge is respected. In many respects, CRA's policy analysts were pragmatic advocates. As a senior policy-maker reported, *Their submissions [to government] are done well, thoroughly and quickly...and they are used. That's effect (EI:31).* 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).*

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 a high quality, and where there is consensus among member organisations in relation to findings. This was evidenced by the successful uptake of some of CRA's submissions around the wording for a referendum.



E Timely, Opportunistic Lobbying and Engagement

Throughout its years working to advance the idea of a referendum on children's rights CRA sought to build relationships with civil servants in government departments and with representatives across political parties. Access was key. *They had the relationships to cut the deal and get the amendment over the line (EI:27).* CRA was perceived as having a "dream team" because of the CEO's skill as a lobbyist combined with the policy analyst's capacity to research and produce well-crafted submissions (often with inputs by external specialists) on complicated legal issue. Therefore successful insider lobbying required high quality legal and policy analysis, compiled in well-researched submissions, to maintain and sustain the advocacy relationships. These factors have been reported time and again during the evaluation as a major plank in the organisation's success. CRA's team is highly regarded by government and civil servants. *Civil servants expect people to be on*

the ball. Sometimes [NGOs] are right and sometimes the state is wrong. It's a fluid thing. If you lose respect for one another, there's no progress. (EI:10).

CRA's lobbying strategy went into a different gear following the election of the government in 2011. The appointment of the CEO, Jillian van Turnhout, to the Seanad was interpreted as an advocacy success – i.e. the placement of a key policy player to ensure passage of the referendum. A designated Senate seat symbolized the importance of the issue.

The new CEO, Tanya Ward, had a different set of relationships in government circles, forged during her work with ICCL. Maria Corbett, Legal and Policy Director, and Deputy Chief Executive, was a consistent and respected presence in policy processes. Therefore, CRA's lobbying continued, with an additional well-placed insider in the Seanad. In 2012, CRA liaised directly with the Minister's office on the wording of the referendum. Written submissions went back and forth and influenced the referendum wording. *You have to understand the difference one word can make – [in drafting of the amendment] shall instead of may. That's absolutely major (EI:6).*

A lesson from the lobbying experience was the need to carefully read the dynamics of government. For example, there was reported tension between political advisors (who wanted change) and civil servants (charged with reducing costs in a recession and therefore not looking to widen their department's obligations). This dynamic will become more pronounced as implications of the amendment wording are revealed in practice and case law. For example, bellwethers reported that civil servants in the Departments of Justice and Education appear less inclined to meet with NGOs. Therefore, further lobbying will be required to address policy bottlenecks and to give meaningful effect to the UN Convention on the Rights of the Child.

F Collaborating Funders, strategic funding

The One Foundation (and The Atlantic Philanthropies) invested significant resources and supports in CRA. The investments transformed the organisation into a professional NGO, with a clear vision, mission and strategic plan: *The business model brought professionalism...a concern with outcomes rather than activities (EI:6).* The certainty of funding over a number of years imbued CRA with a confidence in its mission, enabled it to develop advocacy capacity and strengthened its hand in negotiations with government: *Funding from Atlantic and One gave us credibility – government knew philanthropy was backing us (EI:7).* It is anticipated that AP will continue to fund CRA to the end of its tenure in 2016.

Conclusion

Without the existence of the Alliance, and without the support of One, this amendment would simply not have happened (EI:31). The One Foundation supported the Children's Rights Alliance to be its lead investment to 'make children's rights real.' CRA advocacy has supported unquestionably the concept of a referendum to enshrine children's rights in the Irish Constitution. As the referendum result remains subject to a High Court appeal, the process is not totally complete. However, many bellwethers anticipate that as a result of the amendment, the State must put the safety and welfare of the child at the centre of major decision-making in relation to child protection and in supporting struggling families.

Up to 2,000 children in long-term state care may be afforded the opportunity to be adopted and given a second chance at a stable family. The amendment provides that the best interest of the child must be the paramount consideration in care, adoption, guardianship, custody and access proceedings. It ensures that a judge must listen to the views of a child when making decisions in these proceedings. In addition, it sets a new benchmark for how Ireland views and values children and provides a legal framework by which the nation can improve its practices and policies to move beyond the stories of abuse that have emerged in recent times.

CRA's contribution to this success was vital and significant, work that by its very nature was covert, based on building close working relationships with civil servants in many government departments and with politicians across various parties. The organisation's status as a representative body facilitated advocacy access, as did the quality of its policy submissions, but the organisation could not publicise the extent to which its submissions to government successfully translated into policy because to do so might jeopardise a productive working relationship and the end goal. While OF's grant ends in 2013, CRA will most likely continue to be supported by AP, under its Children and Youth programme. This will enable CRA to continue its advocacy on behalf of children's rights at least until 2016, though most likely, given resources available, on a smaller scale, and as a more compact organisation. Nonetheless, CRA can claim to have made an historic contribution to advancing the rights of children in Ireland. The organisation can trace multiple advocacy wins from 2006 onwards, work conducted with OF support, that successfully propelled the idea of a referendum on children's rights to the point where it became a reality.



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