

Impact case study (REF3b)

<p>Institution: University of Liverpool</p>
<p>Unit of Assessment: 20 - Law</p>
<p>Title of case study: Integrating Children’s Rights into the EU Legal and Policy Agenda</p>
<p>1. Summary of the impact</p> <p>Work carried out by Stalford and Drywood at the Liverpool Law School between 2008 and 2012 has been at the forefront of EU action in the field of children’s rights. It has provided the blue-print for a coherent approach to the development, monitoring and evaluation of children’s rights at European level. In doing so, it has directly influenced the way in which laws and policies are formulated by the European institutions, towards more explicit, meaningful engagement with children.</p> <p>In addition to the longer term benefits for children of more responsive laws and policies at EU level, the research cited in this case study has reached a wide range of beneficiaries, encompassing the EU institutions and agencies, the international legal community and the NGO sector. In particular, the authors’ comprehensive development of a detailed set of EU children’s rights indicators and child rights mainstreaming methodology have been endorsed by the European institutions and NGO sector as mechanisms central to monitoring the compatibility of European measures with international children’s rights obligations. The extent to which these processes enhance the EU’s legal and policy responses to specific children’s rights issues is already evident in the development of EU child protection measures and in negotiations with States wishing to join the EU.</p> <p>2. Underpinning research</p> <p>The underpinning research comprised a blend of empirical and theoretical enquiry and legal analysis, notably:</p> <ul style="list-style-type: none"> • It involved a detailed analysis of EU law, policy and case law relating to children with a view to identifying current gaps in provision and assessing their compatibility with international children’s rights standards; • It drew on children’s rights theory and international children’s rights norms, as well as on concepts such as mainstreaming, with a view to establishing an ideologically and procedurally robust framework for the development of children’s rights at EU level; • It advanced the existing research on well-being and rights-based indicators by developing a comprehensive set of indicators to monitor and evaluate the specific impact of <i>EU</i> measures on children; • To maximise the value and potential impact of the research, it engaged in in-depth consultation, through online surveys, one-to-one interviews and workshops, with key experts in children’s rights, indicators research, EU law and policy, and cross-national data collection. <p>The underpinning research comprises two elements:</p> <p>First, it has established a comprehensive theoretical framework for EU intervention in the field of children’s rights. This aspect of the research illustrated the growing importance of EU-level intervention in a range of children’s rights issues, particularly those that cannot be tackled by Member States acting alone (such as child trafficking, abduction, asylum and poverty). It then identified how the EU’s constitutional, institutional, legal and procedural framework might be developed and adapted to accommodate children’s rights more effectively, using international children’s rights standards and guidance as a benchmark. These ideas have been developed and presented in a number of high quality, peer reviewed publications (see s.3 below). They have also been widely disseminated through a series of research and knowledge exchange events organised by Stalford and Drywood, including a 3-day international EU children’s rights conference (Liverpool, January 2009), and a symposium on EU children’s rights (Liverpool, November 2010, leading to an edited collection by Stalford, Thomas and Drywood in 2011 – see s.3).</p>

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Secondly, it has developed **practical mechanisms by which the EU institutions can mainstream, monitor and evaluate children's rights** in a way that is compatible with international children's rights principles. Prior to that, there were no means of measuring how EU measures affect children (positively or otherwise). This has been achieved through two projects in particular:

- i. **'Indicators to measure the implementation, protection, respect and promotion of children's rights in the European Union'**. Building on their previous work that identified both the deficiencies in and potential of EU children's rights provision, Stalford and Drywood led a project for the EU's Fundamental Rights Agency (2008-9) (detailed in s.3) to develop a series of indicators to enable the EU to monitor the extent to which its laws and policies impact on children's rights in four key contexts: Family Environment and Alternative Care; Protection from Exploitation and Violence; Education, Citizenship and Cultural Activities; and Adequate Standard of Living. A particularly innovative feature of the indicators is that they are explicitly 'rights-based', insofar as they are grounded in the core principles and accompanying guidance of the UN Convention on the Rights of the Child 1989, the international 'gold standard' for children's rights.
- ii. **'Children, Enlargement and the Acquis Communautaire'**, (Stalford, funded by UNICEF, Brussels Office, April-June 2009; and March-July 2012). This research was commissioned by the Brussels office of UNICEF in response to the findings of the EU-funded indicators project. The aim was to identify how children's rights could be integrated more explicitly into the EU enlargement process. It resulted in the development of a detailed checklist of child-related priorities and obligations relevant to each aspect of the accession process, again adopting the UN Convention on the Rights of the Child and accompanying guidance as a primary reference point.

The research was carried out by Helen Stalford and Eleanor Drywood between 2008 and 2012 within the School of Law, University of Liverpool. Stalford was a Senior Lecturer when the work began and is now a Reader. Drywood was a postgraduate researcher when the work began and is now a Lecturer.

3. References to the research

Theoretical Framework:

The theoretical aspects of the research are published in a number of leading peer-reviewed articles in the field of children's rights and EU law, as well as in books and edited collections, including:

- Stalford, H. *Children and the EU: Rights, Welfare and Accountability* (2012, Oxford, Hart Publishing) [REF2 output]
- Drywood, E. "Child-proofing" EU law and policy: interrogating the law-making processes behind European asylum and immigration provision' *International Journal of Children's Rights* 19 (2011) 405-428 [REF2 output]
- Stalford, H. and Schuurman, M. 'Are we there yet?: The impact of the Lisbon Treaty on the EU Children's Rights Agenda' *International Journal of Children's Rights*, 19 (2011) 7-29
- Stalford, H., Thomas, N., and Drywood, E. (eds) *The European Union and Children's Rights*, Special Issue, *International Journal of Children's Rights*, 2011, Vol.19
- Stalford, H. and Drywood, E. 'Coming of Age? Children's Rights in the European Union' (2009) 46(1) *Common Market Law Review*, 143-172 [REF2 output]

Children's rights Mainstreaming and Monitoring Tools:

The findings of the children's rights indicators and EU enlargement research are published in:

- Stalford, H., Sax, H., Drywood, E. et al. ['Indicators for the protection, respect and promotion of the rights of the child in the European Union'](#), Vienna: EU Fundamental Rights Agency (updated conference version to reflect Lisbon Treaty changes, November 2010). This was the final report for Service Contract FRA2-2007-3200-T06: a total of €252,455.00 was awarded by the EU Fundamental Rights Agency to the (then) Centre for the Study of the Child, the Family and the Law at the University of Liverpool (lead Applicants working in collaboration with the Ludwig Boltzmann Institute for Human Rights, Vienna). Stalford was the project leader and

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Drywood was the principal researcher.

- Stalford H 'Children, Enlargement and the Legal Acquis' (Consolidated Policy report, July 2012, UNICEF Brussels office 20,000 words. Consultancy - total awarded: \$15,500. Report available on request).

4. Details of the impact

The authors' research has influenced and benefited key stakeholders at EU level (the European Commission, the Parliament, the EU Fundamental Rights Agency), bodies of international law (the Council of Europe), and the NGO sector (UNICEF, Save the Children, Eurochild), with the ultimate aim of rendering the EU more responsive to children's rights issues. This impact was achieved through ongoing collaboration between the researchers and key stakeholders, initially established during the Children's Rights Indicators project for the Fundamental Rights Agency, and consolidated through a number of subsequent consultancies and KE events (detailed below).

The research has yielded significant impact in two principal respects:

1. It has resulted in more direct engagement with children's rights by the EU institutions in their development of EU laws and policies.

This is evidenced particularly in the activities of the Commission and the Parliament. The insights gained from the research detailed above directly influenced the substantive content and scope of the seminal '**EU Agenda for the Rights of the Child**', the European Commission's inaugural plan of action on children's rights: the recommendations put forward by Stalford and Drywood in their 5,000 word formal response to the public consultation are reflected in the published document (2011); and Stalford was invited to participate in the Commission's expert working group on 'Invisible Children' (an invitation which resulted from the research) to identify how issues affecting the most vulnerable and marginalised children in the EU could be prioritised in the Agenda (2010).

More specifically, the **Children's Rights Indicators** study is referred to in the EU Agenda for the Rights of the Child as a means of supporting more evidenced-based policy-making regarding children. The indicators are also referred to in the **Council of Europe's** parallel **Strategy for the Rights of the Child** (2011). In the same vein, **Save the Children**, in the context of its Child Rights Governance campaign, has acknowledged that continued adherence to the Children's Rights Indicators is essential for the future development of European policy by the Commission.

As far as the **European Parliament** is concerned, its 2012 report consolidating the EU's legal framework in relation to children's rights is heavily informed by the authors' work, particularly that published in the *International Journal of Children's Rights* (2011). Stalford's (with Schuurman) article shaped the report's conclusions on the Lisbon Treaty's impact in the area; and the Parliament's recommendations on how to integrate children's rights into all stages of the EU law and policy-making process draw extensively on Drywood's article on 'Child Proofing'. Stalford's project with **UNICEF** (published in chapter 8 of her monograph referred to above) has also been the key reference point in their work with **DG Enlargement** and countries wishing to join the EU, enabling children's rights to be mainstreamed into the accession negotiations with Montenegro in particular.

The European Parliament also refers to the Children's Rights Indicators developed by the authors in its **annual review of the EU's broader fundamental rights agenda**, encouraging their use in reviewing EU actions relating to children's rights.

2. It has been adopted as a framework for the development of children's rights monitoring at European level and beyond.

Achieving mechanisms for effective monitoring is, in itself, integral to the development of effective law and policy and the authors' work has been at the forefront of efforts in this regard. Within the EU's own institutional framework, the **European Commission (DG Justice)** has developed an online database on the 'EU acquis and policy documents on rights of the child' which is informed by the children's rights checklist developed by Stalford on behalf of **UNICEF**. Furthermore, the **EU Fundamental Rights Agency** has explicitly adopted the Children's Rights Indicators as the methodological basis for further international collaborative children's rights projects, for example relating to separated children and child trafficking.

More recently, Stalford was appointed by the **Council of Europe (CoE)** to develop a self-assessment tool to monitor implementation of the 2012 CoE Recommendation on the Participation of Children and Young People under the Age of 18. The tool, which comprises a series of indicators, adopts the methodology developed by the authors' EU-related work.

Further afield, within the **NGO sector**, the rights-based methodology established for the indicators

study has been endorsed and adopted by other international agencies and NGOs to inform the development of indicators on a range of children's rights issues, for example, by Actionaid in relation to children's right to education and by the European Federation for Street Children.

The **long term benefits of this work for children** themselves are inevitable insofar as it has provided a framework within which EU law and policy are developed, monitored and evaluated in a manner that is more directly and explicitly responsive to children's rights and interests.

5. Sources to corroborate the impact

[1] The Programme Manager in the Equality and Citizens' Rights Department of the EU Agency for Fundamental Rights has provided a statement to corroborate claims made in s.2i and 4 that the EU children's rights Indicators project was led by Stalford and Drywood and that the framework and findings of that study inform the children's rights strategies of the European Commission and the Council of Europe.

[2] The European Commission Co-ordinator for the rights of the child has provided a statement to corroborate overarching claims that Stalford and Drywood's work has been at the forefront of research, legal, policy and methodological developments in the field of EU children's rights during the entire REF period. She can verify that Stalford's book (*Children and the EU: Rights, Welfare and Responsibility*) and her UNICEF checklist on the EU children's rights acquis, informed the development of [The European Commission's online database on children in the EU](#).

[3] The Senior Policy Adviser at the Brussels office of UNICEF has provided a statement to corroborate that Stalford developed a checklist of children's rights that has been used in negotiations with new countries wishing to join the EU (particularly Montenegro). She can also confirm that UNICEF provided the European Commission with access to this study to inform the development of their online children's rights database referred to above.

[4] [The EU Agenda for the Rights of the Child 2011](#). The European Commission refers to the Children's Rights Indicators as a guide for the EU Fundamental Rights Agency's '*...data collection and research, allowing it to develop evidence-based opinions and support the EU institutions and Member States when they take measures or formulate actions*' (see p.5). The EU Agenda also reflects some of the key recommendations submitted by the authors in their response to the Commission Consultation on the Agenda (full response, submitted under the auspices of the (then) Centre for the Study of the Child, the Family and the Law, July 2010, [published online](#)). These relate, in particular to the use of the Convention on the Rights of the Child as a framework (p.4 Agenda); and to the participation of children in the process (p.13 Agenda). The Recommendations of the 'Invisible Children' working group, of which Stalford was a member, are captured in s.2.2 of the Agenda at pp.8-11.

[5] European Parliament: DG for Internal Policies (2012) '[EU Framework of Law for Children's Rights](#)'. The conclusions and recommendations set out in this report are drawn directly from Stalford's (with Schuurman) Lisbon Treaty article (see pp.18-25); and from Drywood's Child Proofing article (see pp.30- 33).

[6] European Parliament (2011) [Report on the situation of fundamental rights in the European Union \(2011/2069 \(INI\)\)](#). The Parliament asserts (at para 170) that it: 'Encourages the use of the children's rights indicators...in the reviewing of EU actions; [and] calls for the elaboration of practical guidelines on how such indicators could best be used.'

[7] The Fundamental Rights Agency research, [Separated, asylum-seeking children in European Union Member States \(April 2010\)](#) '*...applies the Children's Rights Indicators..*' developed by the authors which '*...have highlighted the need to prioritise the protection and care of separated, asylum-seeking children according to the principle of the best interests of the child.*' (p.3)

[8] The Fundamental Rights Agency (2009) study [Child Trafficking in the European Union - Challenges, perspectives and good practices](#) is based on the initial draft of indicators relating to child trafficking, developed by the authors (see p.157).

[9] Save the Children (2011) [Governance Fit for Children, To what extent have the general measures of implementation of the UNCRC been realised in the EU Institutions?](#). This acknowledges (at p.34).that the Children's Rights Indicators are crucial for the future development of European policy by the Commission.