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Introductory Remarks

On behalf of the Children's Rights Alliance, Republic of Ireland, I wish to thank the Committee for this opportunity to share information and offer the perspective of the organisations and individual members who constitute the Children's Rights Alliance (Alliance). The Alliance is a national umbrella group of sixty non-governmental organisations including a wide range of child welfare agencies, youth representative groups, parent organisations, unions and professional

organisations representing those working with children, and other agencies and individuals with a commitment to children's rights.

Since its inception in 1993 the Alliance has dedicated itself to the task of developing a coherent response to the implementation of the UN Convention on the Rights of the Child which our country ratified in September 1992. This task has presented significant challenges mainly because of the previous lack of a co-ordinating structure within the NGO sector concerned with children in Ireland. The Children's Rights Alliance evolved as a result of the need to respond to the challenges of the Convention on the Rights of the Child in Ireland.

In preparing for today's meeting we have adhered to the advice given by the Convention on the Rights of the Child NGO Group based in Geneva, namely that we should cover certain points including:

- describing any consultation which has taken place with NGOs in the preparation of our government's report and the extent to which it reflects the concern of non-governmental organisations;
- updating the Committee on new information;
- offering information on the extent to which the report has been made available within Ireland;
- describing projects and innovative campaigns for dissemination of the Convention;
- giving our opinion on the report, pointing out the main problems.

Within the 15 minutes allotted we will endeavour to do our best to cover these points. I will deal firstly with the points concerning consultation and the extent to which the government's report reflects our concerns.

Consultation with Non-Governmental Bodies in Relation to the First National Report of Ireland

As an alliance of organisations and individuals we are committed to working with governmental agencies, politicians and others in endeavouring to fulfil our purpose of raising awareness of the Convention and seeking its implementation. To this end we successfully sought consultation with our Department of Foreign Affairs, which has responsibility for preparing our government's report. A draft of the report was made available in confidence to the Alliance prior to a consultative meeting in November 1995 with officials from the Departments of Foreign Affairs, Health, Education, Justice and Social Welfare at which we offered comments. Many of these comments are contained in Chapter 10 of the government's report which also took account of submissions from Focus on Children. Indeed, one of the factors which delayed our government's report being submitted was engagement in this process of consultation. The Alliance also acknowledges the facilitation of our attendance at today's meeting by the Department of Foreign Affairs.

The aim of our submission, *Small Voices: Vital Rights*, is to offer you additional information and to make recommendations from an NGO perspective which will further the implementation of the Convention on the Rights of the Child in Ireland. We gave the final draft of our submission to the Department of Foreign Affairs for distribution to other relevant government departments prior to a consultative meeting at which officials from the Departments of Foreign Affairs, Health and Justice offered their observations. Comments in writing were also subsequently received, including from the Department of Social Welfare.

New Information

Our government's report was submitted in April 1996 and since that time there have been some developments including a change of government. Time does not permit the detailing of these developments verbally. Therefore we are dealing with this matter by preparing a summary document outlining the main developments that have taken place since the preparation of the report.

Opinion on the First National Report of Ireland: Implementing the Convention on the Rights of the Child - Main Challenges and Ways Forward

I would like to move on to offering our opinion on the Irish Government's report pointing out the main challenges as we see them. In doing so, I will include references to innovative NGO projects and campaigns, where possible, and describe the extent to which the report has been made available in Ireland.

I wish to preface my remarks by pointing out that there have been many positive developments with regard to meeting children's needs in Ireland. These positive developments have been initiated by both governmental and non-governmental agencies. Our indicating the main challenges in relation to implementing the Convention in no way detracts from the contributions of so many agencies in furthering the interests of children in Ireland. Given the time I will only touch a selection of the main challenges and ways of overcoming them in an effort to meet our obligation under the Convention more fully.

General Measures

Measures Taken to Harmonise National Law and Polky with the Provisions of the Convention: The government report instances the Child Care Act 1991, the Adoption Act 1991, the Health Strategy 1994, the National Anti-Poverty Strategy, the Commission on the Family, pre-employment measures and the White Paper on Education (now the Education Bill currently being re-drafted under the present government). All of these represent positive developments in terms of children's rights. However there are two significant challenges in relation to these which must be mentioned.

Main Challenges

1. Firstly, the majority of these measures are in need of resources to facilitate full implementation and some have not yet begun to be implemented. Releasing resources presents a major challenge.

2. Secondly, these measures, if implemented, would certainly enable us to meet substantial requirements of the Convention within the terms of reference of each measure. However, there is, as yet, no comprehensive or co-ordinated approach towards the implementation of the Convention in Ireland.

The government-appointed Constitution Review Group, established to review the provisions of our Constitution, recommended that the Constitution be amended to recognise expressly the rights of the child which have been enumerated by the Irish Supreme Court and to contain an express obligation to treat the best interests of the child as of paramount consideration in any actions relating to children. The Alliance urges the implementation of these recommendations which it feels would ensure a more general implementation of the Convention.

Existing or Planned Mechanisms at National or Local Level for Co-ordinating Policies Relating to Children and for Monitoring the Implementation of the Convention. Under this section the government describes attempts at co-ordination, instancing the appointment of the Minister of State (who is not a cabinet minister) with responsibility for children, the inter-departmental committee on children, the responsibilities of the eight regional health boards through which health and personal social services are administered and the Child Care Policy Unit of the Department of Health.

The recently-elected government has appointed a Minister of State with responsibility for children's affairs but the inter-departmental committee no longer exists. The renaming of our previously entitled Department of Social Welfare as the Department of Social, Community and Family Affairs and of our previously entitled Department of Health as the Department of Health and Children seems to indicate a lack of clarity as to where responsibility for the planning and administration of policies for families and children should lie.

Health Boards often take different approaches to the provision of services for children. The Child Care Policy Unit has important functions but would seem to have insufficient resources for the work which needs to be undertaken.

Main Challenges

3. The main challenge to be overcome is a lack of sufficient co-ordination within and between the governmental and non-governmental sectors. This issue has been the subject of discussion and debate for many years with a variety of solutions proposed in at least six substantial reports on the provision of child care facilities produced since 1969. A key measure to ensure implementation of the Convention is the development of an co-ordinated approach which harnesses the contribution of government and non-governmental sectors. This will necessitate

- capacity building within the NGO sector
- a lead role being given to one department
- structures to facilitate co-operation and collaboration between both sectors

4. The First National Report also refers to the state-supported research project undertaken to identify a mechanism which would ensure the promotion and protection of children's rights. This research concluded by recommending the appointment of an Ombudsman for Children. A commitment was made by the last government to establish such an office; we are awaiting clarification from the present government as to its intention in this regard.

Publicising the Provisions of the Convention (Article 42)

The government has distributed the Convention to schools, public libraries and some other libraries.⁵

5. An active Awareness Raising Campaign has been piloted by the Alliance with the involvement of officials from relevant government departments. The collaborative work of government officials and representatives of the Alliance on this project has been extremely beneficial and has led to the development of a comprehensive proposal for a strategy for a much wider public awareness campaign which we hope will receive statutory funding. (A brief description of this campaign will be circulated).

6. There is a need to translate and circulate the Convention in Irish which is the first language of a substantial minority of families in Ireland.

Publicizing the Government Report (Article 44.8)

The government report has been circulated to schools and libraries and is on the Internet but it would be the Alliance's impression that its existence and contents are not at all well known.

General Principles

Non-discrimination (Article 2)

The government makes several specific points in relation to Article 2. Of particular note is the reference to the guardianship rights of unmarried fathers who, in Ireland, must apply to the Court in order to be appointed guardian of their own children.

Main Challenges

7. This is an important issue as it affects almost one quarter of children now being born in

Ireland. The Alliance is divided on the matter of the granting of guardianship rights to unmarried fathers where the consent of the mother does not exist. The majority view is that there should be a statutory presumption that such rights should be granted to fathers on application unless there are compelling reasons for not doing so. The view held by the minority is that automatic but defeasible joint guardianship rights should be granted to the father on establishment of paternity and that the possibility should exist for the guardianship rights of either parent to be removed by a court. The guidance of the Committee as to the most appropriate option from the children's rights perspective, would be welcome. This matter is the subject of legislation which is currently pending.

8. Another challenge related to the non-discrimination article is created by the lack of co-ordination and planning at a national level within or between statutory and non- statutory agencies which leads to a patchy, uneven distribution of services. This is particularly true of services for our most vulnerable children, i.e. those who have been, or are, at risk of abuse.

9. There are also significant problems being faced by our largest, and growing, minority group, the Travelling Community. Implementation of the recommendations of the Task Force on the Travelling Community appointed by the previous government would substantially allay the difficulties being experienced by this community. Particular attention needs to be given to meeting their accommodation needs and addressing the problem of their relatively poorer health status, including the reduction of infant mortality rates which are significantly higher than those which exist in the rest of the population.

10. Improvements in the way in which services are organised and delivered to children with disabilities are also needed. The new National Intellectual Disability Database launched by the Department of Health in April of this year is a welcome development which should, at least in this area, lead to more informed decisions. There are also important issues to be addressed in the areas of physical and sensory disabilities identified by the Review Group on Health and Personal Social Services (appointed by the previous government) which we have outlined in our submission.

11. The recommendations of the Commission on the Status of People with Disabilities concerning the current shortfall in therapy, counselling, respite and residential care are supported by the Alliance. The establishment of a monitoring mechanism to ensure implementation of these and other recommendations of the Commission is welcome.

Best interests (Article 3)

The Alliance acknowledges the inclusion of the 'best interests' principle in the Guardianship of Infants Act 1964, the Child Care Act 1991 and related regulations and other proposed legislation.

Main Challenges

12. While these inclusions are necessary we need a mechanism to ensure that legislation, policy and practice based on previous as well as current and prospective decisions enshrines the 'best interests' principle. Including this principle in our Constitution is considered by the Alliance to be an important means of providing such a mechanism.

13. The appointment of an Ombudsman for Children on a statutory independent basis would also lead to much greater adherence to the principle of the best interests of the child in actions undertaken by public or private institutions.

14. In order for children's best interests to be served it is crucial that resources are released to implement the considered recommendations of the reports of various review groups, commissions and Task Forces which would benefit children.

Respect for the Views of the Child (Article 12)

The government describes several important developments aimed at taking account of children's views in matters affecting them. They do not mention the possibility of courts being empowered to appoint Guardians ad Litem as a result of the Child Care Act 1991 which is an important independent means of taking account of children's views as well as their best interests.

Main Challenges

Notwithstanding these important developments, there are problems to which the Committee's attention needs to be drawn.

15. The first of these concerns the lack of a mechanism in place to ensure that the views of the child are sought by an independent party when care proceedings are taken by the health board. In relation to custody and access applications there is no provision for the child's views to be heard as a matter of right. We recommend that a mechanism be put in place to ensure that the views of children are sought by an independent party in such circumstances and are given due weight in accordance with the age and maturity of the child.

16. At a more general level structures need to be put in place to facilitate consultation with children in a variety of settings (such as schools) and particularly with our most vulnerable children such as those who are homeless or in Alternative Care.

17. The Alliance's proposal for an Office of Ombudsman for Children includes the recommendation that provision be made for consultation and dialogue with children.

18. The Alliance believes that the constitutional amendment to include a specific and express declaration on the rights of the child, recommended by the Constitutional Review Group, should include the principle of respect for the views of the child.

Civil Rights and Freedoms

With regard to the articles dealt with under Civil Rights and Freedoms we wish to draw the committee's attention to the matter of preservation of identity (Article 8)

19. Children born outside marriage (currently almost 25% of all children born in Ireland) have no automatic right to have their paternity established. We believe that the names of both parents should be entered on the birth register unless there are compelling reasons for not doing so.

20. In addition, in the case of prospective domestic adoption, we believe that children should enjoy the right to see their original birth certificates.

21. For many years now NGOs have been lobbying for the establishment of a voluntary contact register for adoptees and their birth parents. The Alliance recommends that this be established on a statutory basis incorporating the features described in our submission.

Family Environment and Alternative Care

As described in the government's report, health boards are empowered *"to help make it possible for children to grow up in their own families even in adverse circumstances"*. There is no disagreement that the best way to promote the welfare of children is to provide appropriate assistance to parents in the performance of their child rearing responsibilities as outlined in Article 18 of the Convention. However a number of developments have occurred in Ireland which have placed enormous pressures on health boards to channel the bulk of their resources for child care services to the protection of children who are at risk of neglect and abuse. These developments include a substantial rise in the numbers of children reported to be at risk of

neglect and abuse, currently and in the past. This has occurred within the context of increased public awareness of the fact and consequences of child abuse. These, and other factors, are leading to considerable problems in fulfilling the obligations set out in Articles 18, 19 and 20 of the Convention.

Main Challenges

There has been an increase in resources allocated to health boards in recent years to improve child care services. However, further substantial increases are necessary in order to fully implement the provisions of the Convention enshrined in our child care legislation.

In particular,

22. Family Support Services are inadequate in many areas, despite the fact that there are many very good examples of such services run by statutory and non-statutory agencies. These include family support centres and parent-to-parent help schemes. However, a much more comprehensive range of options throughout the country is needed.

23. Particular problems arise concerning the reporting of information regarding child abuse, the co-ordination of an appropriate response, and the training of key personnel.

24. There is an urgent need for a comprehensive response to the problem of children who are homeless.

25. Improvements in Alternative Care services are required. This includes improved resourcing and support for foster families and increased support for residential care centres.

26. Independent inspection of childcare services is required particularly Alternative Care services.

27. The problems facing children leaving Alternative Care services need to be addressed through the development of 'After Care' services - particularly in light of the evidence of an increased risk of children who have been in residential care subsequently becoming homeless.

28. The need for more support and treatment services for children who have been neglected or physically or sexually abused is clearly evident.

While the release of resources will make a significant impact on addressing these problems, this will not be sufficient in itself to remedy the situation. The development and implementation of co-ordinated policy at national level is critical in order to comply with Article 18, 19 and 20. Clear criteria need to be developed regarding the circumstances in which families should receive support services and according to which interventions should be made in relation to children who are abused and neglected. This is not only essential to ensure equal treatment of children and families (Article 2), it is also important in order that realistic costs be identified in the context of government resources. The identification of cost-effective and cost-efficient models of service delivery would be helped by resourcing research and evaluation.

Basic Health and Welfare

Health and Health Services (Article 24)

The Government's Report describes many important and positive developments in the health services. Attention is also drawn to the number of children on waiting lists for medical attention.

Main Challenges

29 Concern about the delays in gaining access to public health services, in particular in-patient and out-patient care, has resulted in a significant proportion of the population joining private health care schemes. As a result, there is differential access to health services, with speed of access related to economic circumstances.

30 Guidelines are needed for the care and treatment of children in hospital which reflect the spirit and provisions of the Convention.

31 Improvements in the delivery of child immunisation schemes are also needed (some health boards (e.g. South Eastern Health Board) are achieving greater success in this area than others).

Social Security (Article 28)

The government report describes many of the particular schemes which are included in our social security system. There has been a steady improvement in the system in response to identified needs. However there continues to be significant issues in this area which need to be resolved, particularly in view of the fact that one third of all children in the country live in families which rely for their income on social security and given the difficulties being experienced by children living in poverty or social exclusion.

Main Challenges

32 Most social security payments do not reach even the lower end of "minimally adequate rates" as identified by the government appointed Commission on Social Welfare (1986).

33 The intention to introduce a new type of child income support 'Child ~Benefit Supplement' is outlined in the government's report. However, the current national agreement 'Partnership 2000' suggests a move away from this commitment. We suggest that the government needs to clarify its approach to the development of Child Support payments. Given the vital importance of Child Support payments, and the complex issues relating to employment incentives which can arise from their operation, consideration should be given to the issuing of a policy discussion paper and inviting submissions.

Right to an Adequate Standard of Living (Article 27:1..3)

Main Challenges

34 In Ireland there is a disproportionate incidence of poverty in households with children; the most significant cause of poverty is unemployment.

35 In addition to the overall incidence of poverty, there are particular problems arising from the concentration of deprivation in specific areas and communities.

We welcome the publication of the National Anti-Poverty Strategy. Given the research evidence of the particular vulnerability of children to poverty, a key indicator of the success of the strategy will be its effectiveness in addressing this dimension of poverty.

Child Care Services and Facilities (Article 18.3)

There has been a variety of initiatives in the area of child care services taken on the part of different government departments and voluntary agencies. The result has been an unco-ordinated under-resourced array of services. The inclusion of a commitment in Partnership 2000 to develop a "strategy which *"integrates the different strands of current arrangements"* and to *"devise a National Framework for the Development of the Children's Sector"* is welcome.

Education Leisure and Cultural Activities

Education, including Vocational Training and Guidance (Article 28) and Aims of Education (Article 29).

The government's report shows that Ireland has a relatively well-developed mainstream educational system at the primary and post-primary levels. However, there is a significant number of children who are not benefiting from the system. For example, relative to the general population an extremely low proportion of Traveller Children in the 12-15 age group attend school; up to 12% of children leaving school do so without a formal qualification, and 25% of children are estimated to leave primary school with literacy and numeracy difficulties.

Main Challenge

36. Given this situation there is an urgent need to introduce improved tailor-made interventions to meet the needs of those children at both primary and post-primary level who are not currently benefitting from the system.

Leisure, Recreation and Cultural Activities (Article 21)

37. In brief, it must be said that this is an under-regarded and neglected area of development. In our submission we outline particular points which require attention, including the need for a national play policy, and greater emphasis on arts and physical education in our school curricula.

Conclusion

In preparing for today's meeting we have attempted to stand back and appraise the many challenges which face us in our efforts to implement the Convention on the Rights of the Child in Ireland. I have asked myself, how can this Committee be most helpful to improving the situation of children in Ireland? What are the key issues which need to be emphasised in order for these challenges to be successfully overcome? They can be summarised as follows:

1 There is a need to amend our Constitution in order to guarantee the protection of children's rights in Ireland.

2 There is a need to make, people aware of the provisions of the Convention through active campaigns of information, education and publicity, including in the Irish language.

3. There is a need for a co-ordinated approach to policy and planning which harnesses the expertise of the governmental and non-governmental sectors and allows for consultation with children.

4. There is a need for structures to be established to enable commitments to be made, and adhered to, in order that the many excellent recommendations of our various review bodies, commissions and task forces are implemented. While changes in emphasis in policy are to be expected with the changes in government, there is need for a degree of continuity to ensure progressive development in policies and services.

5. There is a need to release resources to ensure the implementation of the Convention. The latest Exchequer returns for the 3rd Quarter of this year indicate that the Irish economy could be expanding by as much as 10% this year. The surplus of Exchequer tax receipts over spending has exceeded expectations. This contrasts sharply with the knowledge of the disproportionate incidence of poverty and deprivation in households with children, and the high number of children living in families relying on social security payments for their income. If we cannot rise to the challenge of releasing resources for children now, in favourable economic circumstances then when will be the appropriate time?

6. There is a need to adopt an attitude of openness to external independent scrutiny of our practices and policies which affect children. This could be manifested in the introduction of an Ombudsman for Children, the establishment of an independent social service inspectorate and in the establishment of a voluntary~ contact register for children who have been adopted or brought up in alternative care.e The merits of transparency and accountability speak for themselves. There are certainly benefits in the long term of increasing public awareness of the deficiencies as well as the successes of our system.

In conclusion I wish to thank the Committee for your time and attention. For our part we look forward to contributing in whatever way we can to meeting the challenges posed by the Convention within the Irish and, where appropriate, international contexts.

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