

**Children's Rights Alliance Report Card 2013  
Executive Summary**

18 February 2013

The Children's Rights Alliance is a coalition of over 100 organisations working to secure the rights of all children in Ireland by campaigning for the full implementation of the UN Convention on the Rights of the Child (UNCRC). On a practical level, this translates as the Alliance advocating for the necessary changes in Ireland's laws, policies and services and holding the Government to account for their international obligations. The Children's Rights Alliance's *Report Card 2013* examines whether the Government has honoured its commitments to children living in Ireland, under the *Programme for Government 2011-2016*.

*Report Card 2013* – the fifth in a series of an annual publication – uses a rights-based approach to analyse key commitments under six themes: Children's Constitutional Rights; Right to Education; Right to Health; Right to an Adequate Standards of Living; Right to Protection from Abuse and Neglect; and Right to Equality and Non-discrimination.

This year the Government achieves a 'C' grade for its progress during 2012. This overall grade denotes a minor slip – but a slip nonetheless – from a 'C+' grade in *Report Card 2012*. However, this year the Government received its best ever grade – the first ever 'A' grade – for holding the historic Children's Rights Referendum on 10 November 2012, which will prove a milestone in making Ireland one of the best places in the world to be a child.

The overall 'C' grade clearly demonstrates that this is a wholesale exercise, with each minister and Government department impacting on the final performance. Some ministers are proving more successful than others at delivering the necessary budgets, resources and actions to safeguard the lives of children.

Consistent shortcomings and the lack of real progress in the areas of poverty, health and discrimination have eaten into excellent grades awarded to Government commitments in education, right to protection and constitutional children's rights. Collective responsibility will secure a better grade next year.

It is good to see real progress in this edition, with recommendations outlined in *Report Card 2012* not falling on deaf ears. A case in point is the section on 'Children in Detention', which received a 'B' grade, up from an 'F' grade last year, as the detention of young people in an adult prison will soon end.

**For full copies of *Report Card 2013*, contact:**

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## REPORT CARD 2013: GRADING

*Grade for Report Card 2013 = C*

Area	Sections	Grade	Average grade	
<b>CHILDREN'S CONSTITUTIONAL RIGHTS</b>	Children's Referendum	<b>A</b>	<b>A</b>	Historic passage of Children's Referendum. Constitutional Convention has begun its work.
<b>RIGHT TO EDUCATION</b>	Early Childhood Care and Education	<b>B-</b>	<b>B-</b>	Progress in literacy and patronage, and investment in free pre-school year and school buildings. Work on patronage welcome. More action needed for children with special educational needs.
	Child Literacy	<b>B+</b>		
	Children with Special Educational Needs	<b>D</b>		
	School Buildings	<b>B</b>		
	Patronage and Pluralism in Primary Education	<b>B+</b>		
<b>RIGHT TO HEALTH</b>	Primary Care	<b>D</b>	<b>D</b>	Delays in primary care and children's hospital regrettable. Under-spend of funds in mental health and political inaction on alcohol misuse a concern.
	Mental Health	<b>D-</b>		
	Alcohol and Drugs	<b>D</b>		
	Children's Hospital	<b>D</b>		
<b>RIGHT TO AN ADEQUATE STANDARD OF LIVING</b>	Child Poverty	<b>F</b>	<b>D-</b>	Harsh measures in Budget 2013 will hit the poorest families hardest. Investment in area based initiatives welcome. Slow progress on reform.
	Area Based Approach to Tackling Child Poverty	<b>C-</b>		
	Children and the Social Welfare System	<b>D</b>		
<b>RIGHT TO PROTECTION FROM ABUSE AND NEGLECT</b>	Child and Family Support Agency	<b>B-</b>	<b>B-</b>	Positive steps in child welfare and protection reform. Promised closure of St. Patrick's Institution welcome.
	Ryan Report Implementation Plan	<b>B-</b>		
	Youth Homelessness	<b>C-</b>		
	Children in Detention	<b>B+</b>		
<b>RIGHT TO EQUALITY AND NON-DISCRIMINATION</b>	Traveller Children	<b>E</b>	<b>E+</b>	No improvements for migrant or Traveller children, and slow progress on family inequalities.
	Migrant Children	<b>E</b>		
	Inequalities in Family Life	<b>D</b>		

### Explanation of Grades

- A Excellent, making a real difference to children's lives
- B Good effort, positive results for children
- C Satisfactory attempt, but children still left wanting
- D Barely acceptable performance, little or no positive impact on children's lives
- E Unacceptable, taking steps in the wrong direction, no positive impact on children
- F Fail, taking steps that undermine children's wellbeing
- N/A Not applicable, due to vague nature of Government commitment

## CHILDREN'S CONSTITUTIONAL RIGHTS: GRADE 'A'

The Government gets an 'A' for 'Children's Constitutional Rights', which examines the children's rights referendum.

### The Government got an 'A' grade because it has:

- Succeeded in holding a **children's rights referendum** on a constitutional amendment to explicitly recognise the rights of children, and the successful passage of that amendment
- Established the **Constitutional Convention** to consider a range of amendments to the Constitution

### To further improve, the Government must:

- Enact comprehensive legislation as required under the Thirty-first Amendment to the Constitution
- Support the Judicial Studies Institute to address the interpretation of the Amendment
- Address outstanding legal gaps in the protection of children's rights
- Ensure children's views are heard within the Constitutional Convention

### Key research findings:

- The People of Ireland voted 58% to 42% in favour of the Thirty-first Amendment.
- All but three of Ireland's 43 constituencies voted in favour of the Amendment
- Donegal South West, Donegal North East and Dublin North West voted against the Amendment
- Turnout was low at 33.5%
- The wording of the proposed amendment contained many but not all of the language and recommendations put forward previously by the Joint Committee on the Constitutional Amendment on Children

## RIGHT TO EDUCATION: GRADE 'B-'

The Government gets a 'B-' for the 'Right to Education', which examines early childhood care and education, child literacy, children with special educational needs, school buildings, and patronage and pluralism in primary education.

### The Government got a 'B-' grade because it has:

- Protected the **universal free pre-school year**
- Continued investment in and rollout of the **National Literacy and Numeracy Strategy**
- Delayed in publishing the new plan for the implementation of **Education for Persons with Special Needs (ESPEN) Act**
- Launch of a significant programme of investment in **school buildings**
- Taken significant steps towards greater **patronage and diversity** within Irish primary schools

### To improve further, the Government must:

- Launch and commence implementation of the National Early Years Strategy
- Conduct an evaluation of the free pre-school year
- Continue rollout of the National Literacy and Numeracy Strategy
- Develop a follow-up strategy for the Delivering Equality of Opportunity in Schools (DEIS) programme
- Publish and begin execution of the plan to fully implement the Education for Persons with Special Educational Needs (EPSEN) Act 2004, on foot of the National Council for Special Education (NCSE) policy advice
- Ensure protection of the promised funding for the remainder of the School Buildings Programme
- Complete the 43 parental surveys and commence divestment when appropriate
- Commence the development of a programme on Education about Religion and Beliefs (ERB) and Ethics

### Key research findings:

- Total enrolment in Irish schools is expected to increase by approximately 70,000 pupils between 2012 and 2018 – 45,000 at primary level (almost 31,000 before 2014) and 25,000 students at post-primary level with second level enrolment expected to continue to grow until 2024 at the earliest
- Now in its third full year, 95% of eligible children are availing of the free pre-school year; this is almost 65,000 pre-school children in 4,300 services
- Ireland was ranked 18th out of 45 countries in a 2012 study of pre-school provision for 3-to-6-year-olds
- In December 2012, an international survey showed that Irish pupils ranked 10th out of 45 countries in reading but were placed 17th in mathematics and 22nd in science out of 50 countries
- The results of an evaluation of Delivering Equality of Opportunity in Schools (DEIS), published in January 2012, showed that the programme is having a positive effect on combatting disadvantage in education and improvements in the learning achievements of pupils in DEIS primary schools in urban areas
- An estimated 25% of children in Ireland have special educational needs
- Over half of schools in a 2012 survey reported that they are operating under a budget deficit with regard to general funding
- Approximately 40% of parents in the initial five pilot areas of the patronage survey participated

## RIGHT TO HEALTH: GRADE 'D'

The Government gets a 'D' for the 'Right to Health', which examines primary care, mental health, alcohol and drugs, and the children's hospital.

### The Government got a 'D' grade because it has:

- Failed to spend money allocated for **Primary Care** and a lack of transparency in the development of Primary Care centres
- Spent money allocated for **Mental Health** services on covering costs elsewhere within the Department of Health and delayed the recruitment of staff
- Produced an interim report on the **Mental Health Act 2001**
- Developed **anti-bullying policies**
- Failed to publish the promised **National Addiction Strategy**
- Wasted time and money in identifying the site for the **National Children's Hospital**

### To do better next time, the Government must:

- Ring-fence multi-annual funding for the delivery of the promised Primary Care Teams
- Ring-fence multi-annual funding for mental health
- Ensure all children under 18 years receive age-appropriate and timely mental health services and treatment
- Put in place a legislative framework to fulfil the rights of children and adolescents with mental health difficulties
- Complete recruitment of a specialist therapeutic team for children in special care and detention
- Urgently adopt a national strategy to tackle alcohol misuse
- Introduce a legislative ban to protect children from alcohol marketing
- Sustain investment in non-alcohol and drug free spaces for young people
- Enact the Protection of Children's Health from Tobacco Smoke Bill 2012
- Begin and expedite the process of building the new National Children's Hospital

### Key research findings:

- In August 2012, in Dublin North, 29% (390) of patients accepted for Speech and Language Therapy were waiting four to eight months for treatment
- In September 2012, 16 Local Health Offices were performing under target in relation to Child Development Health Screening for babies aged ten months
- Staffing for Child and Adolescent Mental Health Services (CAMHS) teams is at just 38.1% of that recommended by *A Vision for Change*
- Of the 414 promised mental health posts, 150 are for CAMHS teams. This recruitment has been greatly delayed with only 14 CAMH staff appointed by the end of 2012
- There was an 8% rise in the number of adolescents waiting to be seen by CAMHS at the end of September 2012, compared to the same stage in 2011. On a positive note, the total number waiting longer than 12 months decreased by 9%
- A quarter of child and adolescent admissions to psychiatric wards (75) were to adult units; 67% (50) of these admissions were 17 years of age, 28% (21) were 16 years of age and 5% (4) were 15 years of age
- A 2012 study found that 10% of adolescents and 20% of young adults reported significant personal problems they felt needed professional help but did not seek it
- In Ireland, alcohol-related crime and the impact on the health service of alcohol-induced problems cost the Irish taxpayer €3.7 billion annually
- The 2012 *Report of the Independent Child Death Review Group*, found that parental alcohol and drugs misuse was a factor in a number of the cases, contributing to children being exposed to poor parenting, neglect, abuse and psychological harm
- Approximately €39 million has been spent on preparing to develop the children's hospital at the Mater Hospital. Of that, €13 million can be reused on the St. James's Hospital site but €26 million will not be recovered

## RIGHT TO AN ADEQUATE STANDARD OF LIVING: GRADE 'D-'

The Government gets a 'D-' for the 'Right to an Adequate Standard of Living', which examines child poverty, area based approaches to tackling child poverty and children and the social welfare system.

### The Government got a 'D-' grade because it has:

- Cut **Child Benefit** and the **Back to School Clothing and Footwear Allowance** in Budget 2013
- Not yet introduced a **child poverty target**
- Allocated funding to an **area-based child poverty initiative**, but provided little information on the selection process and specific nature of this initiative
- Not yet made public the report by the **Advisory Group on Tax and Social Welfare** on child and family income supports, nor demonstrated any concrete progress on integrating **tax and social welfare systems**

### To do better next time, the Government must:

- Poverty-proof Budget 2014 to protect children and families
- Prioritise introduction of the promised child poverty target
- Clarify the criteria for selection of the three communities to be included in the Area Based Approach to Child Poverty Initiative
- Design the Area Based Approach to Child Poverty programme based on national and international evidence and best practice
- Urgently publish the Advisory Group on Tax and Social Welfare's report on child and family income supports, commit to coordination between the tax and welfare systems and commence reform of the child income support system

### Key research findings:

- Cuts to Child Benefit in four consecutive budgets have reduced monthly child income supports by almost €100 for families with three or more children
- Barnardos research found that, in 2012, going back to school cost €355 for a child in senior infants and €770 for a first year pupil in secondary school. The payment of €100 for children from four to 11 years and €200 for children over 12 years leaves a significant shortfall for families with limited incomes
- The cuts to Child Benefit and the Back to School Clothing and Footwear Allowance in Budget 2013 amount to savings of €153 million in 2013, but only €18.5 million – 11.6% – was redirected into services and programmes for children under the new Childcare Plus Initiative
- Rates of child poverty are alarmingly high in Ireland, with almost 20% of households with children at risk of poverty and nearly 8% living in consistent poverty
- A new national sub-target for the reduction of child poverty will be introduced, in consultation with relevant stakeholders, to reduce the differential in the rate of consistent poverty between children and adults (8.2% and 5.5% respectively in 2010)
- By 2015, the Exchequer funding for the new 'Children First' initiative is expected to reach approximately €4.75 million
- The effects of early investment in disadvantaged children is lessened if not followed up by later investment at later ages: investments appear to be complementary and require follow-up to be effective
- A recent longitudinal study of children showed that in 2008 only 7% of the children reported that their families had some or great difficulties in making ends meet. When asked the same questions in 2012, the figure had tripled to 23%
- Central Statistics Office Household Budget Survey showed an increase of 70% in State financial supports to families since 2005
- A 2010 UNICEF report found that without any social assistance payments and tax system reliefs child poverty in Ireland would be higher than in any of the other 21 OECD countries

## RIGHT TO PROTECTION FROM ABUSE AND NEGLECT: GRADE 'B-'

The Government gets a 'B-' for the 'Right to Protection from Abuse and Neglect', which examines the Child and Family Support Agency, the Ryan Report Implementation Plan, youth homelessness and children in detention.

### The Government got a 'B-' grade because it has:

- Taken significant steps towards ending the detention of children in **St. Patrick's Institution**, an adult prison
- Advanced the establishment of the **Child and Family Support Agency**
- Enacted the **National Vetting Bureau Bill** and published the Heads and General Scheme of **Children First Bill**
- Progressed a review of the **Youth Homelessness Strategy**, due for publication in early 2013

### To improve further, the Government must:

- Consult comprehensively on the draft legislation to establish the new agency
- Ensure the agency does not carry over any budgetary deficits and is adequately resourced
- Universalism should be a hallmark of the new agency
- Enact legislation to put aspects of Children First on a statutory footing
- Support compliance with the National Vetting Bureau Act 2012
- Mainstream the commitments and learning from the Implementation Plan and its Monitoring Group in the work of the Department and new agency
- Complete and publish an updated policy on youth homelessness in 2013
- Ensure a smooth transition and adequate supports for homeless children transitioning to adult services
- Invest in appropriate accommodation for homeless families
- Immediately withdraw the reservation to Article 10 (2b) of the International Covenant on Civil and Political Rights
- Consult on the design of the National Children Detention Facility and commence work on the new facility
- Address the serious human rights concerns expressed about St Patrick's Institution

### Key research findings:

- Budget 2013 provided €546 million to the HSE's Children and Family Services programme. This funding line and budget vote will be transferred to the Department of Children and Youth Affairs once the new agency is established
- 2012 saw the formation of an area structure comprising four Regional Service Directors and 17 Children and Families Area Managers, operating under the National Director for Children and Families Services
- As of October 2012, 92.5% of children in care had an allocated social worker and 89.7% an up-to-date Care Plan
- Despite the lack of data, it is generally accepted that there has been a decrease in the numbers of children presenting as homeless and that incidences of children sleeping rough have been virtually eliminated
- A Central Statistics Office report found that 572 children were homeless on 10 April 2012 – it is assumed the majority of these were with their families who were homeless
- On 1 August 2012, 31 boys aged 17 years were detained in St Patrick's – an increase from 21 boys detained the year before, on 1 July 2011. The detention of 17-year-olds in St Patrick's will continue until the completion of the new facility in 2014. The Minister has agreed to examine the feasibility of accommodating some categories of 17-year-old boys in Oberstown on a phased basis, earlier than mid-2014
- A 2012 report by Inspector of Prisons, Judge Michael Reilly detailed serious and systematic violations of the human rights of boys and young men in St Patrick's by a minority of prison officers



## RIGHT TO EQUALITY AND NON-DISCRIMINATION: GRADE 'E+'

'Right to Equality and Non-Discrimination' is a new chapter in *Report Card 2013*, for which the Government gets an 'E+' grade. The chapter examines Traveller children and migrant children. In addition, it includes a new section of the Report Card series on 'inequalities in family life'.

### The Government got an 'E+' grade because it has:

- Done little to improve the lives or vindicate the rights of **Traveller** or those of **migrant** children
- Delayed **reform of family law** and failed to address the inequalities faced by children of unmarried parents, particularly children of cohabiting or civil partnered parents

### To do better next time the Government must:

- Grant recognition of Traveller Ethnicity
- Include specific commitments to Traveller children in the forthcoming National Children and Young People's Policy Framework
- Introduce an ethnic identifier across education, health and care
- Re-energise activities in supporting the participation in education and improvement of health outcomes for Traveller children
- Ensure that the Immigration, Residence and Protection (IRP) Bill is proofed against the UN Convention on the Rights of the Child
- Specify commitments to migrant children in the forthcoming National Children and Young People's Policy Framework
- Address the on-going concerns in relation to child protection and welfare for children living in direct provision system
- Reform the law on guardianship
- Introduce amending legislation to address the gaps in the Civil Partnership and Certain Rights and Obligations of Cohabiting Couples Act 2010 regarding children

### Key research findings:

- Discrimination continues within the school system against Traveller children.
- Infant mortality among the Traveller population is 3.6 times the rate of the general population
- On average Travellers finish full-time education 4.7 years earlier than those in the general population
- At present, there is no composite law setting out the rights and entitlements of migrants in Ireland and on many fundamental issues, practice is currently not governed by statute
- A 2012 Irish Refugee Council report highlighted many issues of concern faced by the 1,789 children living in direct provision accommodation, including overcrowding, malnutrition, and child protection inadequacies
- The structure of Irish family life has changed and diversified significantly in recent decades with 35.9% of registered births being outside of marriage in the first quarter of 2012
- The limitations placed on granting guardianship means that, in families with a step-parent or civil partner, only the biological parent can be recognised as the guardian of the child and the other party will always be a stranger to the child in legal terms
- Children of unmarried families and civil partnerships face considerable inequitable treatment when compared with children of married families, particularly when they are living with or parented by the partner of their biological parent