

Response to the draft Combined Fifth and Sixth State Report of Ireland to the UN Committee on the Rights of the Child

November 2021



Founded in 1995, the Children's Rights Alliance unites over 100 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services.

Accompaniment Support Service for Children (A.S.S.C.)
Ag Eisteacht
Alcohol Action Ireland
Amnesty International Ireland
An Cosán
Aoibhneas
AsIAm
Association of Secondary Teachers Ireland (ASTI)
ATD Fourth World – Ireland Ltd
Atheist Ireland
Barnardos
Barretstown Camp
Bedford Row Family Project
BeLonG To Youth Services
Blossom Ireland
Catholic Guides of Ireland
Childrens Books Ireland
Children's Grief Centre
Child Care Law Reporting Project
Childhood Development Initiative
Childminding Ireland
Children in Hospital Ireland
Clarecare
COPE Galway
Cork Life Centre
Crann Centre
Crosscare
CyberSafeKids
Cycle Against Suicide
Dalkey School Project National School
Daughters of Charity Child and Family Service
Dental Health Foundation of Ireland
Department of Occupational Science and Occupational Therapy, UCC
Disability Federation of Ireland
Doras
Down Syndrome Ireland
Dublin Rape Crisis Centre
Dyslexia Association of Ireland
Dyspraxia/DCD Ireland
Early Childhood Ireland
Educate Together
EPIC
Equality for Children
Extern Ireland
Féach
Focus Ireland
Foróige
Gaelscoileanna Teo
Galway Traveller Movement
Good Shepherd Cork
Immigrant Council of Ireland
Inclusion Ireland
Institute of Guidance Counsellors
Irish Aftercare Network
Irish Association for Infant Mental Health
Irish Association of Social Workers
Irish Congress of Trade Unions (ICTU)
Irish Council for Civil Liberties (ICCL)
Irish Foster Care Association
Irish Girl Guides
Irish Heart Foundation
Irish National Teachers Organisation (INTO)
Irish Penal Reform Trust
Irish Primary Principals Network
Irish Refugee Council
Irish Second Level Students' Union (ISSU)
Irish Society for the Prevention of Cruelty to Children
Irish Traveller Movement
Irish Youth Foundation (IYF)
Jack & Jill Children's Foundation
Jigsaw
Katharine Howard Foundation
Kids' Own Publishing Partnership
Kinship Care
Leap Ireland
Let's Grow Together! Infant and Childhood Partnerships CLG.
LGBT Ireland
Mecpaths
Mental Health Reform
Mercy Law Resource Centre
Migrant Rights Centre Ireland
Mothers' Union
My Mind
My Project Minding You
Museum of Childhood Project
Music Generation
New Directions
National Childhood Network
National Council for the Blind
National Forum of Family Resource Centres
National Parents Council Post Primary
National Parents Council Primary
National Youth Council of Ireland
Novas
One Family
One in Four
Parents Plus
Pavee Point
Peter McVerry Trust
Prevention and Early Intervention Network
Private Hospitals Association
Psychological Society Ireland
Rainbow Club Cork
Rainbows Ireland
Rape Crisis Network Ireland (RCNI)
Realt Beag/Ballyfermot Star
Respond Housing
SAFE Ireland
Saoirse Housing Association
SAOL Beag Children's Centre
Scouting Ireland
School of Education UCD
Sexual Violence Centre Cork
SIPTU
Simon Communities of Ireland
Social Care Ireland
Society of St. Vincent de Paul
SPHE Network
SpunOut.ie
St. Nicholas Montessori College
St. Nicholas Montessori Teachers' Association
St. Patrick's Mental Health Services
TASC
Teachers' Union of Ireland
Transgender Equality Network Ireland
The Ark, A Cultural Centre for Children
The UNESCO Child and Family Research Centre, NUI Galway
Traveller Visibility Group Ltd
Treoir
UNICEF Ireland
Women's Aid
Young Ballymun
Young Social Innovators
Youth Advocate Programme Ireland (YAP)
Youth Work Ireland

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1. Introduction

The Children's Rights Alliance unites over 130 organisations working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services. We identify problems for children. We develop solutions. We educate and provide information and legal advice on children's rights.

The Children's Rights Alliance welcomes the opportunity to make a written submission to the Department of Children, Equality, Disability, Integration and Youth in response to the draft combined fifth and sixth State report of Ireland to the UN Committee on the Rights of the Child. In order to avoid repetition we have grouped our feedback under thematic headings under which we refer to the relevant sections of the State Report. We have conducted a gap analysis and focused on omissions or updates that we believe would enhance and strengthen the State's report and provide the Committee with greater context for its examination. The Alliance will produce its own parallel report in advance of the State's examination in 2022 which will provide further updated information on priority issues following consultation with our members.

1. State Response to Covid-19

2(b) Information, as appropriate, on the measures taken to ensure the protection of the rights of children in the context of the coronavirus disease (COVID-19) pandemic and to mitigate the adverse impacts of the pandemic, in view of the statement of the Committee of 8 April 2020 on the effects of the COVID-19

28(g) Address any disproportionate impact of school closures in response to the COVID-19 pandemic and the alternative calculated grade system on the right of children in disadvantaged socioeconomic situations.

Section 2(b) of the draft State Report provides a comprehensive overview of the awareness and information campaigns were launched during 2020 to mitigate the negative impact of pandemic. However, the section fails to mention the impact the lockdowns, in particular school closures, have had on children and young people. Ireland's response to the COVID-19 pandemic was quick, effective and successful in controlling the spread of the virus. However, it also had the longest period of school closures in 2020 and the most stringent lockdown in the EU during the second wave in 2021.¹ Since March 2020, the COVID-19 pandemic has had a significant impact on the wellbeing of children and young people across Ireland. The introduction of a range of public health measures, have had a detrimental impact on this cohort of the population with those already experiencing disadvantage prior to the onset of Covid-19 the most affected.

The closure of schools, in March 2020 and again in January 2021 moved learning online. This has had the biggest impact on disadvantaged children with increased difficulty in 'catching up'.² For children

¹ Robert Cazaciuc and Dr. Stephan Köppe, *Covid Compared (UCD CoCo) – Displaying Restrictions across the Globe* (UCD 2021) < <https://bit.ly/3FfOU27>> accessed 9 November 2021.

² Merike Darmody, Emer Smyth And Helen Russell, *The Implications Of The Covid-19 Pandemic For Policy In Relation To Children And Young People* (ESRI 2020) < <https://bit.ly/3jJhSh3>> accessed 12 February 2021, 41.

exposed to harm in their home, they have missed out on the safety and support provided by a trusted adult in the school community.³

The redeployment of speech and language therapists, physiotherapists and occupational therapists to work as Covid-19 testers and contact tracers, meant that many children and young people with a disability or with specific health needs were left without essential services and supports.⁴ This has led to an increase in the number of children waiting to access vital services. For instance, the waiting list for an initial speech and language assessment grew from just over 12,000 in January 2020⁵ to almost 16,500 in December 2020.⁶ Similar increases are observed for those waiting separately for initial and further speech and language therapy appointments.⁷ In total almost 45,000 children were waiting to access speech and language therapy at the end of 2020.⁸ The waiting list for an appointment with the Child and Adolescent Mental Health Services (CAMHS) grew from 2,327 in December 2019 to 2,736 in December 2020.⁹

The widespread loss of income, through unemployment, has been concentrated among low earners and this increased financial strain is predicted to affect children's wellbeing.¹⁰ This loss of income amongst low-income households has meant that many charities and community organisations have had to step in and provide essential items such as food parcels and hot meals to vulnerable families.¹¹

In its initial analysis of the impact of the pandemic on children and young people, the Economic and Social Research Institute (ESRI) projected that, in the absence of economic growth and employment recovery, child poverty could increase to 22.6 per cent.¹² Despite this warning and the widespread impact of the pandemic on so many aspects of children's lives, for the most part their voices have not been heard or their needs considered by decision-makers.¹³ The Economic Recovery Plan, published in June 2021, has limited focus on children and young people with the few direct references limited to childcare in the context of labour market participation and gender equality.¹⁴

This section could also be strengthened by outlining in more detail how the views of children and young people were ascertained for the consultation that is referred to and how these views were used to inform government campaigns on targeted measures.

³ Child Care Law Reporting Project, *Interim care orders for two children following hospitalisation of one for headlice infestation*, (Child Care Law Reporting Project 2020) <<https://bit.ly/3v5gnP6>> accessed 20 May 2021; Shauna Bowers, 'Covid-19 resulted in decrease of child welfare referrals to Tusla' The Irish Times (Dublin 5 August 2020).

⁴ Marese McDonagh and Paul Cullen 'Concern grows as HSE therapists redeployed as Covid-19 testers' Irish Times 3 September 2020

⁵ HSE, Parliamentary Questions, Written Answer: Speech and Language Therapy Lists, 11 March 2020 [3613, 3614, 3615/20]<<https://bit.ly/3eYUifn>> accessed 19 May 2021

⁶ HSE, Parliamentary Questions, Written Answer: Disability Services Data, 27 January 2021 [3008, 3009, 3010/20] <<https://bit.ly/2S4GWp2>> accessed 19 May 2021.

⁷ *ibid.*

⁸ Darragh Bermingham 'Almost 45,000 children on 'appalling' waiting lists for speech and language help' The Irish Examiner (Cork 7 March 2021).

⁹ HSE, Parliamentary Questions, Written Answer: Child and Adolescent Mental Health Services, 4 February 2021 [3297/21] <<https://bit.ly/3ouSCgU>> accessed 19 May 2021.

¹⁰ Meirike Darmody, Emer Smyth and Helen Russell (2020) *The implications of the Covid-19 pandemic for policy in relation to children and young people: A research review*. ESRI 2020 < <https://bit.ly/33kVJ0J> > accessed 12 September 2020.

¹¹ Barnardos, 'Increase in referrals to intensive family support services in 2020' (9 June 2021) <<https://bit.ly/3v7vRRt>> accessed 10 June 2021; Family Resource Centre National Forum, *FRCs: Supporting Families During the Covid-19 Crisis* (Family Resource Centre National Forum 2020).

¹² Regan, Mark and Bertrand Maitre 'Child poverty in Ireland and the pandemic recession' (ESRI 2020) <<https://bit.ly/3hjhAdQ>> accessed 10 September 2020.

¹³ OCO (2021) *2020 Childhood Paused Ombudsman for Children Annual Report* < <https://bit.ly/3xKmtVU> > accessed 22 June 2021.

¹⁴ Government of Ireland *Economic Recovery Plan 2021* <https://bit.ly/3zBQBoz> accessed 15 June 2021.

2. Comprehensive policy, strategy and coordination

5(a) Measures taken to ensure that the development and implementation of national policies affecting children encompass all areas covered by the Convention and are supported by sufficient human, technical and financial resources

This section does not include any details of how *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families* and *Sharing the Vision – a Mental Health Policy for Everyone* are supported by sufficient human, technical and financial resources.

5(b) The impact of the national policy framework for children and young people 2014-2020, and any measures taken to adopt a follow-up policy and corresponding action plan

This section could be strengthened by including the figures to support the drop in the consistent poverty rate between 2014 and 2019.

6(a) Incorporate a child rights approach into the State budgeting process, such as by implementing a tracking system for the allocation and use of resources for children and undertaking assessments of the budget needs of children to ensure the sufficient allocation of resources for children's rights, including the social and child protection sectors

This section could elaborate on why Ireland has not adopted a children's rights impact assessment in making budgetary decisions and any plans that are in place to move towards it.

3. Voice of the Child in Family Law

4(c) Implement specific legislation, including the Children First Act and the Children and Family Relationship Act, to ensure that the Convention is respected in administrative proceedings, decision-making processes and other relevant areas.

14(a) Ensure the right of the child to be heard in relevant legal and administrative proceedings, in particular family law proceedings and individual cases, including by amending relevant legislation and establishing procedures for social workers and courts to comply with this principle;

14(b) Ensure provisions under the Children and Family Relationships Act 2015 for covering the cost of an expert to hear the child's views in family law proceedings

Sections 4(c), 14(a) and 14(b) fail to account for the fact that parents, not the State, will have to cover the fee of the child views expert in family law proceedings means that the availability of this service to children will be dependent on their parents being able to afford, or being willing, to pay for the service and may give rise to situations where children will not have the opportunity to exercise their right to be heard. Article 42A.4 of the Irish Constitution states that provision shall be made by law for the best interests of the child to be 'the paramount consideration' in child protection and care, adoption and family law proceedings, and for the views of the child to be 'ascertained and given due weight'.¹⁵ The Children and Family Relationships Act 2015 gives effect to Article 42A.4 in relation to private law proceedings providing that an expert can be appointed to

¹⁵ Constitution of Ireland, Art 42A.4.

determine and convey the child's views to the Court.¹⁶ The legislation requires that one or both of the parties must pay the fee of the expert appointed, as this will not be covered by the State.

In 2016, the UN Committee on the Rights of the Child called on Ireland to '[t]ake measures to ensure the effective implementation of legislation recognising the right of the child to be heard in relevant legal proceedings, particularly family law proceedings...' and to ensure that 'there are provisions under the Children and Family Relationships Act 2015 for covering the cost of an expert to hear the child's views in family law proceedings, guarantee that the views of the child are taken into account in all child care proceedings'.¹⁷ There has to date been a move made towards implementing the recommendation of the Committee in this regard to ensure that the right of the child to be heard is realised in practice in private family law proceedings. It would be helpful if the State report could provide statistics on the percentage of cases in which a child views expert was appointed. The Joint Oireachtas Committee on Justice and Equality 2019 report on family law reform highlighted the challenges in appointing an expert given the fixed costs involved and recommended a review of the regulations fixing the cost of an expert.¹⁸ The State should provide updated information on whether this system is working in practice.

Sometimes judges will speak to children in chambers rather than obtaining an expert report. This section of the State report does not include any details on this. Professor Geoffrey Shannon, the then Special Rapporteur on Child Protection, in his 2018 report, noted that there were no guidelines for meetings between judges and children apart from some points set out in the 2008 case of *O'D v O'D*.¹⁹ Professor Shannon noted that while they are useful, these points are not comprehensive and that they fail to acknowledge that under Article 12 of the UNCRC, the process should begin with an assumption in favour of hearing children.

4. Online Safety

10(a) Strengthen its regulatory framework for industries and enterprises to ensure that their activities do not adversely impact children's rights

18(c) Strengthen the regulatory framework for monitoring and investigating information and communications technology-related violations of children's rights

Section 10(a) and 18(c) both make reference to the Online Safety and Media Regulation Bill as being part of future plans to strengthen regulatory frameworks. However, neither section refer to the concerns expressed by key stakeholders about the lack of an individual complaints mechanism that will enable children and young people to make complaints directly to the Online Safety Commissioner. Currently the General Scheme provides definitions of harmful content for the purposes of the legislation. The definition encompasses material that would fall within the cyberbullying category as well as material promoting self-harm, suicide or eating disorders.²⁰

¹⁶ Children and Family Relationships Act 2015, s 63 inserts Part V into the Guardianship of Infants Act 1964. This Part outlines the factors to consider in determining the best interests of the child and s 32(1)(b) provides for the appointment of an expert by the Court 'to determine and convey the child's views'. This provision was commenced in January 2016. Children and Family Relationships Act 2015 (Commencement of Certain Provisions) Order (SI No. 12/2016).

¹⁷ UNCRC, 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 32(a) and (b).

¹⁸ Joint Committee on Justice and Equality, *Report on Reform of the Family Law System*, Houses of the Oireachtas 2019, 49.

¹⁹ [2008] IEHC 468; Dr G Shannon, Eleventh Report of the Special Rapporteur on Child Protection, (DCYA 2018) 86.

²⁰ Head 49A of the General Scheme of the Online Safety and Media Regulation Bill provides a definition of harmful content for the purposes of the legislation as being:

- a) material which it is a criminal offence to disseminate under Irish [or Union law],
- (b) material which is likely to have the effect of intimidating, threatening, humiliating or persecuting a person to which it pertains and which a reasonable person would conclude was the intention of its dissemination,
- (c) material which is likely to encourage or promote eating disorders and which a reasonable person would conclude was the intention of its dissemination, and,

However, it does not provide for a mechanism whereby an individual who is subject to this harmful content can access the Online Safety Commissioner to make a complaint when an online platform fails to respond effectively and provide them with an adequate remedy.

The Council of Europe recommends Member States should ensure that a child's right to an effective remedy under the European Convention of Human Rights²¹ is respected and protected when their rights have been infringed online.²² This means that States are required to make provision for 'known, accessible, affordable, and child-friendly avenues through which children, as well as their parents or legal representatives, may submit complaints and seek remedies'.²³ Guidance is given on what constitutes an effective remedy and it includes inquiry, explanation, reply, correction, proceedings, immediate removal of unlawful content, apology, reinstatement, reconnection and compensation.²⁴ Importantly, it provides that the process should be speedy, child-friendly and provide the appropriate redress for the child or young person.²⁵

Since the publication of the draft State report, the Joint Oireachtas Committee on Tourism, Culture, Arts, Sport and Media has published its report and recommendations on the pre-legislative scrutiny of the General Scheme of the Online Safety and Media Regulation Bill.²⁶ The specific children's rights concerns including the lack of an individual complaints process as well as the recommendation to ban targeted advertising to children should be reflected in the State report.

5. Violence Against Children

19(a) Prevent and protect children from all forms of violence, including neglect, domestic violence, sexual exploitation and abuse, as well as online sexual exploitation; and the investigation and prosecution of reported cases

Section 19(a) of the draft State Report sets out the relevant legislation and guidance relating to the prevention and investigation of violence against children. However, this section does not contain any figures on the efficacy of the systems in place. There are no details on the number of referrals, investigations and where applicable prosecution of reported cases.

For example, there has been a significant increase in the number of new cases of online abuse and exploitation of children from 116 in 2016 to 392 in 2018.²⁷ Cases involving distribution of child abuse material are taking up to ten years for the State to complete, with the problem deteriorating in the last year.²⁸ These delays are caused by a number of factors including the number of devices which need to be seized, a lack of capacity within the Garda Síochána to deal with devices with

(d) material which is likely to encourage or promote [self-harm or suicide] or provides instructions on how to do so and which a reasonable person would conclude was:

- (i) the intention of its dissemination and
- (ii) that the intention of its dissemination was not to form part of philosophical, medical and political discourse.

but does not include –

- (a) material [containing or comprising] a defamatory statement,
- (b) material that violates [data protection or privacy law],
- (c) material that violates [consumer protection law], and
- (d) material that violates [copyright law]

²¹ European Convention of Human Rights Art 6 and 19.

²² Council of Europe, 'Recommendation CM/Rec(2018)7 of the Committee of Ministers to Member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment' (COE 2018) <<https://bit.ly/2Xp9hpE>> accessed 8 January 2021, 24.

²³ Council of Europe, 'Recommendation CM/Rec(2018)7 of the Committee of Ministers to Member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment' (COE 2018) <<https://bit.ly/2Xp9hpE>> accessed 8 January 2021, 24.

²⁴ *ibid.*

²⁵ *ibid.*

²⁶ Joint Committee on Tourism, Culture, Arts, Sport and Media, *Report of the Joint Committee on the Pre-Legislative Scrutiny of the General Scheme of the Online Safety and Media Regulation Bill*, Houses of the Oireachtas 2021.

²⁷ Conor Gallagher, Delays to child porn inquiries put abused at further risk, Cases taking up to 10 years as technological and data issues impede prosecutions, Irish Times, 7th January 2020, <<https://www.irishtimes.com/news/crime-and-law/delays-to-child-porn-inquiries-put-abused-at-further-risk-1.4132063>> accessed 10 November 2021.

²⁸ *ibid.*

sophisticated encryption,²⁹ delays in acting on tip-offs from foreign police forces and in sending seized devices to the bureau for examination.³⁰ Delays are reported at every stage in the process including taking victim statements, arresting or interviewing suspects and sending the file to the Office of the Director of Public Prosecutions.³¹

Ireland continues to be the only European Union (EU) Member State that has not ratified the Second Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography. The UN Committee on the Rights of the Child, in its 2016 Concluding Observations following Ireland's examination, called on the State to ratify the Optional Protocol. It is welcome that the State has indicated that it would ratify the Protocol once Irish legislation was aligned to the Protocol and with the enactment of both the Criminal Law (Sexual Offences) Act 2017 and the Criminal Justice (Victims of Crime) Act 2017 Irish law is in broad compliance with the Protocol. The State report should provide an update on plans for ratification of the Second Optional Protocol.

6. Training of Judges

21(a) Provide training on the Convention for judges on family law cases involving children and ensure that, in the absence of a family court in the State party, such cases are prioritized in the court system

The draft State report refers to the proposed Family Courts Bill and the specialisation and training planned. However, it would be useful to include the point that the requirements for training and specialisation do not extend to the High Court nor to legal practitioners involved in family law cases.

7. Children in Care

22(e) Ensure that all children in care are allocated social worker and, when leaving care, receive aftercare support and services, including homeless children

This section of the draft State Report does not acknowledge that in a 2020 report the Health Information and Quality Authority (HIQA) found that in some areas of the country there are high number of children in care without a social worker did not receive a good quality service.³² More up-to-date figures could be provided by the State as in November 2020, 379 children in care were awaiting an allocated social worker³³ and 175 children did not have an up-to-date care plan.³⁴

In the draft State report, under this heading, there is no mention of the fact unaccompanied minors who are under the care of Tusla are 'transitioned' to direct provision centres when they turn 18.

8. Children with Disabilities

23(d) Provide children with disabilities with rehabilitation, assistive devices and reasonable accommodation for full inclusion in all areas of public life, including education and leisure, play and cultural activities;

²⁹ *ibid*.

³⁰ *Ibid*: "A report from the Garda Inspectorate, published in February 2018, stated it could take up to a year for Gardaí to act on tip-offs received from the force's child exploitation intelligence unit."

³¹ Report of the Garda Síochána Inspectorate, Responding to Child Sexual Abuse, A Follow Up Review from the Garda Inspectorate (Garda Inspectorate, December 2017).

³² HIQA, HIQA publishes overview of its monitoring and inspecting of Ireland's children's services during 2019, available at: <https://www.hiqa.ie/hiqa-news-updates/hiqa-publishes-overview-its-monitoring-and-inspecting-irelands-childrens-services#:~:text=HIQA%20is%20responsible%20for%20regulating,inspections%20of%20statutory%20residential%20services>

³³ Tusla, Monthly Service Performance and Activity Report, November 2020, 3, available at:

https://www.tusla.ie/uploads/content/Monthly_Service_Performance_and_Activity_Report_Nov_2020_V1.0.pdf

³⁴ *Ibid* at 18.

While this section provides an update on measures the State has taken to support and accommodate children with disabilities in education, it is important to provide context for the Committee. In primary school and secondary school the vast majority of students with special educational needs attend mainstream schools with additional supports.³⁵ The number of children in special classes in mainstream primary schools increased substantially between 2014 and 2018, rising from 3,816 to 6,229 (an increase of 63 per cent). At post-primary level, the numbers increased by 772 between 2014 and 2017 (figures for 2018 not provided), rising from 1,042 to 1,814 (an increase of 74 per cent).³⁶ However, some special schools are oversubscribed and there are hundreds of children on waiting lists for special classes in mainstream schools; in many cases, the only place that parents can find may be far outside the local school-catchment area.³⁷ A significant number of children are being educated at home with the support of home tuition grants because a school place has not been available³⁸ meaning they are missing out on the key social development elements of being in an educational setting.

The State report does not include any reference to the Ombudsman for Children's report published in March 2021 entitled '*Barriers to the realisation of the rights of children with disabilities in Ireland*'.³⁹ The research found that different laws, policies and programmes applied to adults with disabilities or for children without disabilities so children with disabilities are not considered within each of these measures. The second failure, noted in the research, is that children with disabilities are not actively involved in consultations on many existing laws, policies and programmes. The final issue the report highlighted is the relative invisibility of children with disabilities in data. The report notes that data on the experiences of children is often not disaggregated by disability.

9. Alcohol

25(e) Address the incidence of drug and alcohol use by adolescents, including through the implementation of the 2018 Public Health (Alcohol) Act.

This section does not include the statistics around the consumption of alcohol and drugs by children and young people. Growing Up in Ireland studies found that 89 per cent of 17 and 18 year olds drink alcohol, while 15 percent of 13 year olds drink alcohol.⁴⁰ On average children are 15.9 years when they have their first drink.⁴¹ Over three quarters of young people aged between 13 and 17 have previously reported exposure to online marketing.⁴² Pre-natal exposure to alcohol can leave children compromised from a neurobiological perspective, resulting in problems carried with them throughout their lives. Ireland is estimated to have the third highest prevalence of Foetal Alcohol Spectrum Disorder (FASD) in the world.⁴³

In October 2018, the Public Health (Alcohol) Act was passed into law. The Act restricts alcohol advertising at events where children are present and at places frequented by children including public transport, sports events or in grounds where the majority of competitors or participants are

³⁵Department of Education and Skills, *Review of the Pilot of a New Model for Allocating Teaching Resources to Mainstream Schools to Support Pupils with Special Educational Needs* (DES 2016) 1.

³⁶DES *Education Indicators for Ireland* (DES 2019) 19 <<https://bit.ly/2Sc5tpQ>> accessed 21 January 2020.

³⁷Dail Debate, Special Educational Needs: Motion [Private Members], 9 July 2019; AsIAM, *Invisible Children: Survey of School Absence and Withdrawal in Ireland's Autism Community* (AsIAM 2019); Carl O'Brien, 'Over 500 children with special needs are without school places', *The Irish Times*, 16 December 2019.

³⁸Carl O'Brien, 'Over 500 children with special needs are without school places', *The Irish Times*, 16 December 2019.

³⁹Dr Catriona Moloney, Cliona de Bhailís, Dr Danielle Kennan, Dr Carmen Kealy, Dr Shivaun Quinlivan, Professor Eilíonóir Flynn and Jacqueline Phiri, Centre for Disability Law and Policy, NUI Galway. Ombudsman for Children, *Mind the Gap, Barriers to the realisation of the rights of children with disabilities in Ireland*, 29 March 2021 available at:

https://www.oco.ie/app/uploads/2021/03/MindTheGap_OCO_NUIG_Disability_Report.pdf

⁴⁰Growing up In Ireland, Key Findings: Cohort '98 at 20 years old in 2018/19, No. 2 Physical Health <<https://www.growingup.ie/pubs/KF2-Web.pdf>> accessed 5 June 2020.

⁴¹Alcohol Action Ireland and the Health Promotion Research Centre NUI Galway, *Alcohol marketing and young people's drinking behaviour in Ireland* (Alcohol Action Ireland 2015) 4.

⁴²ibid.

⁴³Global Prevalence of Fetal Alcohol Spectrum Disorder Among Children and Youth A Systematic Review and Meta-analysis, available <https://alcoholireland.ie/download/publications/jamapediatrics_Lange_2017_oi_170049.pdf> accessed 26 June 2020.

children. It also prohibits alcohol advertising targeted at children.⁴⁴ Other positive measures include the introduction of minimum unit pricing;⁴⁵ mandatory health warnings on advertising;⁴⁶ a prohibition on price-based promotions; mandatory health warnings on labels and structural separation.⁴⁷ In November 2019, three sections of the Act came into operation including a prohibition on alcohol advertising in or on public service vehicles, at public transport stops or stations and within 200 metres of a school, early years centre or a local authority playground.⁴⁸ A prohibition on alcohol advertising in a cinema except around films with an 18 classification or in a licensed premises in a cinema and a prohibition on children's clothing which promotes alcohol were also introduced.⁴⁹ However, the control of minimum unit pricing,⁵⁰ the content of advertising⁵¹ and the introduction of a broadcast watershed for advertising⁵² have yet to be commenced although the introduction of Minimum Unit Pricing is set to be introduced from January 2022 so this should be reflected in the State report.⁵³ Given that the proposed legislative amendments to limit this type of marketing simpliciter were not passed,⁵⁴ these sections are more vital than ever to assuage concerns that the legislation does not address the issue of alcohol sports sponsorship more generally. Young people can be exposed to alcohol marketing which encourages, normalises and glamorises alcohol consumption.⁵⁵ There remains a need to address the digital marketing of alcohol to children and young people⁵⁶ and the failure of government to progress the commencement of these sections could undermine the impact of the Public Health Alcohol Act.

⁴⁴ Public Health Alcohol Act 2018, section 17 to 19.

⁴⁵ *ibid* s 11.

⁴⁶ *ibid* s13.

⁴⁷ *ibid* s 11.

⁴⁸ Communication received by the Children's Rights Alliance by the Department of Health, 10 December 2019.

⁴⁹ *ibid*.

⁵⁰ Public Health (Alcohol) Act 2018 s 11.

⁵¹ *ibid* s 13.

⁵² *ibid* s 14.

⁵³ <https://www2.hse.ie/healthy-you/alcohol-blogs/minimum-unit-pricing-on-alcohol-what-is-it-and-what-will-it-mean-for-me-.html>

⁵⁴ Ailbhe Conneely, 'Sinn Fein Amendment to Public Alcohol Bill Opposed by Government' (RTE, 26 September 2018) <<https://bit.ly/2vETOCj>> accessed 3 February 2020.

⁵⁵ Alcohol Action Ireland and the Health Promotion Research Centre NUI Galway, *Alcohol marketing and young people's drinking behaviour in Ireland* (Alcohol Action Ireland 2015) 2.

⁵⁶ Seventy-seven per cent of children aged 13 to 17 have reported exposure to online marketing. Alcohol Action Ireland and the Health Promotion Research Centre NUI Galway, *Alcohol marketing and young people's drinking behaviour in Ireland* (Alcohol Action Ireland 2015) 4.

10. Health and Health Services

24(a) Ensure access to free, high-quality primary health services and personnel, including through the issuance of medical cards, for Traveller and Roma children, asylum-seeking, refugee and migrant children, homeless children, and children living in poverty (second part similar to 2016);

This section would benefit from outlining the government commitments to increase access to free GP visit cards to under 12s, beginning with those up to the age of 8. The section could reflect the Government's intentions and the fact that the Government agreed a new contract in April 2019 intended to extend free GP care to children under 12 years.⁵⁷ However, this has not yet been implemented.

The State report could reflect the number of children experiencing consistent poverty who do not have access to a medical or a GP visit card. In 2019, the Central Statistics Office calculated this was nine per cent of people in low-income households with children aged 0 to 17.⁵⁸

11. Mental Health

26(b) Improve the capacity and quality of mental health-care services for children and adolescents, including inpatient treatment, out-of-hours facilities and facilities for treating eating disorders

This section fails to take account of the high waiting lists for accessing child and adolescent mental health services. There were 2,384 children awaiting CAMHS services across Ireland at the end of August this year, with 170 of those waiting more than a year to be seen.⁵⁹ Information on the waiting lists for inpatient treatment and treatment for eating disorders could also be included. It should also provide an update on the recruitment challenges CAMHS has faced in order to provide the relevant context for the long waiting lists.

12. Poverty

27(a) Ensure the effective implementation of the Roadmap for Social Inclusion 2020-2025 to reduce poverty among children in vulnerable situations such as Traveller, Roma and refugee children, and children living in single-parent households

Section 27(a) could include information on the latest child poverty rates. Households with children experience higher rates of enforced deprivation, and experience higher rates of consistent poverty than other households.⁶⁰ The 2019 Survey on Income and Living Conditions (SILC) demonstrates that children are most vulnerable to poverty, with 8.1 per cent of children living in consistent poverty, while 15.3 per cent of children were at risk of poverty.⁶¹ It is estimated that in 2019 just over 96,000 children were living in consistent poverty, equating to 34 per cent of those living in consistent poverty.⁶² Among the children living in consistent poverty 43 per cent are in deep poverty, where household income is 50 per cent or less of median income.⁶³

Recent analysis of the Growing up in Ireland survey data, commissioned by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY), identifies a number of drivers of child

⁵⁷ Merrionstreet.ie 'Taoiseach and Minister for Health welcome agreement on GP contractual reform' [Press Release], 6 April 2019.

⁵⁸ Data generated by Central Statistics Office using SILC by request of the Children's Rights Alliance, received 24 April 2019.

⁵⁹ Darragh Bermingham, 170 children waiting more than a year for mental health services *Irish Examiner* 8 November 2021 <<https://www.irishexaminer.com/news/arid-40738515.html>> accessed 9 November 2021.

⁶⁰ Department of Children and Youth Affairs, *Income, poverty and deprivation among children: A statistical baseline analysis* (DCYA 2020).

⁶¹ Central Statistics Office, *Survey on Income and Living Conditions (SILC) 2019*. (CSO 2020).

⁶² Department of Children and Youth Affairs, *Income, poverty and deprivation among children: A statistical baseline analysis* (DCYA 2020).

⁶³ *ibid.*

poverty. Characteristics such as lone parenthood, ethnicity, disability and family size are identified as being associated with persistent poverty.⁶⁴ The authors developed a multi-dimensional measure of poverty, known as ‘economic vulnerability’, based on three indicators – low household income (bottom 20 per cent), difficulty making ends meet and material deprivation. Drivers of entry into economic vulnerability include household transitions, such as relationship breakdown or parental job loss.⁶⁵ The inability of the mother to work due to disability or illness is also a strong predictor of economic vulnerability.⁶⁶ In addition, parental employment is a key factor both in preventing families falling into poverty and in lifting them out of economic vulnerability.⁶⁷ Long-term exposure to economic vulnerability impacts on children’s outcomes across a number of domains including their physical and mental health, educational attainment and socio-emotional well-being and can result in them having a poor self-concept which can lead to mental health difficulties in later life.⁶⁸

One parent families are significantly more vulnerable to experiencing poverty with 17.1 per cent living in consistent poverty versus 6.1 per cent of two parent families.⁶⁹ Lone parents in Ireland are almost five times more likely to experience in-work poverty than other households with children.⁷⁰ 2019 saw a worrying increase in deprivation among children, with 23.3 per cent of children under 18 experiencing enforced deprivation compared with 19.7 per cent in 2018.⁷¹ Forty-five per cent of persons living in households with one adult and children under 18 experienced enforced deprivation in 2019.⁷² Single people, along with couples without children experienced similar losses and gains in disposable income during the austerity and recovery periods following the last recession.⁷³ However, lone parents lost proportionately more disposable income than single people without children during the period of austerity, and continued to see a fall in their income even during the recovery period, mainly due to policy reforms and cuts to the One Parent Family Payment.⁷⁴

The European Child Guarantee is referenced in section 5(b) of the draft State report but it would be useful for the State to outline its obligations under the Guarantee and its plans on how to implement these for children in need.

13. Housing and Homelessness

27(e) Address the root causes of the steep rise in recent years in the number of homeless children, in particular Traveller children.

This section could contain the most up-to-date homeless figures and make reference to the numbers of children living in family hubs.

The onset of the Covid-19 pandemic and the subsequent introduction of related protection measures in Spring 2020 saw a significant decrease in the numbers experiencing homelessness by the end of that year.⁷⁵ While a reduction in homelessness continued at the start of 2021, particularly

⁶⁴ Bertrand Maitre, Helen Russell, and Emer Smyth *The Dynamics of Child Poverty Evidence from the Growing Up in Ireland Survey (ESRI 2021)* <<https://bit.ly/3iiUtEG>> accessed 4 June 2021

⁶⁵ *ibid.*

⁶⁶ *ibid.*

⁶⁷ *ibid.*

⁶⁸ *ibid.*

⁶⁹ Central Statistics Office, *Survey on Income and Living Conditions (SILC) 201*. (CSO 2019).

⁷⁰ Society of St Vincent de Paul, *Working, Parenting, and Struggling? An analysis of the employment and living conditions of one parent families in Ireland (SVP 2019)* <<https://bit.ly/2F7Rbmz>> accessed 10 September 2020.

⁷¹ Central Statistics Office, *Survey on Income and Living Conditions (SILC) Enforced deprivation 2019 (CSO 2020)* <<https://bit.ly/2RaDtl6>> accessed 10 September 2020.

⁷² *ibid.*

⁷³ Karina Doorley, Maxime Bercholz, Tim Callan, Claire Keane and John R. Walsh, *The gender impact of Irish budgetary policy (ESRI 2018)*.

⁷⁴ *ibid.*

⁷⁵ Department of Housing, Local Government and Heritage (DHLGH), ‘Homelessness Data’ <<https://bit.ly/3op7UCh>> accessed 28 October 2021. For a visual representation see Focus Ireland, ‘Latest Figures on Homelessness in Ireland (Family)’ <<https://bit.ly/36cay0L>> accessed 13 January 2020.

in quarter one, by the end of quarter three family homelessness was once again increasing. The latest available data shows that there was a monthly increase of 52 families, including 155 children, experiencing homelessness between August and September of 2021. Homeless organisations have connected these recent increases to the discontinuation of the pandemic measures introduced during 2020 along with an inability to tackle the structural causes of the homelessness.⁷⁶

While the overall trend shows an increase in homelessness in 2021, by the end of quarter two 2021, 2,735 adults and their children had exited emergency accommodation. Almost three-quarters of these exits were into the private rental sector or through Housing Assistance Payment (HAP).⁷⁷ In addition to this, in the Dublin region, 55 per cent of families were prevented from entering emergency accommodation through the provision of a new tenancy arrangement.⁷⁸ Despite these positive initiatives, at the end of quarter two 2021, 26 per cent of all children living in emergency accommodation in Dublin were there for more than 24 months.⁷⁹

The progress achieved in 2020 shows that it is possible to end homelessness once the correct and dedicated policies and actions are in place. The publication of the Government's new strategy, *Housing for All*, in September 2021 had the potential to address the underlying causes of homelessness. However, the strategy has little focus on children, although it does recognise the importance of early intervention initiatives and the role of Family Support services both in terms of preventing homelessness and providing a pathway to exit emergency accommodation.⁸⁰ There is a lack of a dedicated plan or specific actions to tackle family homelessness.

14. Habitual Residence Condition

27(d) Make child benefit payments a universal payment that is not contingent on the fulfilment of the habitual residence condition

Section 27(d) could include figures on the number of children whose parents are refused child benefit based on the habitual residence condition.

The section could also refer to the categories of people, outlined in the primary legislation (as amended) who are deemed not be habitually resident by virtue of their immigration status. This includes people seeking international protection.

15. Education

27(c) Ensure that children living in poverty and social housing have access to adequate nutrition, healthcare, including mental health services, education and aftercare services, including through legislative amendments to the 1991 Child Care Act;

While section 27(c) sets out the Delivering Equality of Opportunity in Schools (DEIS) scheme, it fails to acknowledge that there is a relatively sharp distinction between DEIS and non-DEIS schools,⁸¹ which means that accurately classifying school socio-economic/demographic profile is crucial for the delivery of appropriate services. Currently schools with relatively high levels of disadvantage may fall

⁷⁶ Focus Ireland, 'Homeless numbers increase to 8728 as Focus Ireland calls for a reintroduction of eviction bans and rent freezes due to recent Covid-19 restrictions' (28 August 2020) <<https://bit.ly/2DWsqZV>> accessed 13 September 2020.

⁷⁷ Department of Housing, Local Government and Heritage, Quarterly Progress Report for Q2 2021 <gov.ie - Homeless Quarterly Progress Report for Q2 2021 (www.gov.ie)> accessed 10 November 2021.

⁷⁸ *ibid.*

⁷⁹ *ibid.*

⁸⁰ Department of Housing, Local Government and Heritage, *Housing for All*, (Government of Ireland 2021) <https://bit.ly/3CyJoXq> accessed 29 October 2021.

⁸¹ Emer Smyth, Selina McCoy and Gillian Kingston, *Learning from the evaluation of DEIS*, (ESRI 2015).

below the cut-off for additional support, with recent research suggesting that up to 22 per cent of principals at primary level indicate their school is not appropriately classified.⁸²

Educational needs of children experiencing homelessness: Children experiencing homelessness, living in unsuitable accommodation cannot meaningfully engage and participate in education and learning if their basic needs are not being met.⁸³ Inadequate nutrition, lack of sleep, poor health and illness, lack of security and routine, long journeys to school and lack of space to do homework all impact on the ability of children experiencing homelessness to participate in education.⁸⁴ The Home School Community Liaison (HSCL) service allows schools to provide additional supports to children experiencing homelessness, however this service is not available in non-DEIS schools.⁸⁵

28(a) Ensure access to quality education, including by eliminating hidden costs and ensuring equitable access to the online environment, for children in disadvantaged or vulnerable situations, including Traveller children, children with disabilities, children with mental health needs, children in alternative care or homeless children, children living with single parents, asylum-seeking, refugee and migrant children

This section would benefit from additional details on the cost of education for families. The cost of education remains an issue for low-income households. The Barnardos *Back to School Costs survey 2020* highlights the basic back to school costs facing parents:

Barnardos cost of school survey 2020⁸⁶

	Senior Infants Pupil	4th Class Pupil	1st Year Student
Uniform (including footwear)	€120	€130	€235
School books and stationery	€95	€115	€285
Classroom resources	€40	€40	€75
Voluntary contribution	€75	€80	€140
Total	€330	€380	€735

Increases to the school capitation rates and new funding for a free school books pilot in Budget 2019 and Budget 2020 are welcome as measures which increases funding available to schools. Schools should be encouraged to reduce reliance on voluntary contributions from parents as capitation rates increase. Recent increases to the Back to School Clothing and Footwear Allowance are also welcome. However, just under half of parents at primary level are able to meet the costs of returning to school out of their regular household budget, while only one third of parents at second level can do likewise, demonstrating the financial strains on households due to the cost of education.⁸⁷

Barnardos estimates that it would cost an additional €103 million annually to delivery free primary

⁸² Dympna Devine, Jennifer Symonds, Seaneen Sloan, Abbie Cahoon, Mags Crean, Emma Farrell, Aisling Davies, Tamsyn Blue, Julie Hogan, *Children's School Lives – An Introduction, Report No 1*, Children's School Lives (UCD School of Education 2020).

⁸³ Geraldine Scanlon and Grainne McKenna, *Home Works: A study on the educational needs of children experiencing homelessness and living in emergency accommodation*, (Children's Rights Alliance 2018).

⁸⁴ Geraldine Scanlon and Grainne McKenna, *Home Works: A study on the educational needs of children experiencing homelessness and living in emergency accommodation*, (Children's Rights Alliance 2018).

⁸⁵ *ibid.*

⁸⁶ Barnardos, *The real cost of school 2020 Back to School Briefing Paper* (Barnardos 2020)2, <https://bit.ly/3bTtE51> accessed 13 September 2020.

⁸⁷ *ibid.*

education and €127 million to delivery free second level education to every child and young person in Ireland.⁸⁸

28(d) Monitor and regulate the use of suspension, exclusion and reduced timetables in schools, and prevent the disproportionate use of reduced timetables

Section 28(d) could be updated to include the details of the new guidelines published on reduced timetables. It also does not include any figures on the number of children who are place on reduced timetables and the impact this has on them.

16.Asylum-seeking, refugee and migrant children

30(a) Provide asylum-seeking, refugee and migrant children with access to education, health services, nutritious and culturally appropriate food, recreational areas, and social protection including child allowance

It would be useful to include a reference to the White Paper on Ending Direct Provision that commits to introducing a payment for children in the international protection system at the same rate as the Child Benefit payment and the timeline for implementation of this commitment.

30(c) Establish an independent monitoring mechanism to enforce the national standards for accommodation centres, including through independent inspections;

The draft State report refers to the consultations between Department of Health and HIQA on establishing an independent monitoring system for standards in International Protection Accommodation Service (IPAS) centres and states that the intention is for the monitoring to commence in 2021. An update should be provided on whether this will take place by the end of 2021 and include the percentage of centres where three unannounced inspections have taken place in 2021 by QTS Limited and the IPAS.

30(d) Adopt a comprehensive legal framework to address the needs of migrant children, including unaccompanied children and children with an irregular migration status, and guarantee their rights to legal residency, and independent legal advice, and address all violations of those rights;

This section does not include any reference to the work of the Legal Aid Board which provides assistance to international protection applicants through specialised units in Dublin, Cork and Galway. Applicants may also be referred to a private practitioner under the private practitioner scheme.¹⁰¹

The specialised units also offer to assistance with some immigration, deportation and human trafficking cases, from its specialised unit in Smithfield.¹⁰² A child or young person can register for legal services through an adult, usually a parent or guardian. They can seek legal advice in respect of the immigration matter from any of the Board's law centres. Matter which the Legal Aid Board does not provide advice in relation to are explicitly set out in the Civil Legal Aid Act 1995, immigration not being one of those matters. However, in reality, waiting lists are long and the assistance offered would solely be a legal advice consultation. Legal aid, representation through a process, is only provided before courts and certain proscribed tribunals.¹⁰³ There is limited state-funded assistance in assisting children and young people to regularise their immigration status.

⁸⁸ *ibid.*

This section of the Draft State also does not make any reference to undocumented children. There are an estimated 15,000 to 17,000 undocumented people living in the State including 2,000 to 3,000 children.⁸⁹ In 2019, the Migrant Rights Centre of Ireland (MRCI) carried out a survey of 108 parents of undocumented children in Ireland which found that sixty-eight per cent of undocumented children had been born in Ireland.⁹⁰ Of those children born outside Ireland, seventy-eight per cent had been living here for five years or more.⁹¹

The Programme for Government committed to creating a pathway to regularisation for the undocumented and their dependents.⁹² In April 2021, the Minister for Justice announced the draft proposals for a scheme to regularise undocumented migrants in Ireland.⁹³ The final terms of the scheme are subject to the consultation process and government approval. The Minister's initial draft proposed the following:

- Applicants would have a period of 4 years residence in the State without an immigration permission, or 3 years in the case of those with children
- Applicants would be granted an immigration permission that allows for unrestricted access to the labour market
- Applicants would have years of residence with that permission reckonable for the purposes of pursuing citizenship by way of naturalisation.⁹⁴

Stakeholder consultations were held whereby interested parties were invited to make submissions to the Minister on the terms of the proposed scheme. In July 2021, the Minister of State for Law Reform, Youth Justice and Immigration, James Browne TD, hosted an information webinar to update stakeholders on the proposed regularisation scheme.⁹⁵ It has been reported that the scheme may open for applications in November 2021.⁹⁶

30(e) Ensure that a vulnerability assessment is conducted for all unaccompanied children within 30 days of their arrival in the State party, and that applications for legal residency are promptly processed.

The State report should include updated figures on the percentage of unaccompanied minors who have undergone a vulnerability assessment within the 30 day timeframe after their arrival.

17.Traveller Children and Young People

27(e) Address the root causes of the steep rise in recent years in the number of homeless children, in particular Traveller children.

Section 27(e) could benefit from acknowledging that Travellers are more likely to be homeless than the general population, with some Travellers experiencing difficulty in accessing emergency

⁸⁹ Communication received by the Children's Rights Alliance from the Department of Justice, 6 November 2020.

⁹⁰ Migrant Rights Centre Ireland 'Growing up undocumented in Ireland', 21 January 2020 <<https://bit.ly/3sSKYil>> accessed on 10 December 2020.

⁹¹ Migrant Rights Centre Ireland 'Growing up undocumented in Ireland', 21 January 2020 <<https://bit.ly/3sSKYil>> accessed on 10 December 2020.

⁹² Government of Ireland, *Programme for Government, Our Shared Future* (2020) 76.

⁹³ Department of Justice, *Minister McEntee outlines draft scheme to regularise undocumented migrants to Cabinet*, 23 April 2021, <<https://www.gov.ie/en/press-release/4b765-minister-mcentee-outlines-draft-scheme-to-regularise-undocumented-migrants-to-cabinet/>> accessed 11 November 2021.

⁹⁴ *ibid.*

⁹⁵ Department of Justice, *Minister Browne updates stakeholders on scheme to regularise undocumented migrants*, 23 July 2021, available at: <https://www.gov.ie/en/press-release/b6727-minister-browne-updates-stakeholders-on-scheme-to-regularise-undocumented-migrants/>

⁹⁶ Irish Times, *Scheme to regularise undocumented migrants may open in November*, 23 July 2021, available at: <https://www.irishtimes.com/news/ireland/irish-news/scheme-to-regularise-undocumented-migrants-may-open-in-november-1.4628945>

accommodation and a high level of hidden homelessness and overcrowding among Traveller families.⁹⁴

In one recent study by Focus Ireland, Traveller families represented a disproportionate number of homeless families; they made up seven per cent of homeless families while making up less than one per cent of the general population.⁹⁵ In recognition of these challenges, the previous Government published a Traveller Accommodation Expert Review report⁹⁶ which the current Government is in the process of implementing by establishing a dedicated Programme Board, including Traveller representatives.⁹⁷ This work will include consideration of the recommendation to commission research to better understand homelessness in the Traveller population.⁹⁸ There are some signs of progress, with 2020 being the first year since 2014 that the €14.5 million funding provided for Traveller-specific accommodation was fully drawn down by local authorities.⁹⁹ It is unclear, however, whether this funding is being used for new accommodation, refurbishment of existing units or Covid-19 related work on sites.¹⁰⁰

31(a) Address the structural discrimination against Traveller and Roma children, in particular with regard to access to education, health care, housing and an adequate standard of living;

While the education section of 31(a) sets out the actions that the State have taken it does not acknowledge that Traveller children and young people are four times more likely to attend schools in the Delivering Equality of Opportunity in Schools (DEIS) programme than non-DEIS schools, and the number of Travellers receiving support in non-DEIS schools has declined.⁹⁷ Census data shows that while nearly 90 per cent of people aged 15 to 19 in the general population were still in education in 2016, only one in two in the Traveller population were, representing a slight improvement on the 2011 figures.⁹⁸

Comprehensive data on Roma children and young people is lacking, however, recent analysis highlights that the number of Roma children attending mainstream and special primary school classes has increased across the 2016 to 2018 period.⁹⁹ Given the absence of accurate population numbers, the proportion of Roma children attending primary or secondary school is not available. Aligned to this, the marginalisation of Traveller and Roma culture within the Irish education system adversely affects young people's sense of belonging and place.¹⁰⁰ A review of the position of Traveller history and culture in the school curriculum undertaken by the National Council for Curriculum and Assessment concluded that 'the dissonance between the social, linguistic and cultural environments of the home and school can account for disaffection' which is then compounded by conscious and unconscious bias against Travellers in the school community.¹⁰¹ Furthermore, the 2010 *All Ireland Traveller Health Study* highlighted that reluctance amongst the community to continue in mainstream education was because of the high level of discrimination they faced when seeking employment following education.¹⁰² For Roma children, insufficient English language and literacy support can compound experiences of bullying and marginalisation at school.¹⁰³

⁹⁷ Department of Children and Youth Affairs, *Statistical Spotlight #4, Young Travellers in Ireland* (DCYA 2020)28.

⁹⁸ Communication received by the Children's Rights Alliance from the Department of Children, Equality, Disability, Integration and Youth, 1 February 2021.

⁹⁹ Department of Children and Youth Affairs, *Statistical Spotlight #4, Young Travellers in Ireland* (DCYA 2020)44.

¹⁰⁰ Kathleen Marie Lawrence, *Traveller outcomes in education: A Traveller perspective* (Maynooth University 2017); Pavee Point & Department of Justice and Equality, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018).

¹⁰¹ National Council for Curriculum and Assessment, *Traveller culture and history in the curriculum: a curriculum audit* (NCCA 2019) 61.

¹⁰² Department of Justice and Equality, *The National Traveller and Roma Inclusion Strategy 2017–2021* (Department of Justice and Equality 2017) 12.

¹⁰³ Pavee Point & Department of Justice and Equality *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 115.

In relation to housing the draft State report does not include any reference to the Ombudsman for Children's investigation report, *No End in Site*, which found serious and significant failings on the part of a Cork Local Authority, and where 66 children were found to be living in extremely overcrowded and rodent-infested accommodation without adequate heat, sanitation or safe play areas. Instead, they were playing amongst rubbish which hadn't been removed, arriving to school with dirty clothes and shoes because the route they took was muddy and full of water.¹⁰⁴

The Ombudsman for Children highlighted the abject failure of the Local Authority to consider the best interests of children, living on the site, including those with additional needs. Unfortunately, the halting site investigated in this report is not an isolated incident.

The State report should include the latest available statistics supplied to the National Traveller Accommodation Consultative Committee on the number of Traveller families with children living in Local Authority halting sites, unauthorised halting sites or who are living in overcrowded conditions.

A lack of resources is often cited as a reason that so many continue to experience persistent poverty and social exclusion. However, Traveller children have been subjected to Government decisions such as the significant reduction in the spending allocation for the Traveller Accommodation Programmes from €120 million (2000-2004) to €33 million (2014-2018).¹⁰⁵ The State report should reference the budget allocations to Traveller specific accommodation and the failure of local authorities to drawdown and spend this money on culturally appropriate accommodation.

¹⁰⁴ Ombudsman for Children, No End in Site (OCO 2021) < [No-End-in-Site-FINAL-.pdf \(oco.ie\)](#)> accessed 10 November 2021.

¹⁰⁵ independent Expert Group on behalf of the Minister of the Department of Housing, Planning and Local Government, *Traveller Accommodation Expert Review*, Department of Housing Planning and Local Government 2019, 41.