

Speech by the Minister for Children and Youth Affairs, Barry Andrews, T.D.

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Children's Rights – Are we there yet?

The gathering of such an esteemed group of experts on children's rights from home and abroad is testament to the work and dedication of the Children's Rights Alliance. Today's programme boasts speakers from as far a field as California, the UK and indeed the UN. The attendance of our President Mary McAleese, this afternoon is further proof of the depth and breadth of debate that will reverberate throughout the day. All will bring their expertise to this forum with the expressed intention of providing guidance to Government and wider society as to how we should support, nurture and cherish our children.

Just prior to addressing the specific issues of children's rights in the strict legal sense, I would like to paint a picture of a child in Ireland today. Of course, there is no homogenous child, who in of themselves encapsulates a generation, but through the work of the Research Division of my office, the Office of the Minister for Children and Youth Affairs, we have, through the State of the Nation's Children publications, been able to sketch trends and patterns in the lives of Irish children. The findings are not just insightful; they challenge our own prejudices and preconceived notions. They confront the common portrayal of teenage children, in particular, in the mainstream media as troublesome teens, boozed up and drugged up. That is not to deny the evidence of alcohol and substance abuse; of that there can be not doubt. However, it is far too simplistic to brand an entire generation or cohort in such exaggerated terms.

A typical child in Ireland today is happy, healthy, doing well at school, has three or more friends, is well behaved, is materially well off, gets on well with their parents (particularly their mother) and will live for, on average, seven years longer than a child born in the 1960s.

This statement is not conjecture; it is not rhetoric; it is not speculation and it is not built on any single interpretation. It is based on the facts which are available and accessible to anyone who has an interest in following it up in more detail. Further, it is based not on a single summary statement but on trends over time and on international comparisons.

Here are some facts about children's health outcomes and the health services available to them:

- The death rate of children under 18 years has declined from 5.1 deaths per 10,000 in 2002 to 3.8 deaths per 10,000 in 2006.
- The death rate for infants has declined over the same period.
- Breast-feeding rates have increased from 40% in 2001 to 48% in 2005 and this is important because we know from the research that babies that are breast fed show better outcomes, lower levels of infections, lower levels of obesity and allergies than those who are not breast-fed.
- Immunisation rates (of the 3 in 1 for babies) increased from 85% in 2003 to 92% in 2007.

We have recently been evaluated by the CRA under the heading “safeguarding childhood”. Just to briefly touch on some of the facts:

- 91% of Irish children report being happy with their lives and this finding is consistent across a number of studies including, for example, a recent poll commissioned by Barnardos where young people were asked to rate their level of happiness on a scale of 1-10.
- Irish children aged 11, 13, 15 ranked first across 41 countries in the percentage of children who report being physically active for at least 60 minutes per day on 4 days per week (59.2%). .
- Teenage pregnancies are falling.

The findings from the ESPAD survey published last week show that the percentage of young people who reported to have consumed alcohol in the previous month had decreased from 73% in 2003 to 58% in 2007.

This same study showed that there has been a significant fall in the number of students who have tried cannabis at some stage in their lives and this decreased from 39% in 2003 to 20.3% in 2007.

The facts can be very difficult to discern because there is a tendency to portray children and young people in the media and elsewhere in a negative light. Despite the fact that the European School Survey Project on Alcohol and Other Drugs (ESPAD) showed many very positive findings around children’s alcohol and drug behaviours, some newspapers ran banner headlines, which portrayed the findings as being very negative.

This type of approach leads to very negative stereotyping of young people and this is something the young people themselves find very upsetting and discriminatory. That is not to say that everything is rosy in the garden or that everything is perfect in children’s lives. But if you want to gauge how children are doing, surely you have to benchmark it in some way against where we have come from, on the pathway they are on and how we compare with our international colleagues.

Increasingly, there appears to be a strong temptation to try and represent children's lives in a single statistic or summary statement. We have seen a number of attempts to do this – more recently a report on early childcare published by UNICEF where, unfortunately, out of date figures presented in respect of child and infant mortality and the level of low birth weight infants born in Ireland meant that Ireland was incorrectly placed last in terms of child care. I think it is very hard to argue that Ireland has not invested in childcare given that some €1 billion has been spent on capital, staff and quality enhancement since 2000. In total, we are confident that 70,000 childcare places will be in place by the end of the current NCIP.

Children's education

We are all aware of the special reference to the provision of education in our Constitution. Article 40 clearly articulates the responsibilities that fall on the State in terms of providing a primary level of education to all children. The Education Welfare Act, 2000 raises that responsibility further stipulating that the minimum school leaving age is 16, or the completion of three years of post-primary education, whichever is the later.

While I fully accept that we have a distance to travel in respect of school completion rates and support for children who drop out of mainstream education, there are success in Irish education.

Our literacy rates are consistently very good. Irish children are ranked 5th in reading literacy across 29 OECD countries;

Though not as impressive as the literacy performance, Irish children performed solidly in maths - 16th out of 30.

When I am asked, "what did we do with the boom", I have no hesitancy in pointing to our investment in education. We have financed the largest investment programme in school buildings since the 1960s and have continued to invest resources in teacher's professional development and facilities that support students' extra curricular activities.

The real challenge facing any society be it the developed or developing world is how we treat our children who are at risk of poverty, abuse be it physical, emotional or sexual, those children who are placed in the care of the State and children who come to our country as unaccompanied minors.

I am heartened that the most recent findings from the EU-SILC survey shows a significant and very welcome decrease in the levels of consistent and relative poverty in the child population. The consistent poverty rate has decreased from 10.3% to 7.4% between 2006 and 2007 and in the relative poverty rate from 22% to 20% over the same period.

I have, since being appointed to office, repeatedly stated that my number one policy priority is to reform the delivery of children's services to children in care or indeed children facing the risk of neglect and abuse. While both the Government as a whole, and myself as the Minister

responsible, are working to meet this challenge, it is worth re-iterating that it is the responsibility of each and every individual in Ireland to play their part in protecting our children from harm. Child welfare and protection is a major concern for everyone in society not just those individuals who work in these services and this message needs to be sent out clearly.

There have been many reports pointing to the failing of “out of hours” care provision for children. I am glad to say that the HSE is currently putting a system in place which provides for access by Gardai (when they take a child to safety under Section 12 of the Childcare Act, 1991) to strategically located foster carers nationwide. Foster families are currently being recruited for this service, which will be operational by June of this year. While the service does not purport to be an out of hours social work service, it is another building block towards the development of an out of hours infrastructure. It will provide a place of safety to children at risk and should put an end to the unacceptable practice of children spending nights in Garda stations.

We are starting to provide suitable accommodation for separated children seeking asylum. The move away from inappropriate hostel based accommodation to registered residential homes and foster care is a step in the right direction. We must give effect to the stated policy ambition of treating all children in the care of the HSE equally whether they be separated children seeking asylum or Irish children in care. As regards children who go missing from care, new national protocols have been drafted and are being finalised between the HSE and An Garda Síochána.

On another front, an essential element of the National Children’s Strategy is participation and giving children a voice and role in policy formulation. Through Dáil na nÓg and the Inclusion Programme run by the OMCYA young people are being invited to participate in real issues such as mental health, cervical cancer vaccination, sexual education and many other subjects that challenge and inform Government. Since December 2007, an “Inclusion Programme”, which specifically targets “marginalised” or “hard to reach” children has greatly assisted the widening of youth participation in decision making.

Our children want to engage with their peers, parents and wider community to help shape society. We’ve always thought that we are a communicative people. The research bears this out.

Almost 90% of Irish children report to have three or more friends. Ireland ranks 7th across 41 countries who took part in the HBSC study and we know from the research that good relationships with peers can help develop skills such as empathy, communication, co-operation and the management and resolutions of conflicts. It can also provide a supportive context in which emotional growth and moral development can occur.

Almost 80% of young people find it easy to talk to their mothers and 60% find it easy to talk to their fathers. Again, the findings from the Barnardos' poll show good relationships between parents and children and on a scale of 1-10 only 2% rated their relationship below 5.

Finally, I would like to touch on the constitutional debate that revolves around the inclusion of a specific clause or reference that would enshrine children's rights. Obviously, the legislative basis that gives legal effect to Children's Rights has been greatly strengthened over the last 20 years with a number of Acts, most notably the Childcare Act 1991 and the Children Act 2001. Increasingly, international law and jurisprudence in respect of children's rights has come to influence the way in which we interpret our own laws and the direction of any future legislative or constitutional development.

In general, our Constitution strikes balances between personal rights, the status of the family, the rights and duties of parents, and the powers of the State as guardian of the common good. However, there have for some time been calls for constitutional change. The need for constitutional change was first voiced by Judge Catherine McGuinness. Her Report on the Kilkenny Incest Investigation found that "the high emphasis on the rights of the family in the Constitution may consciously or unconsciously be interpreted as giving higher value to the rights of parents than the rights of children". Judge McGuinness presented her report to the then Minister for Health, Brendan Howlin in 1993. The matter was then addressed by the Constitution Review Group which reported in 1996. More recently, the then Minister for Children, Brian Lenihan published the twenty-eighth Amendment of the Constitution Bill in February 2007 and subsequently led to the establishment of the Joint Committee on the Constitutional Amendment on Children, chaired by Deputy Mary O'Rourke.

To date, the primary work of the Committee has focused on the publication of an interim report on the issue of "soft information" and the matter of the granting of legal authority to create offences of absolute or strict liability in respect of sexual offences in the criminal justice process. The Chairperson is confident that a second interim report on the issue of strict and absolute liability will be published before the month's end and the Committee can then focus on the specific issue of children's rights. This week following a request by the Committee, the Government granted an extension to enable the Committee complete its work by October 16th. Despite some perceptions, the Government has made no decision on the question of whether or not to have a referendum. I have consistently stated that the Government will await the final report of the Oireachtas Committee before making any decision in relation to legislation on constitutional amendment. The job of the Committee has been to build consensus on what has proven to be a number of very difficult legal issues. That is the process that has been agreed and the one to which the Government intends to stick.

You will be aware that the National Children's Strategy 2000-2010 is the key driver of our vision for children in Ireland. The main challenge of the Strategy is to bring about joined up services for children across Ireland. We are learning how to work in an effective way through four Children's Services Committees in Donegal, Limerick, South Dublin and Dublin City. We are trying to provide for our children and young people a good quality of life and appropriate services when needed. In order to achieve this, we need to work more strategically and we are determined to extend this effort across six more counties in 2009.

Finally, I thank you again for the invitation to address this conference and wish you all the best in your deliberations today. I look forward to reading a report of the day's proceedings.

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