



**Ombudsman for Children's Office**  
**Ireland**

**Submission to the 39<sup>th</sup> session of the Universal Periodic Review Working  
Group**

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**Ombudsman for Children's Office (OCO)**

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## Ombudsman for Children's Office Ireland

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#### Human Rights Council

November 2021

1. The Ombudsman for Children's Office (OCO) is an independent human rights institution which was established in 2004 under primary legislation<sup>1</sup> to promote and monitor the rights and welfare of children in Ireland. The Ombudsman for Children is appointed by the President of Ireland on the nomination of the Oireachtas (Parliament) and is directly accountable to the Oireachtas. Since the OCO was established, we have dealt with over 20,900 complaints regarding the administrative actions of public bodies, schools and hospitals and have frequently submitted advice on legislative proposals concerning children's rights and welfare. In discharging our statutory duties, we work to ensure that Ireland complies with its human rights obligations in relation to children.

2. This submission has been prepared in light of trends in complaints received by the OCO; the outcome of OCO investigations; the OCO's engagement with international human rights monitoring mechanisms; the OCO's advice on legislative and public policy proposals affecting children's rights; the OCO's work to consult with and highlight the concerns of children; and research undertaken.

#### I. BACKGROUND AND FRAMEWORK

##### A) Scope of international obligations

3. Ireland's ratification of the UN Convention on the Rights of Persons with Disabilities in 2018 and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2020 are welcome. However, the OCO is concerned about the State's delay in ratifying other major international human rights treaties and instruments, including the Optional Protocol to the UN Convention on the Rights of the Child (UNCRC) on the sale of children, child prostitution and child pornography. Notwithstanding the State's indications that it met all legal requirements to ratify this Protocol in 2019,<sup>2</sup> and that preparations to ratify the Protocol were at an advanced stage in 2019<sup>3</sup> and 2020,<sup>4</sup> the State has not yet done so. As recommended by UN Member States in Ireland's previous UPR examinations,<sup>5</sup> **the State should ratify the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography without further delay.**

##### B) Constitutional and legislative framework

4. Positive developments since 2016 include the commencement in full of the Children First Act

2015, amendment of the Family Law Act 1995 to remove an exemption to 18 being the minimum legal age for marriage, and enactment of the Education (Admission to Schools) Act 2018. However, Ireland's legal framework concerning children and their rights remains deficient, including in key areas of housing, mental health, and disability. Having regard to the recommendation made during Ireland's previous UPR examination to fully respect children's rights in accordance with the UNCRC,<sup>6</sup> **the State should carry out a comprehensive assessment of the extent to which legislation affecting children's rights complies with its obligations under the UNCRC and take all necessary measures to incorporate the UNCRC fully into Irish law.**

### **C) Institutional and human rights infrastructure**

5. In April 2017, we received clarification that the OCO's statutory complaints remit extends to children and families seeking international protection and living in state-provided accommodation, known as the Direct Provision system.<sup>7</sup> We are concerned, however, that gaps remain in the State's independent, statutory complaints-handling framework, including the absence of an independent, statutory mechanism for complaints relating to the administration of the international protection process and the administration of State-funded early years child care services. **The State should address gaps in its independent, statutory complaints-handling framework concerning children.**

6. Since 2012, the OCO has delivered an education programme for students in tertiary education planning to work with children to develop their understanding of children's rights and encourage child-centred practice and decision-making. Our experience indicates that a majority of these students receive limited education on working within a child rights framework. Furthermore, our engagement with public bodies indicates that understanding among civil and public servants of children's rights and implementing a child rights approach needs to be strengthened. **The State should improve the capacity of legislators, policy makers, and relevant professional groups and service providers to give appropriate consideration to children's rights and to take a child rights approach to actions and decisions affecting children.**

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A) Child welfare and protection**

7. The OCO welcomes the commencement in full of the Children First Act 2015 and the publication of the Children First National Guidance for the Protection and Welfare of Children in 2017. The number of child protection and welfare referrals to the Child and Family Agency (Tusla) increased from 47,399 in 2016 to 56,561 in 2019.<sup>8</sup> Most recent data indicate that 61,451 referrals were made in the year up to November 2020.<sup>9</sup> Given the consistent increase in child protection referrals, the

State needs to allocate sufficient resources to Tusla. We are of the view that **the State should review the impact of child protection legislation on its capacity to protect children from abuse and neglect and provide sufficient human, technical and financial resources to enable Tusla to respond to child protection referrals in a timely, appropriate and effective manner.**

8. We welcome the enactment of the Domestic Violence Act 2018 and the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence. The OCO is concerned about the rise in reports of domestic violence against children, particularly during the Covid-19 pandemic,<sup>10</sup> and the lack of national statistics, guidelines and sufficient services regarding children impacted by domestic violence. **The State should ensure that children who are victims of and/or witnesses to domestic violence have timely access to appropriate services, including refuge accommodation, rehabilitation services and child-sensitive redress.**

9. We welcome the ongoing review since 2017 of the Child Care Act 1991.<sup>11</sup> Complaints examined by the OCO highlight concerns regarding provision for children in alternative care and aftercare, including: inappropriate placements; inadequate care planning; variation in service provision; and inconsistency in considering children's best interests and views. Of particular concern are deficits in interagency coordination between State agencies in providing supports for children with special needs requiring care, which were borne out in two recent OCO investigations.<sup>12</sup> **The State should adopt measures to ensure that appropriate and timely care placements and supports are available to all young people who need them, including through strengthened interagency coordination of services for children in care who have disabilities or mental health needs.**

## **B) Child justice**

10. Since 2006, the age of criminal responsibility has been set at 12 for most offences and 10 for certain serious offences under the Children Act 2001, as amended by the Criminal Justice Act 2006. Notwithstanding recommendations by the OCO, the UN Committee on the Rights of the Child (the UNCRC Committee),<sup>13</sup> Ireland's Special Rapporteur on Child Protection,<sup>14</sup> and past UPR recommendations,<sup>15</sup> the age of criminal responsibility has remained unchanged. **The State should proceed with its review of the Children Act 2001,<sup>16</sup> including the age of criminal responsibility, with a view to raising the minimum age in line with the UNCRC Committee's recommendations, and ensure that the review is conducted in consultation with stakeholders, including children.**

11. We welcome the publication of a draft Youth Justice Strategy 2020-2026. The OCO's direct engagement with young people detained in Oberstown Children Detention Campus has highlighted the importance of children receiving information about supports before their release from detention

and receiving the supports they need upon release.<sup>17</sup> **The State should provide timely, appropriate and coordinated supports for children leaving detention and ensure the effective delivery of such supports.**

### **C) Asylum and immigration**

12. The OCO welcomes the Government's commitment to a new long-term approach to international protection and its publication of the White Paper to end Direct Provision.<sup>18</sup> During our consultation with children in Direct Provision, children raised concerns about delays in the asylum application process; racism, bullying and discrimination; overcrowded living space and insufficient privacy; lack of facilities for play and recreation; and isolation from their peers and local community.<sup>19</sup> **Actions taken by the State to reform the international protection system, including through implementation of the White Paper, must ensure a child-centred, rights-based approach to the provision of accommodation and supports to asylum-seekers and refugees.**<sup>20</sup>

13. The OCO is concerned about barriers that undocumented children, stateless children and separated children in care face in accessing citizenship.<sup>21</sup> We welcome the Government's commitment to create pathways for undocumented people to regularise their status. **The State should ensure that undocumented children, stateless children and separated children in care have access to citizenship, including through establishing a statelessness determination procedure and supporting timely applications for international protection or appropriate immigration status.**

### **D) Traveller and Roma children**

14. While the OCO welcomes the National Traveller and Roma Inclusion Strategy 2017-2021, we are concerned about delays in implementing this Strategy<sup>22</sup> given the serious challenges these children face, including inadequate and unsafe living conditions,<sup>23</sup> higher levels of Traveller infant mortality compared to the general population,<sup>24</sup> lower rates of education completion,<sup>25</sup> and significant levels of deprivation among Traveller and Roma children.<sup>26</sup> The Government has committed to reviewing the Strategy and ensuring its successor has a stronger focus on outcomes. **The State should progress implementation of the Strategy and an evaluation of its impact on and outcomes achieved for Traveller and Roma children.**

### **E) Children with disabilities**

15. The OCO welcomes the National Disability Inclusion Strategy 2017-2020, the Education (Admission to Schools) Act 2018, which empowers the Minister for Education to compel a school to open a special class, and the expansion of the Access and Inclusion Model, which supports children

with disabilities at pre-school. We have serious concerns about multiple barriers faced by children with disabilities, including: significant delays in accessing an assessment of their needs and receiving services; difficulties accessing and maintaining school placements; inadequate coordination between State agencies; inadequate funding for necessary aids and appliances; and challenges in provision of home nursing supports, suitable housing and school transport. Among other measures, **the State should strengthen coordination and improve resource allocation to address the rights and needs of children with disabilities.**<sup>27</sup>

#### **F) Child poverty**

16. Although the rate of children living in consistent poverty declined from 10.9% in 2015 to 7.7% in 2018, it increased to 8.1% in 2019.<sup>28</sup> The Government has acknowledged that the national target of lifting 70,000 children out of consistent poverty by 2020 would not be met.<sup>29</sup> The OCO is concerned that over 92,000 children are living in consistent poverty and that certain groups continue to be disproportionately affected by poverty,<sup>30</sup> including children in one-parent families,<sup>31</sup> Traveller and Roma children,<sup>32</sup> migrant children and children in Direct Provision.<sup>33</sup> The Government's commitments in this regard, including to establish a new target to lift children out of consistent poverty by 2025,<sup>34</sup> to address food poverty,<sup>35</sup> and to provide for a living wage,<sup>36</sup> are welcome. **The State should work systematically towards eliminating child poverty, with particular reference to children most at risk of poverty, including through the establishment of an action plan and timelines to implement, monitor and review the effectiveness of poverty reduction measures.**

#### **G) Homelessness**

17. Homelessness among children has increased significantly since 2014.<sup>37</sup> The Government's commitment to hold a referendum on a right to housing is welcome, considering the lack of progress to date in providing legal underpinning for the right to adequate housing. **The State should progress a referendum on enumerating a right to housing in the Constitution as a matter of priority.**

18. While the recognition that homeless families with children require a different approach is welcome, we are very concerned about the challenges faced by homeless families in accessing appropriate accommodation and supports.<sup>38</sup> Children and families living in Family Hubs (purpose built or specifically adapted premises to house homeless families with children) reported many challenges to the OCO, including the negative impact on family life and on children's development and mental health.<sup>39</sup> **The State must ensure that housing supports provided to homeless families with children are appropriate to their needs, including by strengthening legislation to require housing authorities to provide appropriate accommodation and supports to homeless families**

**with children and ensuring emergency accommodation complies with national standards and is subject to independent inspection.**

#### **H) Health**

19. Waiting times for treatment and procedures are consistent concerns raised with the OCO.<sup>40</sup> We are seriously concerned that already significant hospital waiting lists for children have increased further in the context of Covid-19. In this regard, the number of children waiting more than 12 months for a hospital appointment increased by over 70% between December 2019 and September 2020.<sup>41</sup> **The State should strengthen timely access to healthcare services for all children, including through the establishment of child-specific waiting lists with maximum waiting times.**

20. We welcome the updated national mental health policy, Sharing the Vision, though it falls short of the OCO's recommendation to establish a dedicated, cross-sectoral national policy framework on children's mental health.<sup>42</sup> We have serious concerns about mental healthcare provision for children and protracted delays in progressing amendments to the Mental Health Act 2001.<sup>43</sup> Waiting lists for Child and Adolescent Mental Health Services (CAMHS) remain high, and have been exacerbated in the context of the Covid-19 pandemic: as of December 2020, 2,736 children were waiting for an appointment,<sup>44</sup> representing an 18% increase since December 2019.<sup>45</sup> We are also concerned that the practice of admitting children to adult psychiatric units continues.<sup>46</sup> **The State should ensure that Ireland's mental health system upholds children's right to the highest attainable standard of mental health, including through investment in sufficient and appropriate CAMHS, out-of-hours facilities and inpatient units for children and young people.**

#### **I) Education**

21. The OCO welcomes the Education (Admission to Schools) Act 2018, which removes significant barriers facing certain children in accessing a school place, including on the grounds of religion. We are concerned about educational disadvantage certain groups of children continue to face, including homeless children, children with disabilities, Traveller children, children seeking asylum, children in care, and children in one-parent families. Among concerns brought to the OCO's attention through our work are: delays in placing children living in Emergency Reception and Orientation Centres for refugees in recognised schools; inappropriate and disproportionate use of reduced timetables for certain groups of children;<sup>47</sup> and the lack of a framework to monitor schools with higher rates of suspension or permanent exclusion. We are seriously concerned about the disproportionate adverse effects that school closures during Covid-19 have had on children with disabilities and children with disadvantaged backgrounds.<sup>48</sup> **The State should comprehensively address root causes of**



**educational disadvantage and support access, attendance, participation, completion and attainment in education by specific groups of children who are known to face barriers in this regard.**

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

#### **A) Budget**

22. Recent annual budgets have included some new or improved budgetary measures directed towards children. However, work on exploring the development of cross-Government estimates for expenditure on children has not been completed and steps have not been taken to expand the existing integrated social impact assessments framework to include child impact assessments of fiscal and budgetary decisions, in line with UNCRC Committee recommendations.<sup>49</sup> With an estimated €19 billion budget deficit for 2020,<sup>50</sup> the need for child rights-based measures to ensure that children's rights are being fulfilled to the maximum extent of the State's available resources is particularly acute, given the significant challenges that the State faces in mitigating the adverse socio-economic effects of the Covid-19 pandemic. **The State should ensure its processes for allocating, monitoring and assessing resources for children are sufficiently aligned with a child rights approach.**

#### **B) The impact of Covid-19 measures on children and their rights**

23. This submission has been prepared in the context of the Covid-19 pandemic and the State's implementation of restrictions to control the pandemic. Complaints made to the OCO and our engagement with children, families and professionals highlight the serious adverse effects of Covid-19 measures on children's lives in Ireland, including as regards their education, health, development, protection from violence and abuse, freedom from poverty and exclusion, and engagement in play and recreational activities. We are particularly concerned that Covid-19 measures have exacerbated existing challenges faced by certain groups of children, including children experiencing homelessness and poverty, children with mental health difficulties, children with disabilities, Traveller and Roma children, and children living in Direct Provision.<sup>51</sup> Having regard to the UNCRC Committee's recommendations, **the State should ensure children's rights are protected in its response to the Covid-19 pandemic and ensure that any regressive measures adopted in response to the Covid-19 pandemic are necessary, reasonable, proportionate, non-discriminatory and temporary and that any rights affected be restored as soon as possible.**<sup>52</sup>

[Word count excluding cover page and endnotes: 2,755 words]

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<sup>1</sup> Ombudsman for Children Act 2002, as amended. Available at: [www.irishstatutebook.ie/eli/2002/act/22/enacted/en/index.html](http://www.irishstatutebook.ie/eli/2002/act/22/enacted/en/index.html).

<sup>2</sup> Government of Ireland, *Ireland joining international stand against sale of children, child pornography and child prostitution*, Press release, 2 January 2019, [https://merriionstreet.ie/en/news-room/releases/ireland\\_joining\\_international\\_stand\\_against\\_sale\\_of\\_children\\_child\\_pornography%C2%A0and\\_child\\_prostitution.html](https://merriionstreet.ie/en/news-room/releases/ireland_joining_international_stand_against_sale_of_children_child_pornography%C2%A0and_child_prostitution.html).

<sup>3</sup> Dáil Éireann Debate, Written Answers – UN Convention on the Rights of the Child, 47416/19 (19 November 2019). Available at: [www.oireachtas.ie/en/debates/question/2019-11-19/570](http://www.oireachtas.ie/en/debates/question/2019-11-19/570).

<sup>4</sup> Government of Ireland, *Universal Periodic Review: Ireland National Interim Report Part 2* (2020) at p. 6. Available at: [https://lib.ohchr.org/HRBodies/UPR/Documents/session25/IE/UPR\\_Interim\\_Report2020\\_PartII.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/session25/IE/UPR_Interim_Report2020_PartII.pdf).

<sup>5</sup> Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Ireland* (2011), UN Doc. A/HRC/19/9 at para. 106.6. Available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/19/9&Lang=E>; Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Ireland* (2016), UN Doc. A/HRC/33/17 at paras. 135.4-135.5, 135.26-135.34, 136.2-136.3. Available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/33/17&Lang=E>.

<sup>6</sup> Human Rights Council (2016), *supra* note 5 at para. 135.90. See also: UN Committee on the Rights of the Child, *Concluding observations on the combined third and fourth periodic reports of Ireland* (2016), UN Doc. CRC/C/IRL/CO/3-4 at paras. 8-11. Available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRL%2fCO%2f3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRL%2fCO%2f3-4&Lang=en).

<sup>7</sup> Ombudsman for Children's Office, *Direct Division: Children's views and experiences of living in Direct Provision* (2020) at p. 9. Available at: [www.oco.ie/directdivision/direct-division-report](http://www.oco.ie/directdivision/direct-division-report).

<sup>8</sup> Tusla, *Quarterly Service Performance and Activity Report, Quarter 1 2018* (2018) at p. 3. Available at: [www.tusla.ie/uploads/content/Q1\\_2018\\_Service\\_Performance\\_and\\_Activity\\_Report\\_Final.pdf](http://www.tusla.ie/uploads/content/Q1_2018_Service_Performance_and_Activity_Report_Final.pdf); Tusla, *Quarterly Service Performance and Activity Report: Quarter 1 2020* (2020) at p. 3 and p. 11. Available at: [www.tusla.ie/uploads/content/Q1\\_2020\\_Service\\_Performance\\_and\\_Activity\\_Report\\_V1.0.pdf](http://www.tusla.ie/uploads/content/Q1_2020_Service_Performance_and_Activity_Report_V1.0.pdf).

<sup>9</sup> Tusla, *Monthly Service Performance and Activity Report: November 2020* (2021) at p. 4. Available at: [www.tusla.ie/uploads/content/Monthly\\_Service\\_Performance\\_and\\_Activity\\_Report\\_Nov\\_2020\\_V1.0.pdf](http://www.tusla.ie/uploads/content/Monthly_Service_Performance_and_Activity_Report_Nov_2020_V1.0.pdf).

<sup>10</sup> In 2018, 2,572 children received support from a domestic violence service. See: Safe Ireland, *Domestic Violence Abuse Services National Statistics 2018* (2019). Available at: [www.safeireland.ie/policy-publications](http://www.safeireland.ie/policy-publications). An average of 411 children received support from a domestic violence service each month between March and August 2020 in the context of lockdown measures adopted by the Government in response to the Covid-19 pandemic. The average number of children receiving such support each month increased to 550 children between September and December 2020. Included among the challenges reported during this period were difficulties in accessing therapeutic supports for children and lack of accommodation spaces. See: Safe Ireland, *Tracking the Shadow Pandemic: A report on women and children seeking support from Domestic Violence Services during the first 6 months of Covid-19* (2020) at p. 2 and pp. 12-13. Available at: [www.safeireland.ie/policy-publications](http://www.safeireland.ie/policy-publications); Safe Ireland, *Tracking the Shadow Pandemic – Lockdown 2: A report on women and children seeking support from Domestic Violence Services September 2020 – December 2020*

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(2021) at p. 3 and p. 13. Available at: [www.safeireland.ie/children-the-invisible-victims-in-the-shadow-pandemic-of-domestic-abuse](http://www.safeireland.ie/children-the-invisible-victims-in-the-shadow-pandemic-of-domestic-abuse).

<sup>11</sup> Ombudsman for Children's Office, *Department of Children and Youth Affairs – Review of the Child Care Act 1991: Submission by the Ombudsman for Children's Office* (2018). Available at: [www.oco.ie/app/uploads/2018/06/OmbudsmanforChildren\\_Submission\\_ReviewChildCareAct1991\\_23Feb2018.pdf](http://www.oco.ie/app/uploads/2018/06/OmbudsmanforChildren_Submission_ReviewChildCareAct1991_23Feb2018.pdf); Ombudsman for Children's Office, *Department of Children, Equality, Disability, Integration and Youth Review of the Child Care Act 1991 - July 2020 Consultation Paper: Observations by the Ombudsman for Children's Office* (2020). Available at: [www.oco.ie](http://www.oco.ie).

<sup>12</sup> Ombudsman for Children's Office, *Molly's case: How Tusla and the HSE provided and coordinated supports for a child with a disability in the care of the State* (2018). Available at: [www.oco.ie/library/mollys-case-tusla-hse-provided-coordinated-supports-child-disability-care-state](http://www.oco.ie/library/mollys-case-tusla-hse-provided-coordinated-supports-child-disability-care-state); Ombudsman for Children's Office, *Molly Two Years On: Have Tusla and the HSE delivered on commitments to children with a disability in the care of the State?* (2020). Available at: [www.oco.ie/library/molly-two-years-on](http://www.oco.ie/library/molly-two-years-on); Ombudsman for Children's Office, *Jack's Case: How the HSE and Tusla, the Child and Family Agency, provided for and managed the care of a child with profound disabilities* (2020). Available at: [www.oco.ie/library/ombudsman-for-children-launches-report-on-jacks-case](http://www.oco.ie/library/ombudsman-for-children-launches-report-on-jacks-case).

<sup>13</sup> UN Committee on the Rights of the Child, *List of issues prior to submission of the combined fifth and sixth reports of Ireland* (2020), UN Doc. CRC/C/IRL/QPR/5-6 at para. 31(a). Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRL%2fQPR%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fIRL%2fQPR%2f5-6&Lang=en); UN Committee on the Rights of the Child, *General comment no. 24 (2019) on children's rights in the child justice system* (2019), UN Doc. CRC/C/GC/24 at para. 22. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f24&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f24&Lang=en); UN Committee on the Rights of the Child, *supra* note 6 at para. 72(a).

<sup>14</sup> Conor O'Mahony, *Annual Report of the Special Rapporteur on Child Protection* (2020) at p. 151. Available at: [www.gov.ie/en/collection/51fc67-special-rapporteur-on-child-protection-reports](http://www.gov.ie/en/collection/51fc67-special-rapporteur-on-child-protection-reports).

<sup>15</sup> Human Rights Council (2011), *supra* note 5 at para. 108.3; Human Rights Council (2016), *supra* note 5 at para. 58 and paras. 136.27-136.28.

<sup>16</sup> Ombudsman for Children's Office, *Submission to the UN Committee on the Rights of the Child on the List of Issues Prior to Reporting for the fourth periodic examination of Ireland* (2020) at p. 28. Available at: [www.oco.ie/library/ombudsman-for-childrens-office-makes-submission-to-un-committee-on-the-rights-of-the-child](http://www.oco.ie/library/ombudsman-for-childrens-office-makes-submission-to-un-committee-on-the-rights-of-the-child); Government of Ireland, *16th National Report on the implementation of the European Social Charter submitted by the Government of Ireland* (2018) at p. 93. Available at: <https://rm.coe.int/16th-national-report-on-the-implementation-of-the-european-social-char/16808fdbdc>.

<sup>17</sup> Ombudsman for Children's Office, *Department of Justice and Equality – Consultation on a draft new Youth Justice Strategy 2020-2026: Submission by the Ombudsman for Children's Office June 2020* (2020) at pp. 5-6. Available at: [www.oco.ie/library/oco-submission-on-the-draft-new-youth-justice-strategy-2020-2026](http://www.oco.ie/library/oco-submission-on-the-draft-new-youth-justice-strategy-2020-2026); Ombudsman for Children's Office, *Submission to the UN Committee on the Rights of the Child on the List of Issues Prior to Reporting for the fourth periodic examination of Ireland* (2020) at p. 28. Available at: [www.oco.ie/library/ombudsman-for-childrens-office-makes-submission-to-un-committee-on-the-rights-of-the-child](http://www.oco.ie/library/ombudsman-for-childrens-office-makes-submission-to-un-committee-on-the-rights-of-the-child).

<sup>18</sup> Department of Children, Equality, Disability, Integration and Youth, *A White Paper to End Direct Provision and to Establish a New International Protection Support Service* (2021). Available at: [www.gov.ie/en/publication/7aad0-minister-ogorman-publishes-the-white-paper-on-ending-direct-provision](http://www.gov.ie/en/publication/7aad0-minister-ogorman-publishes-the-white-paper-on-ending-direct-provision).

<sup>19</sup> Ombudsman for Children's Office, *supra* note 7.

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<sup>20</sup> Ombudsman for Children's Office, *Department of Children, Equality, Disability, Integration and Youth – White Paper on international protection accommodation: Submission by the Ombudsman for Children's Office* (2020). Available at: [www.oco.ie](http://www.oco.ie).

<sup>21</sup> Samantha Arnold, *Pathways to Irish Citizenship: Separated, Stateless, Asylum Seeking and Undocumented Children* (2020). Available at: [www.oco.ie/news/road-to-irish-citizenship-for-non-national-and-non-citizen-children-long-and-complex-according-to-new-report](http://www.oco.ie/news/road-to-irish-citizenship-for-non-national-and-non-citizen-children-long-and-complex-according-to-new-report).

<sup>22</sup> Irish Traveller Movement, 'Four Years on From State Acknowledgement of Traveller's Ethnicity National Traveller Organisations call for Urgent Government Action to Address Traveller Equality', Press release, 1 March 2021, <https://itmtrav.ie/four-years-on-from-state-acknowledgement-of-travellers-ethnicity>.

<sup>23</sup> Pavee Point Traveller and Roma Centre and Department of Justice and Equality, *Roma in Ireland – A National Needs Assessment* (2018) at pp. 85-92. Available at: [www.paveepoint.ie/wp-content/uploads/2015/04/RNA-PDF.pdf](http://www.paveepoint.ie/wp-content/uploads/2015/04/RNA-PDF.pdf); Department of Housing, Planning and Local Government, *Traveller Accommodation Expert Review* (2019) at pp. 52-53. Available at: [www.paveepoint.ie/wp-content/uploads/2019/07/Expert-Review-Group-Traveller-Accommodation.pdf](http://www.paveepoint.ie/wp-content/uploads/2019/07/Expert-Review-Group-Traveller-Accommodation.pdf); European Union Agency for Fundamental Rights, *Roma and Travellers in Six Countries: Roma and Travellers Survey* (2020) at pp. 65-67. Available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-roma-travellers-six-countries\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-roma-travellers-six-countries_en.pdf); European Committee of Social Rights, *Follow-up to decisions on the merits of collective complaints: Findings 2020* (2021) at pp. 154-159. Available at <https://rm.coe.int/findings-ecrs-2020/1680a1dd39>.

<sup>24</sup> Department of Children and Youth Affairs, *Statistical Spotlight #4, Young Travellers in Ireland* (2020) at p. 10. Available at: [www.gov.ie/en/publication/c2a87f-the-statistical-spotlight-series](http://www.gov.ie/en/publication/c2a87f-the-statistical-spotlight-series).

<sup>25</sup> Irish Traveller Movement, *supra* note 22; Pavee Point Traveller and Roma Centre and Department of Justice and Equality, *supra* note 23 at pp. 113-116; Dorothy Watson, Oona Kenny and Frances McGinnity, *A Social Portrait of Travellers in Ireland* (2017) at pp. 29-34. Available at: <https://doi.org/10.26504/rs56>; Houses of the Oireachtas Joint Committee on Education and Skills, *Report on the Committee's Examination on the Progression of Travellers from Primary-, to Secondary- and Third-Level Education* (2019). Available at: [https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint\\_committee\\_on\\_education\\_and\\_skills/report\\_s/2019/2019-05-31\\_report-on-committee-s-examination-on-the-progression-of-travellers-from-primary-to-secondary-and-third-level-education\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_education_and_skills/report_s/2019/2019-05-31_report-on-committee-s-examination-on-the-progression-of-travellers-from-primary-to-secondary-and-third-level-education_en.pdf).

<sup>26</sup> Pavee Point Traveller and Roma Centre and Department of Justice and Equality, *supra* note 23 at pp. 60-64; European Union Agency for Fundamental Rights, *supra* note 23 at p. 75.

<sup>27</sup> Ombudsman for Children's Office, *Unmet Needs: A report by the Ombudsman for Children's Office on the challenges faced by children in Ireland who require an assessment of their needs* (2020). Available at: [www.oco.ie/library/ombudsman-for-children-launches-unmet-needs-a-report-on-the-challenges-faced-by-children-in-ireland-who-require-an-assessment-of-their-needs](http://www.oco.ie/library/ombudsman-for-children-launches-unmet-needs-a-report-on-the-challenges-faced-by-children-in-ireland-who-require-an-assessment-of-their-needs); Catriona Moloney, Clóna de Bhailís, Danielle Kennan, Carmen Kealy, Shivaun Quinlivan, Eilionóir Flynn and Jacqueline Phiri, *Mind the Gap: Barriers to the realisation of the rights of children with disabilities in Ireland* (forthcoming). Available at: [www.oco.ie](http://www.oco.ie).

<sup>28</sup> Central Statistics Office, *CSO Table SIA13 Income and Poverty Rates*. Available at: <https://data.cso.ie>.

<sup>29</sup> Dáil Éireann debate, Child Poverty: Motion (30 September 2020). Available at: [www.oireachtas.ie/en/debates/debate/dail/2020-09-30/2](http://www.oireachtas.ie/en/debates/debate/dail/2020-09-30/2).

<sup>30</sup> Department of Children and Youth Affairs, *Income, Poverty and Deprivation among Children - A Statistical Baseline Analysis* (2020) at p. 48. Available at: [www.gov.ie/en/publication/a1580-income-poverty-and-deprivation-among-children-a-statistical-baseline-analysis-july-2020](http://www.gov.ie/en/publication/a1580-income-poverty-and-deprivation-among-children-a-statistical-baseline-analysis-july-2020).

<sup>31</sup> *Ibid.*

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- <sup>32</sup> Pavee Point Traveller and Roma Centre, *Poverty and Traveller Children* (2016). Available at: [www.paveepoint.ie/wp-content/uploads/2017/04/Traveller-Children-and-Poverty\\_Briefing-Paper-2016.pdf](http://www.paveepoint.ie/wp-content/uploads/2017/04/Traveller-Children-and-Poverty_Briefing-Paper-2016.pdf); Pavee Point Traveller and Roma Centre and Department of Justice and Equality, *supra* note 23 at pp. 60-64; European Union Agency for Fundamental Rights, *supra* note 23 at p. 22 and p. 75.
- <sup>33</sup> Department of Children and Youth Affairs, *supra* note 30 at p. 8 and p. 48.
- <sup>34</sup> Government of Ireland, *Roadmap for Social Inclusion 2020 – 2025: Ambition, Goals, Commitments* (2020) at pp. 52-53. Available at: [www.gov.ie/pdf/?file=https://assets.gov.ie/46557/bf7011904ede4562b925f98b15c4f1b5.pdf#page=1](http://www.gov.ie/pdf/?file=https://assets.gov.ie/46557/bf7011904ede4562b925f98b15c4f1b5.pdf#page=1).
- <sup>35</sup> Government of Ireland, *Programme for Government: Our Shared Future* (2020) at p. 75. Available at: [www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future](http://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future); Government of Ireland, *Roadmap for Social Inclusion 2020 – 2025: Ambition, Goals, Commitments* (2020) at pp. 70-71. Available at: [www.gov.ie/pdf/?file=https://assets.gov.ie/46557/bf7011904ede4562b925f98b15c4f1b5.pdf#page=1](http://www.gov.ie/pdf/?file=https://assets.gov.ie/46557/bf7011904ede4562b925f98b15c4f1b5.pdf#page=1).
- <sup>36</sup> Government of Ireland, *Programme for Government: Our Shared Future* (2020) at p. 74. Available at: [www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future](http://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future).
- <sup>37</sup> Homelessness among children increased by almost 350% between July 2014 and March 2020. While there was a 30% reduction in the number of children accommodated in State-funded emergency accommodation between March and December 2020, the number of children in emergency homeless accommodation at the end of 2020 remained high. Most recent figures show that 2,326 children in 966 families were homeless as of January 2021, representing 28% of all people accessing State-funded emergency accommodation in Ireland. See Department of the Environment, Community and Local Government, 'Homelessness data', [www.gov.ie/en/collection/80ea8-homelessness-data](http://www.gov.ie/en/collection/80ea8-homelessness-data).
- <sup>38</sup> Ombudsman for Children's Office, *No Place Like Home: Children's views and experiences of living in Family Hubs* (2019). Available at: [www.oco.ie/library/no-place-like-home-childrens-views-and-experiences-of-living-in-family-hubs](http://www.oco.ie/library/no-place-like-home-childrens-views-and-experiences-of-living-in-family-hubs); Mercy Law Resource Centre, *Minority Groups and Housing Services: Barriers to Access* (2021). Available at: [https://mercylaw.ie/wp-content/uploads/2021/03/ML\\_2020\\_Minority-Groups-and-Housing-Services\\_Report\\_D6.pdf](https://mercylaw.ie/wp-content/uploads/2021/03/ML_2020_Minority-Groups-and-Housing-Services_Report_D6.pdf).
- <sup>39</sup> Ombudsman for Children's Office, *supra* note 38.
- <sup>40</sup> Children's Hospital Group Board and Ombudsman for Children's Office, *Joining the Dots: Connecting voices for child-friendly healthcare in hospital* (2018) at p. 8. Available at: [www.oco.ie/library/joining-the-dots-connecting-voices-for-child-friendly-healthcare-in-hospital](http://www.oco.ie/library/joining-the-dots-connecting-voices-for-child-friendly-healthcare-in-hospital); Ombudsman for Children's Office, *Waiting for Scoliosis Treatment: A Children's Rights Issue* (2017). Available at: [www.oco.ie/library/waiting-scoliosis-childrens-rights-issue](http://www.oco.ie/library/waiting-scoliosis-childrens-rights-issue).
- <sup>41</sup> Health Service Executive, *Performance Profile October – December 2019* (2020) at p. 46. Available at: [www.hse.ie/eng/services/publications/performance-reports/october-to-december-quarterly-report-2020.pdf](http://www.hse.ie/eng/services/publications/performance-reports/october-to-december-quarterly-report-2020.pdf); Health Service Executive, *Performance Profile July – September 2020* (2021) at p. 46. Available at: [www.hse.ie/eng/services/publications/performance-reports/performance-profile-july-september-2020.pdf](http://www.hse.ie/eng/services/publications/performance-reports/performance-profile-july-september-2020.pdf).
- <sup>42</sup> Ombudsman for Children's Office, *"Take My Hand": Young People's Experiences of Mental Health Services* (2018) at p. 28. Available at: [www.oco.ie/library/take-my-hand-young-peoples-experiences-of-mental-health-services](http://www.oco.ie/library/take-my-hand-young-peoples-experiences-of-mental-health-services).
- <sup>43</sup> *Ibid.*
- <sup>44</sup> D. Bermingham, "Concerns over 'tsunami' of child mental health issues" *Irish Examiner* (21 February 2021). Available at: [www.irishexaminer.com/news/arid-40230575.html](http://www.irishexaminer.com/news/arid-40230575.html).

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<sup>45</sup> Health Service Executive, *Management Data Report: December 2019* (2020) at p. 112. Available at: [www.hse.ie/eng/services/publications/performance-reports/december-2019-management-data-report.pdf](http://www.hse.ie/eng/services/publications/performance-reports/december-2019-management-data-report.pdf).

<sup>46</sup> Health Research Board, *Activities of Irish Psychiatric Units and Hospitals 2019 Main Findings* (2020) at p. 16. Available at [https://www.hrb.ie/fileadmin/2.Plugin\\_related\\_files/Publications/2020\\_publication-related\\_files/2020\\_HIE/NPIRS/Activities\\_of\\_Irish\\_psychiatric\\_units\\_and\\_hospitals\\_2019\\_main\\_findings.pdf](https://www.hrb.ie/fileadmin/2.Plugin_related_files/Publications/2020_publication-related_files/2020_HIE/NPIRS/Activities_of_Irish_psychiatric_units_and_hospitals_2019_main_findings.pdf).

<sup>47</sup> A reduced timetable is defined by the Department of Education as “a reduced day in school where, by arrangement with the school authorities, a student arrives to school after the usual starting time or leaves before the end of the school day, and/or, a reduced week where a student may not attend the full five days each week.” Department of Education, ‘Minister for Education and Skills invites education partners to give views on proposed guidelines on reduced timetables’, Press release, 23 September 2019, [www.education.ie/en/Press-Events/Press-Releases/2019-press-releases/PR19-09-23.html](http://www.education.ie/en/Press-Events/Press-Releases/2019-press-releases/PR19-09-23.html). See also: Children’s Rights Alliance, *Report Card 2021* (2021) at pp. 56-69. Available at: [www.childrensrights.ie/sites/default/files/Report-Card-23-Feb-2021.pdf](http://www.childrensrights.ie/sites/default/files/Report-Card-23-Feb-2021.pdf).

<sup>48</sup> Ombudsman for Children’s Office, ‘A statement by the Ombudsman for Children on possible closure of schools’, Press release, 5 January 2021, [www.oco.ie/news/a-statement-by-the-ombudsman-for-children-on-possible-closure-of-schools](http://www.oco.ie/news/a-statement-by-the-ombudsman-for-children-on-possible-closure-of-schools); Ombudsman for Children’s Office, ‘Statement from Office of Children’s Ombudsman following meeting with Minister for Education and Skills to discuss Leaving Certificate’, Press release, 7 May 2020, [www.oco.ie/news/statement-from-oco-following-meeting-with-minister-for-education-to-discuss-leaving-certificate](http://www.oco.ie/news/statement-from-oco-following-meeting-with-minister-for-education-to-discuss-leaving-certificate).

<sup>49</sup> UN Committee on the Rights of the Child, *supra* note 6 at paras. 15-16.

<sup>50</sup> Department of Finance, *Annual Report on Public Debt in Ireland 2020* (2021) at p. 9. Available at: [www.gov.ie/en/publication/291b8-annual-report-on-public-debt-in-ireland-2020](http://www.gov.ie/en/publication/291b8-annual-report-on-public-debt-in-ireland-2020).

<sup>51</sup> Ombudsman for Children’s Office, *Direct Division. Life in Lockdown: Children’s views and experiences of living in Direct Provision during the Covid-19 pandemic* (2020). Available at: [www.oco.ie/library/the-ombudsman-for-childrens-office-presents-life-in-lockdown-a-report-on-the-views-and-experiences-of-children-living-in-direct-provision-accommodation-during-the-covid-19-pandemic](http://www.oco.ie/library/the-ombudsman-for-childrens-office-presents-life-in-lockdown-a-report-on-the-views-and-experiences-of-children-living-in-direct-provision-accommodation-during-the-covid-19-pandemic); Merike Darmody, Emer Smyth and Frances McGinnity, *The Implications of the Covid-19 Pandemic for Policy in relation to Children and Young People: A Research Review* (2020). Available at: <https://doi.org/10.26504/sustat94>; Irish Centre for Human Rights, *Implications of COVID-19 pandemic on Roma and Travellers communities* (2020). Available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/ie\\_report\\_-\\_covid-19\\_impact\\_on\\_roma\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/ie_report_-_covid-19_impact_on_roma_en.pdf); Health Service Executive, *National Clinical Review on the Impact of Covid-19 Restrictions on Children and Guidance on Reopening of Schools and the Normalisation of Paediatric Healthcare Services in Ireland* (2020). Available at: [https://hse.drsteevenslibrary.ie/ld.php?content\\_id=33142467](https://hse.drsteevenslibrary.ie/ld.php?content_id=33142467); Children’s Rights Alliance, *supra* note 47.

<sup>52</sup> UN Committee on the Rights of the Child, *The Committee on the Rights of the Child warns of the grave physical, emotional and psychological effect of the COVID-19 pandemic on children and calls on States to protect the rights of children* (2020). Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/STA/9095&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/STA/9095&Lang=en); UN Committee on the Rights of the Child, *General comment No. 19 (2016) on public budgeting for the realization of children’s rights (art. 4)* (2016), UN Doc. CRC/C/GC/19 at para. 31. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f19&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f19&Lang=en).