



**United Nations Human Rights Council
Universal Periodic Review
25th Session (April/May 2016)
UPR of Ireland**

Introduction

1. This submission of Edmund Rice International (an NGO in consultative status with ECOSOC) is made on behalf of the Integration and Support Unit (ISU) in Waterford, part of the Edmund Rice Network in Ireland, and the Cork Life Centre, part of a loosely affiliated grouping of Education Centres, Schools and non-profit organisations within the Edmund Rice Network. The Life Centre is a voluntary organisation that offers a second chance at education to early-school leavers.

2. Since 2006 the ISU has served in excess of 4,000 Refugees, Asylum Seekers and other vulnerable migrants. ISU provides coordinated Outreach services; and includes Community Knowledge Workers, Roma and Resettlement Advocates, Research & Development and administrative staff.

3. The trained ISU workers are from different ethnic backgrounds and are able to identify with the people they deal with, using both their training and direct experience (many of them have experienced the asylum system themselves). ISU is in a unique position to deal with human rights issues within an holistic framework, and to competently address challenges encountered by Asylum Seekers, Refugees and marginalised members of Roma Communities in the Southeast region of Ireland.

4. The Cork Life Centre caters for children between the ages of 12-18 years who for various reasons have not thrived or coped in a mainstream educational setting. The Centre and its staff offer our students 1:1 tuition in the core Junior and Leaving Certificate subjects and supports them in their preparation for State Examinations. Through a holistic approach to education, the Centre endeavours to provide students with an open and accepting environment encouraging them to reach their full potential; to learn vital social and life skills; to develop positive trusting relationships with peers and staff; and to support them with issues and challenges they may face through the provision of counselling and through outreach work. The work of the Centre is not officially recognized as an alternative educational setting by the government, and is funded minimally by the Department of Education and Skills.

Human Trafficking

5. ISU is pleased to acknowledge the ratification of the Protocol to Prevent, Suppress and punish Trafficking in Persons, Especially Women and Children¹ however would urge that once it has been established that an individual is a victim of trafficking, appropriate protections and other social supports be available to the victim for as long as is required.

6. Case example #1:

Marisa from Romania has recently been identified as a victim of Trafficking for the sex industry. She was trafficked several years ago initially through another European State and then into Ireland. She has a child who has been placed into foster care. Marisa has been placed in to the Direct Provision (DP) system as there is no other place for her to go. She is living in fear of her traffickers, but also from other residents in the DP centre. She has only the clothes that she stands up in and has been wearing them for at least two weeks. As she does not meet Habitual Residency Conditions, Marisa is not entitled to social welfare supports to purchase clothing and other essential hygiene items. Access to other services e.g. health, English language or educational & vocational skills programmes, to access legitimate employment is limited because of HRC restrictions. In most cases victims of trafficking are not entitled to free medical care even though their needs are extremely high if they have been working in the sex industry. Without the interventions of NGOs at local level many of these victims would fall back into clandestine occupations due to their increased vulnerabilities and dearth of coordinated information, financial and social supports.*

Recommendation

It is recommended that:

1. Comprehensive support for victims of Human Trafficking is provided, including a safe place to reside, access to a range of general and critical health care, social and counselling services, assistance with repatriation or resettlement in Ireland (if unsafe to return home), family reunification, access to English language classes, education and employment opportunities.

Refugees and Asylum Seekers in Direct Provision Centres

7. Several recent reports have highlighted concerns surrounding children and families living in Direct Provision Centres:- the Health Information and Quality Authority (HIQA) report (2014)² and the report of the Government Working Group on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers.(2015)³ This Working Group Report displays a desire to improve the quality of life for all people living in Direct Provision and is welcomed by ISU.

8. The report outlines a strategy which would ensure priority for all people in Direct Provision for five years or more, and provide an improved processing system for Asylum Seekers and Refugees.

¹ United Nations, Committee for Economic, Social & Cultural Rights, E/c.12/IRL/CO/3 , 19TH June 2015 p.1

² <http://www.hiqa.ie/publications/draft-national-standards-special-care-units>

³ <http://www.justice.ie>

Recommendation

It is recommended that:

2. The recommendations of the Government Working Group report on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers, be fully implemented.

3. A series of Resettlement and Transition Programmes be developed in co-operation with local NGOs to ensure best outcomes for Asylum Seekers transitioning to the wider community; and appropriately funded.

Roma Population

9. The discrimination, social exclusion and segregation faced by the Roma population have been well documented.⁴ Roma particularly in the Southeast of Ireland, are severely marginalised, stigmatised, in danger of attack, and vulnerable. Issues linked to Roma children begging with adults in the city are of particular concern.

Case Example #2

10. Roma children came under the attention of Gardaí (National Police Service) and Tusla (Child and Family Agency) through accompanying parents begging in the City. Children were found to be living in extremely poor accommodation with limited access to heating, lighting, electricity and cooking facilities. Conditions were damp, overcrowded, without refuse collection facilities and only basic washing & toileting facilities. One family were living in a garden shed. Children were malnourished, with inadequate vaccinations, in poor health and not attending school. None were registered for GP or other medical services.

11. A range of supports were coordinated including access to medical cards, registering families for GP access, enrolling children in school, providing English language classes and sourcing food vouchers. Since the interventions of the ISU the children have now received vaccinations and malnourishment is no longer an issue. School enrolments are up, a Roma Information Clinic takes place in the ISU each Wednesday morning, and there is increased engagement in the services the ISU have to offer, including planning for programmes.

12. Access to social welfare and meeting Habitual Residency Conditions remains a major barrier for the Roma community in enabling them to feed their children, provide basic accommodation and access to critical health services. Landlords are uncooperative and unwilling to rent properties to Roma.

Recommendation

It is recommended that:

4. Steps are taken to ensure all Roma children and families have access to their most basic needs, housing, health, food, education and economic/employment advancement without prejudice.

⁴ <http://www.uni-mannheim.de/edz/doku/adr/2010/cdr-2010-0178-en.pdf>

Non-discrimination

13. The adoption of the Irish Human Rights and Equality Act and the establishment of the Irish Human Rights and Equality Commission in 2014 is acknowledged; however, equality is not always practiced.

14. Case Example #3:

Irish born children who are born within the Direct Provision system, or are part of the Roma community, do not have the same inalienable rights as indigenous Irish born children. Therefore they have no access to universal Family Allowance and do not enjoy the same privileges such as a play space, family time, appropriate living conditions etc. some are even deprived of extra-curricular activities at school because the cost.

Recommendation

It is recommended that:

5. All Irish born children are granted equal access to health, education, accommodation, food and social rights, including access to welfare payments.

15. Following the recent review of Ireland by the CESCR it was recommended that Ireland adopt comprehensive anti-discrimination legislation including all grounds for discrimination as in article 2, paragraph 2, of the Covenant.⁵

16. In practice targeted measures are needed for asylum seekers or members of the Roma community to access training and support towards employment. Whilst placement agencies state that programmes are open to all, with additional supports such as English language, basic IT, and a working understanding of employment systems in a western context, in practice marginalised clients are not accommodated.

Recommendation

It is recommended that:

6. State agencies consider adopting a system of providing targeted services and opportunities for marginalised groups in co-operation with NGOs that have the necessary cultural expertise.

7. State agencies consult on a regular basis with civil society and relevant stakeholders in the policymaking process, including by establishing an effective consultation mechanism in accordance with the recent recommendations of CESCR⁶

Children's Right to Education in Ireland

17. It has been evident for decades in Ireland that a significant cohort of children is not able to access mainstream education and therefore leave early. The response of the Irish government to this problem has been inadequate. While the 'Delivering Equality of Opportunity in Schools' (DEIS) initiative seems a good scheme, the reality is that a large percentage of early school leavers are coming from DEIS schools.

⁵ United Nations, Committee for Economic, Social & Cultural Rights, E/C.12/IRL/CO/3 p4

⁶ United Nations, Committee for Economic, Social & Cultural Rights E/C.12/IRL/CO/3 p3

18. Research over the past two decades has linked early school leaving in Ireland with a range of negative future outcomes for children. Despite a range of interventions to address school non-completion, approximately 14% of students (as of 2007) continue to leave school without completing their education every year.⁷ The National Economic and Social Forum stated that “early school leaving is among the most serious economic and social problems the state must address.”⁸ The 2007 Joint Oireachtas Committee on Education and Science identified early school leaving as a priority issue.⁹

19. Under the Education (Welfare) Act 2000,¹⁰ the minimum school leaving requirement is 16 years or the completion of three years of post-primary education. This despite the fact that young people are severely impaired and at a disadvantage socio-economically and with employment prospects should they not attain Leaving Certificate level. School leavers unable to enter the job market at age 16 are not eligible either to apply for social welfare.

20. A further problem is with—“the completion of three years of post-primary education.” Many young people in our Centre have had poor or sporadic attendance at school during the junior cycle, but upon reaching 16 years of age there is no obligation on the education welfare services to support, encourage, or legislate for such young people accessing education. Equally young people enrolled in our Centre may have spent time in state care, juvenile justice or hospital system due to mental or physical health issues. Within these systems young people have limited educational opportunities.

21. To take Cork as an example - the governments estimated that around 44,000 young people registered in mainstream schools in 2013 in Cork, roughly 10% or 4,400 do not complete their education to senior cycle. The issue is further exacerbated when there are less than 900 places available in alternative settings in the city and county.

Recommendations:

It is recommended that the state:

8. consider raising the minimum legal school leaving age to 18.

9. provide entry levels into trades through apprenticeship schemes and programmes for young people up until the age of 18 years.

⁷ McGarr, Jennifer 2010, *Early School Leaving: An Exploration of the Factors Contributing to School non-Completion*, Dublin Institute of Technology. Available from: <http://arrow.dit.ie/cgi/viewcontent.cgi?article=1036&context=aaschssldis>.

⁸ Joint Committee on Education and Skills 2010, *Staying in Education: A New Way Forward*, Houses of the Oireachtas. Available from <file:///Users/intern/Downloads/20100525.pdf>.

⁹ Joint Committee on Education and Skills 2010, *Staying in Education: A New Way Forward*, Houses of the Oireachtas. Available from <file:///Users/intern/Downloads/20100525.pdf>.

¹⁰ The *Education (Welfare) Act 2000*.

10. offer alternatives to its present 'one size fits all' model for education

Provision for the Mental Health Needs of Children In Ireland

22. The capacity of the current child and adolescent mental health system to cater for the needs of children is a source of serious concern. According the Annual Report of the Centre for Addiction and Mental Health CAMHS (2014) , 14% of children were waiting more than 12 months to access CAMHS services.¹¹ More than 2,500 children and adolescents were on waiting lists for mental health services at the end of September 2014, an increase of 24 per cent from the previous year.¹²

23. A further concern is that young people are still being placed adult mental health wards. Unless on the books of CAMHS a young person is deemed to be in the adult mental health services at age 17.

24. A further indication of the lack of capacity in the adolescent mental health system is Ireland's practice of sending children abroad to access services. In 2013 health authorities spent about €3.5 million on care places abroad.¹³ From our experience we are aware that this practice can cause significant distress to young people and impede their development considerably, due to separation from their families, peers etc. The lack of suitable intervention is a growing issue which is not allowing young people to access their education.

Recommendations:

It is recommended that the state:

- 11. Undertake a national review of the mental health needs of young people.*
- 12. Provide greater support for the National Education Psychological Service (NEPS) and local CAMHS services to enable the management of long waiting lists.*
- 13. Provide beds specifically for young people with mental health needs within the childrens units of all major hospitals.*
- 14. Abolish the practice of sending young people abroad to access mental health services.*
- 15. Revise the age at which young people are deemed adults in Ireland's mental health service.*

¹¹ Edwards, E 2014, 'Over 2,500 Children on Waiting Lists for Mental Health Services', *The Irish Times*, 13 February. Available from: <http://www.irishtimes.com/news/health/over-2-500-children-on-waiting-lists-for-mental-health-services-1.1690652>

¹² Edwards, E 2014, 'Over 2,500 Children on Waiting Lists for Mental Health Services', *The Irish Times*, 13 February. Available from: <http://www.irishtimes.com/news/health/over-2-500-children-on-waiting-lists-for-mental-health-services-1.1690652>

¹³ O'Brien, C 2015, 'State Spends €3m a Year Abroad for Care of Young People', *The Irish Times*, 9 July. Available from: <http://www.irishtimes.com/news/social-affairs/state-spends-3m-a-year-abroad-for-care-of-young-people-1.2278152>

Reform of the Juvenile Justice System

25. In essence the juvenile justice system is an adult system treating children as mini-adults. Judges sitting on the Juvenile Justice bench are not given, or required to undergo, specific training in relation to children. Solicitors and barristers representing young people again are not required to be specially trained.

26. Outside the Children's Court in Dublin, there are no special designation or arrangements for children's courts. Proceedings in Cork for example are held in an adult courtroom where there is little or no privacy afforded to young people and their families. Cases are regularly postponed and may take months to resolve.

27. Of 96 children detained during 2014, only 27% received a detention order on conviction¹⁴ which suggests that detention is not being used as a last resort. The Health Information and Quality Authority (HIQA) has also raised concerns about the capacity of staff to deal with challenging behaviours of young people in detention.¹⁵ Concerns around insufficient staffing, staff training and high levels of staff absenteeism are also detailed in the inspection report (IPRT) which stated the facility has become a dangerous environment for both staff and the children.¹⁶

28. Children who are victims of crime are also a concern, particularly those who are victims of rape or sexual abuse. The process of giving evidence and the delays and length of the legal and judicial process means that many months pass before a decision is made as to whether or not the case can go to court.¹⁷ Once in the court system, a hearing and outcome can take years, which means that young people are living with the trauma of such experiences without any closure or due process for a very long time.

Recommendations:

It is recommended that the state:

16. Implement a child-friendly Juvenile Justice System with minimum requirements of specialist training for Judges, Barristers, and Solicitors.

17. Establish a child-friendly setting within each district court area where only juvenile cases would be heard.

18. Detain children only as a last resort and not in response to lack of appropriate community-based educational or mental health services. state care or drug treatment programs.

19. Process Juvenile Justice cases as quickly as possible to ensure the minimum disruption to the lives of young people.

¹⁴ Children's Rights Alliance, 2015, *Report Card 2015*.

http://childrensrights.ie/sites/default/files/submissions_reports/files/ReportCard2015Web.pdf.

¹⁵ Irish Penal Reform Trust (IPRT), *HIQA inspection report of Oberstown children in detention school campus*, 2015. Available from: <http://www.iprt.ie/contents/2714>.

¹⁶ Ibid.

¹⁷ Rape Crisis Network Ireland, 2012, *Guide to the Legal Process for Survivors of Sexual Violence*. Available from: <http://www.rcni.ie/wp-content/uploads/RCNIGuidetotheLegalProcessSurvivors.pdf>

20. Establish a designated and trained garda (police) unit dedicated to the investigation of crimes of a sexual nature.

Children's Experiences in the Care System

29. The current system of state care of children is ill-equipped to deal with the complex needs and issues of young people. In our experience of working with early school leavers, a significant percentage of whom are children in care, young people have insufficient and inadequate access to their social workers. There is a statutory responsibility in Ireland for social workers to meet their clients only twice yearly,¹⁸ insufficient for vulnerable young people in need of supportive and trusting relationships in what is a traumatic and emotionally overwhelming time for them. At the end of November 2014, 8,451 children had not been allocated a social worker, of whom 2,844 were classed as "high priority".¹⁹ The head of TUSLA (the Child and Family Agency), has recently stated that 250 further social workers are needed to deal with current demand.²⁰

Recommendations:

It is recommended that the state:

21. give priority to the appointment of more social workers in order to reduce case loads to a manageable level so that the needs of young people in the care systems are met.

22. increase the statutory requirement for Social Workers to meet with clients in order to build relationships of trust with young people at risk.

23. Establish a consistent legal definition of a child that encompasses their involvement and accessing of services across all government departments.

¹⁸ The Child Care Act (1991).

¹⁹ Ring, E. *No social workers for 3,000 at-risk children*. 2015. Available from: <http://www.irishexaminer.com/ireland/no-social-workers-for-3000-at-risk-children-313666.html>

²⁰ Leoguem J. *Child agency needs a further €17 m*. 2015. Available from: <http://www.irishexaminer.com/ireland/child-agency-needs-a-further-17m-343225.html>