



**UNIVERSAL PERIODIC REVIEW  
IRELAND**

**Submission by the  
Irish Society for the Prevention of Cruelty to Children**

**for the  
12<sup>th</sup> Session of the UPR Working Group October 2011**

MARCH 2011

## Universal Periodic Review Ireland

### Submission by the Irish Society for the Prevention of Cruelty to Children for the 12<sup>th</sup> Session of the UPR Working Group October 2011 March 2011

#### I. Introduction

The ISPCC's vision is to see an Ireland where all children are heard and valued. Our mission is to advocate on behalf of all children in Ireland, and to provide a range of independent and unique services which are preventative and empowering in nature. This is done through three key activities:

- **Service delivery<sup>1</sup>:** we provide a range of national and local services so that, no matter where in Ireland a child lives, they can access an ISPCC service directly
- **Advocacy:** we campaign and lobby at a national and local level on children's rights, children's participation, child protection, child support and social inclusion
- **Building participation:** we ensure that children participate as full citizens in the ISPCC and in our services and we seek to model best practice for the full inclusion of children in Irish society.

#### Submission background

The ISPCC welcomes the opportunity to make this submission to the Universal Periodic Review. We are making our comments and suggestions based on our experience of delivering services to children and families all over Ireland, as well as advocating on behalf of children and consulting young people on the processes which affect them.

This submission is underpinned by the principles set out in both domestic law (Irish Constitution, Children Act 1991) and International Conventions (UNCRC, UNHCR, Universal Declaration of Human Rights and Council of Europe Convention) with particular focus on the UN Convention on the Rights of the Child (UNCRC).

This review outlines what the ISPCC views as some key priorities for Ireland for the improved adherence to such principles as outlined in UNCRC.

---

<sup>1</sup> For a detailed description of the ISPCC's child-centred services please see [www.ispcc.ie/services](http://www.ispcc.ie/services)

## II. Key priority areas

### A. The Constitution / Voice of the child

As far back as 1989, the ISPCC has been calling for a change in the Irish Constitution to give express rights to children; in accordance with the UNCRC which Ireland ratified in 1992. At present, in Ireland, children are treated differently depending on the marital status of their parents, children's voices are not heard when it comes to matters or processes which affect them (including judicial and administrative proceedings) and there are no provisions to ensure that the best interest of the child is of primary consideration in all proceedings involving children. Children are not recognised as legitimate and contributing citizens in our society. In more recent years, the litany of inquiries and reports into child abuse (for example Roscommon Child Care Case<sup>2</sup> and the Report into the Catholic Archdiocese of Dublin<sup>3</sup>) have led to calls for immediate change in the recognition and protection and of children's rights; most notably in the *Ryan Report Implementation Plan*<sup>4</sup>. While Governments have committed to the principles outline in the plan, there is still a long way to go.

### Recommendations:

- Commit as a matter of urgency to holding a referendum to enshrine children's rights in the Constitution, in accordance with the All Party Oireachtas Committee report and wording.
- Prioritise the full implementation of the Ryan Report Implementation Plan to ensure the most appropriate care and protection is given to all children in Ireland, including the allocation of social workers and the introduction of legislation on reporting and investigating child abuse claims (see section below)
- Prioritise the recommendations of the Roscommon Child Care Case Report which includes the HSE ensuring that all appropriate policies and procedures are compliant with the UNCRC for children to be heard in all matters that concern them.
- Ensure adequate resourcing of preventative services as well as child protection services in the State.

### B. Protection from abuse / Legislation

Aside from the moral and societal obligation we have to protect our society's most vulnerable citizens, the UNCRC Article 19 states that all State Parties must take "*all appropriate legislative, administrative...measures to protect the child from all forms of physical or mental violence, injury or abuse*" To date, and as demonstrated in recent reports and cases, Ireland falls short in this regard. At present, the reporting and investigation of child abuse is entirely inadequate. This is due to the lack of legislative framework to support the dissemination of information and guidance in the area of child protection. *Children First: National Guidelines for the Protection and Welfare*

---

<sup>2</sup> Roscommon Child Care Case, 2010; Report of the Inquiry Team to the Health Service Executive

<sup>3</sup> Commission of Investigation; Report into the Catholic Archdiocese of Dublin, 2009

<sup>4</sup> The Commission to Inquire into Child Abuse, 2009 Implementation Plan

[http://www.omc.gov.ie/documents/publications/Implementation\\_Plan\\_from\\_Ryan\\_Commission\\_Report.pdf](http://www.omc.gov.ie/documents/publications/Implementation_Plan_from_Ryan_Commission_Report.pdf)

*of Children (1999)*<sup>5</sup> is a voluntary set of guidelines for preventing and responding to child abuse and although recently updated, these guidelines have not been fully implemented or placed on statutory footing. This demonstrates a real gap in child protection. In addition to this, the Garda Vetting Unit is severely under resourced, and while there is a strong commitment to the introduction of legislation to allow the use of “soft information” collected on individuals who may be a potential risk to children, this is still not in place.

#### **Recommendations:**

- As a matter of urgency, place the Children First Guidelines on a statutory footing, to ensure a more robust approach to child protection and the handling of child abuse claims.
- Ensure that Garda Vetting Unit is sufficiently resourced to enable vetting systems to work appropriately
- Prioritise and legislate for a system of “soft information” gathering and appropriate sharing which would ensure that those with a known history of risk to children, but without a criminal conviction, cannot gain access to children.
- Ensure that all children in state care have an allocated social worker and that each child has a care plan developed and evaluated on an ongoing basis.

#### **C. Mental Health Services / 24 Hour Support**

In accordance with UNCRC Article 24 and as stated in the National Children’s Strategy<sup>6</sup>, children in Ireland should have access to adequate and sufficient mental health services. However, the publication of recent waiting list numbers and review of services have shown that this is not the case. While it is unclear how much of the mental health budget is allocated to child and adolescent services, it is clear that not enough resources have been allocated to this vulnerable group. Last year it was reported that over 2,300 children and adolescents were on waiting lists for an appointment for mental health services (HSE, 2010)<sup>7</sup>. Of these, 396 children had been waiting more than a year. In addition to this enormous shortfall, the lack of out of hours support services for young people and families is having a detrimental effect on the welfare and protection of children. 80% of child welfare concerns received by the 24 hour Childline services, run by the ISPCC, are received outside the hours of 9-5.

#### **Recommendations:**

- Ensure the full staffing and resourcing of Community Adolescent Mental Health teams to reduce the waiting time of young people for support.
- Prioritise the implementation of 24 hour, child-centred accessible support for children and families.
- Support the ongoing development of preventative based mental health services in communities

---

<sup>5</sup> Children First: National Guidelines for the Protection and Welfare of Children (1999)  
[http://www.dohc.ie/publications/pdf/children\\_first.pdf?direct=1](http://www.dohc.ie/publications/pdf/children_first.pdf?direct=1)

<sup>6</sup> National Children’s Strategy [http://www.dohc.ie/publications/pdf/childstrat\\_report.pdf](http://www.dohc.ie/publications/pdf/childstrat_report.pdf)

<sup>7</sup> Health Service Executive, (2010) Second Annual Child and Adolescent Service Report 2009-2010

#### **D. Separated / Missing Children**

The Ryan Report Implementation Plan made a commitment to end the use of inappropriate hostel accommodation for separated children, a commitment which saw the closure of all such hostels in December 2010. Concerns have continually been raised about the level of care provided to separated children, such that many organisations, including the ISPCC have made recommendations<sup>8</sup> for the inclusion of separated children and the best interest of the child principle to be included in the drafting of Immigration, Residence and Protection Bill, 2010. In addition, the shocking instances of children going missing from care are of ongoing concern. This is an issue that requires immediate attention.

The ISPCC has repeatedly called for Ireland to implement the European telephone hotline for missing children, 116 000. This is the single European common number for emergency action when children are missing. The European number for missing children is currently operational in 12 EU member states. The ISPCC has expressed a desire to operate this service for a number of years, however to do so, would need financial support for which we have applied to the Government.

#### **Recommendations:**

- Through the Immigration Residence and Protection Bill, set out clear legal framework for the care and protection of separated children; to include the best interests principle.
- More robust protocol needed to ensure the safety of separated children and those at risk of being trafficked while in the care of the State.
- The urgent implementation of 116 000 Missing Children Hotline in Ireland.

#### **III. Reporting**

In accordance with the UNCRC, Ireland is required to submit periodic reports describing progress towards implementing the UNCRC in Ireland. The State was due to submit its next formal report to the UN Committee in April 2009 but now, almost two years later, this has not been submitted. The ISPCC recommends that this report be compiled and submitted without further delay.

#### **IV. In Summary**

Ireland ratified the UNCRC in 1992 – 19 years ago. The country itself has seen some immense changes in that space of time but one thing that has not changed in any significant way is how children are viewed and protected. Children's rights have no meaningful recognition within the Constitution and so the voice of the child continues to go unheard, leading to a severe shortfall in their care and protection. Meaningful recognition of children's rights, as well as the development and implementation of carefully considered legislation and services would ensure that Ireland's children are valued and protected.

---

<sup>8</sup> ISPCC Submission on Immigration, Residence and Protection Bill, 2010  
<http://www.ispcc.ie/Advocacy/Submissions/ISPCC-Submission-IRP-Bill-2010>