



**Submission by the Children's Rights Alliance  
in relation to the  
National Action Plan against Poverty  
and Social Exclusion  
(NAPincl) Ireland - 2003-2005**

**30<sup>th</sup> May 2003**

The Children's Rights Alliance welcomes the opportunity to make a submission in relation to the National Action Plan against Poverty and Social Exclusion (NAPincl) Ireland – 2003-2005.

Child poverty is a denial of the basic right of a child to an adequate standard of living, a right guaranteed by the UN Convention on the Rights of the Child. The NAPincl should be Ireland's timetabled, fully-resourced and comprehensive action plan to end poverty among children by the Government's target date of 2007.

Although significant progress has been made in recent years in reducing the number of children living in consistent poverty, more than 8% of Irish children continue to experience deep levels of deprivation. Economic progress has had little impact on the incidence of relative child income poverty figures, with nearly 250,000 or 24% of all Irish children still living in relative poverty.

Child poverty is a multi-dimensional problem, centred on inadequate income, but with knock-on exclusionary effects in terms of access to resources and participation in everyday activities such as education and play. It can be exacerbated by other social inequalities such as race, ethnicity, disability and geographical location. Child poverty has a fundamental influence on the life chances of the next generation. The longer a child is poor, the greater the subsequent deprivation in later life. Poor children are more likely to have a low birth weight, to leave school early and to start smoking and drinking at a young age. The longer a child is poor, the greater the subsequent deprivation in later life, and over time the capacities of the family 'to get by' is eroded.

The number of children and young people still living in poverty after a period of unprecedented prosperity shows the scale of the work that still needs to be done. The NAPincl 2003-2005 must represent a real Government commitment to the elimination of child poverty. The NAPincl should outline and detail specific steps to be taken and the targets to be met to enable the Government to achieve its goal of ending consistent child poverty by 2007.

## Chapter 1 – Major Trends and Challenges

The Alliance welcomes the definition of poverty used in the National Anti-Poverty Strategy, which states that “people are living in poverty, if their income and resources (material, cultural and social) are so inadequate as to preclude them from having a standard of living which is regarded as acceptable by Irish society generally. As a result of inadequate income and resources, people may be excluded and marginalised from participating in activities which are considered the norm for other people in society”.

The analysis of major trends and challenges, as outlined in the NAPincl draft Chapter one, should be expanded to include the following:

### **1. Analysis of the level and trend of relative poverty among children and young people**

In 2000, approximately 24% of Irish children were in ‘relative income poverty’, (meaning a household income below 50% of average disposable income). The percentage of children in relative poverty has remained relatively static since 1987 when it was at 26%. However, recent research commissioned by the Children’s Rights Alliance<sup>1</sup> (“the Sweeney Report”) noted that the degree or depth of relative poverty experienced by children appears to have increased, with a greater percentage of children now living in households with incomes below 40% of average disposable income.

### **2. Analysis of the key risk factors associated with poverty and social exclusion among children and young people**

Children and young people carry a greater risk of being in income poverty than adults, up to 1.25 times greater based on 1997 figures. Certain groups of children are particularly at risk of experiencing poverty and social exclusion, including:

- Those living in welfare dependent or low income households
- Those living in lone parent households
- Those in families of four or more children
- Those with disabilities
- Those who leave school early
- Those from the Traveller community
- Those from asylum seeking families
- Those from immigrant and refugee families
- Those who leave the juvenile justice system or health board care

### **3. Duration, Concentration and Cycle of Poverty**

Research is needed to explore the particular nature of child poverty, the findings of which could assist the design of anti-poverty strategies. The Sweeney Report highlighted the importance of discovering the dynamics of child poverty, such as:

#### Past Experience and Duration of Poverty

Poor children who have been poor a long time are likely to be worse off than children who are newly poor, because the capacities of families to ‘get by’ are

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<sup>1</sup> Sweeney, J., *Ending Child Poverty in Rich Countries: What Works?* (Children’s Rights Alliance, 2002).

eroded over time. The effects of childhood poverty on a variety of outcomes in future adult life are known to depend on the length of time a person was poor during childhood.

#### Concentration and Cycle of Poverty Across the Child Population

The same child poverty rate may mean poverty is concentrated in a small group of children, or spread across a large number. Knowing whether a high or low turnover characterises children in poverty will influence the design of anti-poverty strategies. For example, in trying to eliminate a 10% child poverty rate, it makes the world of difference to know whether we are confronting the enduring experience of a small minority of children or the common experience of many children.

### **Chapter 3 – Strategic Approach, Main Objectives and Key Targets**

#### **Main Objectives and Key Targets in relation to Children and Young People**

The main objectives in relation to children and young people should include the following:

1. Ensure that all children and young people have a minimum adequate income
2. Ensure equal and affordable access to medical care for all children and young people regardless of income
3. Implement the provisions of the National Children's Strategy that relate to poverty and social exclusion
4. Provide decent accommodation for all children and young people
5. Recognise and safeguard the rights of children and young people with disabilities
6. Invest in education to reduce early school leaving and break the cycle of poverty
7. Promote and protect the rights of all children and young people experiencing poverty or social exclusion, including children from minority ethnic and racial backgrounds

#### **Strategic Approach**

The NAPincl 2003-2005 must comprise a fully-resourced, timetabled, sustained and comprehensive programme of action that can address the multi-dimensional nature of child poverty.

##### *Fully Resourced*

Adequate and protected resourcing of the Plan is essential. Adequate resources to provide for the implementation of the Plan must be identified and set aside at the start of the budget process instead of scrambling at the end for what is left over after all the important tax and budgetary decisions have been made.

##### *Timetabled*

The NAPincl must identify and timetable the specific steps that will be taken during 2003-2005 on a timeline up to 2007 to meet the commitments made in NAPS and re-stated in the Plan. To advance its objectives, the NAPincl should also timetable its long term goals and specify prioritised objectives for the two year period from July 2003. These objectives must incorporate and drive forward the commitments in NAPS.

### *Sustained*

The Plan should contain a long term vision and series of objectives for the period up to 2010 in line with the Lisbon Agenda and the recommendations of the Barcelona European Council who called for States to “set targets... for significantly reducing the number of people at risk of poverty and social exclusion by 2010”.

### *Comprehensive*

All objectives must be accompanied by a plan of action to ensure their implementation. The link between objectives, specific actions, targets and progress indicators will be central to the success of the Plan. Each plan of action should:

- Identify specific quantifiable actions that need to be undertaken
- Design a timetable for the completion of each action
- Cost the implementation of each action
- Establish a mechanism by which a range of actors will be involved
- Delineate clear lines of agent responsibility and authority for each action
- Establish a monitoring mechanism for each objective / action
- Design a timetable plan for the sanctioning and accessing of necessary resources
- Set annual targets and standards to measure achievements for each action
- Set annual measurable progress indicators for each action
- Establish an enforcement mechanism for each objective / action

A set of measurable child well-being indicators should be developed to measure poverty and social exclusion among children using a holistic approach reflecting the multi-dimensional nature of poverty.

### **Existing Commitments in relation to Child Poverty and Social Exclusion**

The NAPincl 2003 – 2005 should incorporate existing commitments and objectives in relation to child poverty and social exclusion, including commitments in:

- The UN Convention on the Rights of the Child – which states that every child has a right to an adequate standard of living and that States Parties have an obligation to ensure that children are able to fully develop their human potential. Ireland is a State Party to the Convention, having ratified the human rights treaty in 1992.
- The National Children’s Strategy – including the commitment that “children will be provided with the financial supports necessary to eliminate child poverty.”
- The National Anti-Poverty Strategy- including the commitment to reduce the number of children in consistent poverty to below 2% and, if possible, to end child poverty completely by 2007.

- The National Anti-Poverty Strategy Framework Document (November 2001 Goodbody Economic Consultants).
- The Programme for Government – which states that the effort to end child poverty will be “a core element of our work.”
- The Health Strategy – including the commitment to extend Medical Card coverage for an additional 200,000 low income people, with special targeting to address the health care needs of children.
- The Social Partnership Agreement 2003-2005, *Sustaining Progress* – including the Special Initiatives commitments on Ending Child Poverty, Tackling Educational Disadvantage, Housing and Accommodation, Migration and Interculturalism and Care – Children.

The NAPIncl should clarify its relationship with the various strategies and agreements listed above. In particular it should clarify its relationship with the National Anti-Poverty Strategy (NAPS) and the Review of the National Anti-Poverty Strategy Framework Document to which NAPS refers as setting out “supporting policy actions”.

#### **Chapter 4 – Policy Measures for 2003-2005**

The Children’s Rights Alliance’s views on policy making in relation to poverty and social exclusion has been influenced by the following key findings of the Sweeney Report:

- Government intervention to combat child poverty makes a major difference - societies which do most to ‘look after’ people have people who, over time, improve most their capacity to ‘look after’ themselves.
- Countries with the lowest child poverty rates in the OECD allocate the highest proportions of GNP to social expenditures.
- Income support measures which protect people from poverty appear more to empower people to get back into the workforce rather than create a disincentive to their doing so.
- Employment-based strategies alone cannot be relied upon to eliminate child poverty.
- Universal child benefit should not be construed as an anti-poverty measure. There is a need for a targeted, second tier to child income support which would be portable across the work/no-work divide.
- An integral part of a strategy for eliminating child poverty should be the provision of services-in-kind for children, including a medical card for all children.
- Concerns that cash transfers to households on behalf of children may create work disincentives for parents and/or be ‘siphoned off’ by adult members for their own use are not substantiated by research

**Objective 1 – Facilitating participation in employment and access by all to resources, rights, goods and services & Objective 2 – To prevent risks of exclusion**

**1 Income Support**

The Alliance sees income support as a fundamental element of any strategy to eliminate poverty and social exclusion among children and young people. It is important to recognise that employment-based strategies will not have an impact on the 8% of children remaining in consistent poverty comparable to that experienced by the 16% of children who have left consistent poverty since the mid-1990s. The Alliance therefore calls for the continued expansion of the universal child benefit payment combined with targeted supplementary payments for disadvantaged families.

*NAPS Child Income Support Commitment*

Integrate into NAPIncl a timetabled action plan for achieving the NAPS target of reducing the number of children in consistent poverty to below 2% and, if possible, for ending child poverty completely by 2007.

Integrate into NAPIncl a timetabled action plan for achieving the NAPS target to set the level of basic child income support (ie Child Benefit and Child Dependent Allowance combined) at 33-35% of the minimum adult social welfare payment. The target minimum adult social welfare payment will be a rate of €150 per week in 2002 terms. The Plan should specify when and by how much increases will be made in relation to adult social welfare payments during the period of the Plan to achieve this target.

*Cost of the Child – NAPS Objective*

Integrate into NAPIncl a mechanism to review the NAPS objective whereby the level of basic child income support is set at 33-35% of the minimum adult social welfare payment. The Combat Poverty Agency is currently undertaking research into the 'cost of the child'. Its findings will help establish the minimum income necessary to enable children and young people avoid the experience of poverty and social exclusion.

*Child Benefit*

Child Benefit is the principal financial instrument used to support families with children. The Social Partnership Agreement, *Sustaining Progress*, commits to completing in 2004 and 2005 the final phase of the planned multi-annual increase in Child Benefit rates. The Alliance calls for the increases to be front loaded in Budget 2004 to ensure that children can vindicate their right to an adequate standard of living. The Alliance also calls for the implementation of a weekly or fortnightly payment schedule for Child Benefit payment in recognition of the budgeting constraints of low income families.

*Child Dependant Allowance*

Child Benefit payments alone will not end income poverty among children and young people. As recognised in the NAPS, low income families require additional child income support. Since 1994, however, the Child Dependant Allowance payment has been effectively frozen, exacerbating child poverty among families in need of welfare assistance.

- Standardise the three Child Dependant Allowance rates currently in use - €16.80, €19.30 and €21.60 - and increase to a rate of €25.00 per child per

week to provide a more adequate income to families with children who depend on social welfare payments. Cost: €145 million per annum

#### *Family Income Supplement*

- Integrate the Family Income Supplement (FIS) payment into the tax system to avoid the present poverty trap.
- Raise awareness of the existence of the FIS payment in an effort to increase its take-up rate.

#### *Refundable Child Tax Credit*

The Alliance calls for the introduction of a refundable child tax credit similar to the Integrated Child Credit being introduced in the UK, which would provide a child income support measure targeted to both welfare dependent and low wage households and be portable across the welfare to work divide. *Sustaining Progress* has committed to examining such a measure through a review of the effectiveness of “merging the Child Dependant Allowance (CDA) with the Family Income Supplement (FIS)”. A refundable child tax credit would target assistance to those most in need without creating any real or perceived disincentive to work.

#### *‘Direct provision’*

The NAPincl should examine measures to address the material deprivation and social exclusion experienced by children of asylum seeker families receiving the ‘direct provision’ Supplementary Welfare Allowance payment.

## **2 Health**

The current two-tier system of health care discriminates against children by providing timely access to care not on the basis of need, but on the grounds of ability to pay. This inequity is reflected in the long waiting lists for public hospital care and in the uncovered costs of primary health care for the vast majority of Irish children. The Health Strategy includes a commitment to expand the eligibility guidelines for the Medical Card in a manner that recognises the particular health needs of children.

The Chief Medical Officer of the Department of Health and Children, citing the connection between poverty and ill-health and the importance of eliminating financial obstacles to medical treatment for children, has called for the provision of free primary health care by extending the Medical Card to all children.

The NAPincl should include actions to:

- Implement the recommendation of the Chief Medical Officer by extending the Medical Card to all children under the age of eighteen. A phased extension should begin with all children under the age of six years and then those under the age of twelve years.
- Implement the health care commitments for children contained in the Health Strategy, including the elimination of waiting lists for children, and in the “Framework Document” accompanying the National Anti-Poverty Strategy.
- Further develop Springboard Projects and other family support initiatives.
- Develop effective out-of-hours services in all health board areas as a priority.

- Ensure adequate funding is allocated to the Health Boards, in particular the Eastern Regional Health Authority (ERHA), to ensure effective staffing levels and management within the social work service in order to eliminate current waiting list.
- Implement the Health Strategy commitment to expand mental health services for children and adolescents including the implementation of the recommendations of the First Report of the Review Group on Child and Adolescent Psychiatric Services and the development of mental health services to meet the needs of children aged between 17 and 18 years.

#### *Health Behaviours: Drugs, Alcohol and Smoking*

The lifestyle choices and health behaviours of children can have a direct impact on their health and social well-being, both in childhood and in later life. In addition to the addiction and health implications of alcohol and drug use there are other associated risks and dangers, such as unsafe sex practices, higher incidences of accidental injuries and deaths, and hepatitis or HIV infection. In 1998 the UN Committee on the Rights of the Child expressed “concern about the incidence of teenage suicide... [and] the lack of adequate programmes addressing adolescent health-related problems, such as drug and alcohol abuse and early pregnancies”<sup>2</sup>.

Despite various initiatives in health education and promotion, there remains a disturbingly high incidence of smoking, alcohol and drug use among children and young people. To address this issue the NAPIncl should:

- Provide for adequate resourcing of current initiatives such as Drugs Task Forces aimed at reducing drug, alcohol and substance abuse among teenagers.

### **3 Education**

Research has repeatedly demonstrated the link between educational attainment and poverty. The Alliance welcomes the recent Government announcement of increased provision for disadvantaged students accessing third level education. Whilst acknowledging the progress achieved much work remains to be done, particularly at pre-school and primary school level, to ensure that all children begin school on an equal footing and are given equal opportunities throughout their schooling.

The NAPIncl must recognise as urgent the need to address chronic and predictable numbers of early school leavers and children not transferring from primary to secondary level. Approximately 5,000 young people leave school early each year and a further 1,000 do not transfer from primary to secondary level. The majority of disadvantaged pupils live in rural areas (60%), followed by Dublin (25.5%).

The Alliance calls for the inclusion in NAPIncl of the following key actions to help break the link between poverty and educational disadvantage:

- Raise the annual Back to School Clothing and Footwear Allowance to reflect the actual costs of returning to school. Recent research suggests that the costs associated with returning to primary school have risen to €980 per child

<sup>2</sup> United Nations Committee on the Convention on the Rights of the Child (1998) *Reply to the First National Report Ireland: Concluding Observations of the Committee on the Convention on the Rights of the Child*, Geneva: United Nations.

per annum. We recommend raising the payment from €80 to €120 per child for primary school students and €150 to €180 per child for secondary school children.

- Expand in-education supports such as homework clubs and book rental schemes for children experiencing disadvantage to increase support towards the cost of participating in education.
- Invest in a reformed school-meals scheme to improve children's nutrition and health and to encourage participation in education.
- Increase investment in the provision of universal pre-school education and childcare services, prioritising children experiencing disadvantage, including Traveller children, asylum seeker children and homeless children. Cost: €20 million
- Fund programmes addressing educational disadvantage and increase support for initiatives which aim to prevent early school leaving.
- Adequately resource the Education Welfare Act, 2000 to enable its full implementation.
- Develop enhanced remedial services at pre-school, primary and post-primary levels.
- Increase the number of Labour Inspectors to ensure a more effective enforcement of the Protection of Young Persons (Employment) Act, 1996.

#### **4 Housing**

All children have a right to suitable and secure accommodation. Children who do not have such accommodation in Ireland are experiencing basic deprivation and a denial of their rights under the UN Convention on the Rights of the Child. To meet the accommodation needs of children living in poverty and to comply with the commitment made in the National Children's Strategy, a range of actions, including the following key actions are required:

- Provide good quality emergency accommodation as a matter of urgency
- End the practise of housing families with young children in B&Bs for extended periods of time. In 1999, over 1,200 children were living with their families in B&Bs<sup>3</sup>.
- Provide suitable accommodation to the more than 1,000 Traveller families including approximately 3,000 children living on the roadside without facilities
- Implement the commitments made in the Youth Homelessness Strategy
- Ensure adequate housing and community-based support services are available for young people leaving state care

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<sup>3</sup> Houghton, F.T. & Hickey, C. (2000) *Focussing on B&Bs: the unacceptable growth of emergency B&B placement in Dublin*. Dublin: Focus Ireland.

- Introduce target reductions in the length of time people remain on the housing waiting list
- Increase the output of social housing units to 9,000 per year
- Place the Local Authority Homeless Action Plans on a statutory basis.

## **5 Children’s Voices**

In line with Goal One of the National Children’s Strategy and Article 12 of the UN Convention on the Rights of the Child, the views of children should be heard in connection with policy decisions and actions that affect them. Under the Convention, States are required to assure “to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

The NAPincl aims to ‘mobilise all relevant bodies’ and involve ‘all relevant actors’ in working with governments. It is important that children and young people experiencing poverty and social exclusion are recognised as stakeholders in the implementation of the Plan. Children, and especially children living in poverty, have little political power and so steps must be taken to facilitate their input at policy level to ensure their needs are met and their rights respected. The NAPincl should:

- Provide for policymakers to participate in structures through which children are encouraged and enabled to express their views in relation to the development of policies that affect them.

## **6 Accountability and Policy Support**

The NAPincl should provide adequate resources to meet the various commitments made to children in policies and national strategies adopted by Government in relation to accountability and policy support:

- Ensure appropriate and adequate investment in the newly-created independent Office of Ombudsman for Children.
- Ensure sufficient funds are available to support the National Longitudinal Study, Ireland’s first long-term study of children growing up in this country.
- Ensure the protection from abuse and harassment of children from ethnic and racial minorities by supporting the forthcoming National Plan Against Racism. Invest in anti-discrimination and anti-racism training for those involved in the delivery of public services to ensure equal opportunities in key services including social welfare, health, education, housing and accommodation.
- Introduce the use of Child Impact Statements, as provided for under the National Children’s Strategy, to identify the potential consequences of governmental policies on the lives of children.

## **7 Children with Disability**

Children with disabilities face a disproportionate risk of living in poverty. Those children with disabilities who are experiencing poverty are also experiencing a violation of their basic rights to an adequate standard of living. The UN Convention on the Rights of the Child, which recognises the economic rights of children, provides that *all* children shall enjoy *all* of the rights stipulated by the Convention “without discrimination of any kind”. Disability is cited as a status in relation to which discrimination is specifically prohibited. An analysis is needed to assess the additional living costs of children with disabilities and thus to identify income support to children and young people with disabilities. The NAPincl should:

- Call for increased Domiciliary Care Allowance from €188.90 per month to a realistic level of at least €250 based on support needs of the child.
- Provide for additional investment in educational, health and housing facilities and facilities in residential, day and respite care places and support services for disabled children and young people and their families. Services should be available locally to ensure equal access across geographical areas.
- Ensure that all legislation relating to children with disabilities includes a full and explicit recognition of their rights, and ensures that those rights are adequately protected

## **8 Traveller Children**

A large majority of Traveller children live in conditions that are far below the minimum required for healthy child development. The NAPincl should:

- Provide suitable accommodation, promised by the Government Task Force on Travellers, to the more than 1,000 Traveller families including approximately 3,000 children living on the roadside without suitable facilities. The provision of this accommodation is of particular urgency given the impact of the criminal trespass legislation which threatens Traveller children, already coping with inadequate accommodation, with forcible eviction coupled with the arrest and imprisonment of their parents.

## **9 Asylum Seeking Children**

Article 22 of the UN Convention states that children who are refugees or asylum seekers shall “receive appropriate protection and humanitarian assistance” to ensure the realisation of their rights under the Convention and other international human rights instruments.

Recent research<sup>4</sup> has documented the negative impact of the present system of ‘direct provision’ on the integration, social and educational development of asylum-seeking children. The report includes information drawn from interviews with asylum seekers which suggests that the lack of control in relation to diet under the ‘direct provision’ policy has adversely affected the health of asylum-seeking children. The NAPincl should ensure through the following actions that asylum-seeking children

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<sup>4</sup> Fanning, B., Veale, A. and O’Connor, D. (2001) *Beyond the Pale: Asylum-Seeking Children and Social Exclusion in Ireland*, Irish Refugee Council: Dublin.

enjoy the same basic rights as other children living in Ireland, in line with the principle of non-discrimination outlined in the UN Convention. The NAPincl should include measures to:

- Reform the 'direct provision' system to end material deprivation and social exclusion among asylum-seeking children.
- Increase the 'direct provision' supplementary welfare allowance payment to asylum seekers from the present rate of €19.05 to €38.10 per week for adults and from €8.95 to €17.90 per week for children. Cost: €4.5 million
- Provide funds to the youth work sector to enable the social integration of unaccompanied asylum seeker children.

## **10 Care for Troubled Children and Young Offenders**

Children who are unable to live with their families and children in conflict with the law are a particularly vulnerable group of children<sup>5</sup> and are afforded special protective rights under the UN Convention on the Rights of the Child. These children are predominantly from poor and socially disadvantaged families.

### *Care for Troubled Children*

The number of children who present to the courts with extreme behavioural difficulties in need of secure care has highlighted the inability of the care system to respond appropriately to the needs of these children before their behaviour has reached a crisis point.

The lack of investment in services specifically designed to cater for non-offending troubled children means that the rights of such children have been violated through their detention in inappropriate places such as children's detention centres, adult prisons and adult psychiatric hospitals. Immediate investment is needed to vindicate the rights of these vulnerable children to adequate care and treatment and to help promote their social inclusion.

- Adequately fund the introduction of innovative community based early intervention services and structured programmes for the identification, assessment and treatment of children with emotional and behavioural problems, as provided for in the National Children's Strategy.

### *Juvenile Justice*

- Fund implementation of the Children's Act, 2001, in particular parts 2 and 3 covering family welfare conferences, special care provision and private foster care. Introduce bail supervision and support schemes to avoid children committing crimes on bail.
- Make available funding to establish a Child Law Unit within the Legal Aid Board to focus on public law in relation to children.

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<sup>5</sup> A Focus Ireland study, *Left Out on their Own*, (Kelleher et al, 2000) found that two years after leaving health board care, 68% of those tracked had experienced homelessness and 25% had been in a place of detention or prison. Two years after leaving the juvenile justice system, 33% of those tracked had experienced homelessness and 65% had been in a place of detention or prison and a further 7% had been sentenced by the courts but not sent to prison.

## 11 **Play and Recreation**

The right of all children to play and recreational facilities, guaranteed under the UN Convention on the Rights of the Child, has been identified as a priority issue by the National Children's Strategy. A great many children and young people in Ireland lack appropriate or adequate play, recreation and sporting opportunities because they are in some way disadvantaged. Access may also be hindered by factors such as gender, ethnic background and disability and also by where the child is living, for example, in a rural area, a local authority housing estate, a halting site, a hostel, a juvenile detention centre or hospital. The NAPincl should:

- Assign sufficient funding to support the implementation of the forthcoming National Play Policy and National Recreation Policy, as committed to in the National Children's Strategy

## **Chapter 5 – Institutional Structures**

### **Rights Based Approach**

Through international and constitutional obligations, Ireland is committed to ensuring a comprehensive range of social, economic and cultural rights. The resourcing of the NAPincl must reflect the recognition that children have social and economic rights, including the right to an adequate standard of living, the right to the highest attainable standard of health, the right to education and the right to adequate accommodation, as set forth in the UN Convention on the Rights of the Child.

The Objectives and Common Outline for the National Action Plans express their understanding of poverty as a denial of fundamental human rights and emphasise supporting people to assert their rights. The Alliance calls for the NAPincl to be framed in a rights-based approach, in recognition of the link between poverty and inequality.

The UN Committee on Economic, Social and Cultural Rights<sup>6</sup> after reviewing Ireland's performance in protecting these rights, states that "[Ireland] has a legal obligation to integrate economic, social and cultural rights into NAPS".

In addition, the Human Rights Commission<sup>7</sup> has expressed its support of and interest in the NAPincl process. "The Human Rights Commission is concerned about the ways in which the State upholds its obligations with regard to these rights... [A] number of areas... require considerable further action and enforcement. Central to these is the adoption of a human rights framework for the Government's National Anti-Poverty Strategy." The Commission further pledged to "participate in defining indicators of progress against which the protection of human rights may be measured".

A strong rights based focus in the NAPincl would advance Ireland's implementation of its international commitment to economic and social rights. It may also begin to redress the lack of reference to rights in the Health Strategy, the treatment of rights as a subset of services in NAPS, the statements by the Minister for Justice rejecting socio-economic rights, the failure to incorporate treaties and conventions into domestic law and the mixed signals given regarding disability rights.

<sup>6</sup> United Nations Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights* (May 2002)

<sup>7</sup> Human Rights Commission, 2003-2006 Plan, *Promoting and Protecting Human Rights in Irish Society* (2003)

### **Resourcing the Plan**

A key criticism of NAPS is that, less than a year after its launch, it failed to impact on the actions and language of Budget 2003. The Government's failure to fulfil its commitment to increase Child Benefit payments and extend Medical Card eligibility were missed opportunities that will have to be reversed in the next Budget in order to advance implementation of the NAPS and NAPIncl.

All actions in NAPIncl must be costed and sufficiently resourced to enable their full implementation, including the provision of personnel to co-ordinate the work. A clear long term plan is needed detailing how much will be spent annually for the lifetime of the Plan, where the resources will be obtained and by whom the funds will be managed. The Plan's allocated spending must be prioritised and protected in times of budgetary cut-backs.

Fundamental to the implementation of the Plan is the establishment of a direct relationship between the NAPIncl and the Department of Finance's allocation of budgetary resources. The NAPIncl must be submitted to Government in time for inclusion in the Book of Estimates and thereafter for incorporation into the Budget. It is unacceptable that funding should be sought for NAPIncl from a pre-determined budget at the expense of other social protection measures.

Political choices will be made in the coming budgets between tax rates and social spending. These choices represent a test not only of Ireland's commitment to the NAPIncl process agreed to at EU level, but also of commitments given at a national level, such as those in the NAPS, Sustaining Progress, the Health Strategy and National Children's Strategy and promises made in the Programme for Government and political party manifestos.

In order for the NAPIncl to have an impact it must be moved up to the top of the national agenda and kept there. Ending child poverty, like any major national objective, requires sustained and comprehensive action supported by the allocation of significant resources. Achieving the goal of ending child poverty by 2007 is a challenge that can be met, but only if the effort is a matter of national and political priority.

The **Children's Rights Alliance** is a coalition of 73 non-governmental organisations concerned with the rights and needs of children. The Alliance works to secure the full implementation in Ireland of the principles and provisions of the UN Convention on the Rights of the Child.

The **UN Convention on the Rights of the Child** recognises children's basic human rights, including their civil, political, economic, social and cultural rights and their right to protection from abuse and exploitation. The Convention sets forth the minimum standards necessary for the well-being of every child. The Convention also imposes obligations on the ratifying States Parties to undertake specific actions to ensure the full realisation by children of the rights stipulated in the Convention.

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