

**6**

# **Right to Equality**



**Every child has the right to equal treatment, without discrimination of any kind, irrespective of the race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status of the child or the child's parents or guardian.**

Summary of Article 2 of the UN Convention on the Rights of the Child

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### Chapter Grade:

# C



**BeLonG To** @BeLonG\_To

"When I came out, I didn't envision that 2 years later I would be sitting at a table drafting Government policy that will have a profound impact on the lives of young LGBT people across the country." Ayrton Kelly talks his involvement as a Youth Advisor with the #LGBTIYouthStrat



# 6.1 Traveller and Roma Children

Section Grade:

**D-**

## ➔ Government Commitment

### **A Programme for a Partnership Government commits to:**

Publish a revised National Traveller and Roma Inclusion Strategy.

▶ **Progress: Published**

'Traveller and Roma Children' is awarded a 'D-' grade in *Report Card 2019*, a slight decrease on last year's 'D+' grade. This grade reflects serious concerns regarding the continued underspend of local authorities on Traveller specific accommodation in light of the increased number of Traveller families experiencing homelessness and overcrowding. There has been welcome progress on a number of actions contained in the *National Traveller and Roma Inclusion Strategy* but the absence of an implementation plan remains a concern. The publication of the *National Roma Needs Assessment* is a very welcome development however given the serious poverty and marginalisation depicted in the assessment, it is important that the recommendations are resourced and implemented as a matter of priority.

Every child has the right to live free from discrimination on any ground irrespective of the race, ethnic or social origin or other status of the child or their parent or guardian<sup>806</sup> and they have the right to life, survival and development.<sup>807</sup> In addition, children in ethnic, religious or linguistic minorities or of indigenous origin must not be denied the right to enjoy their own culture, religion or language.<sup>808</sup> All children have the right to an adequate standard of living which allows them to develop fully – physically, mentally, spiritually, morally and socially.<sup>809</sup> The State must take

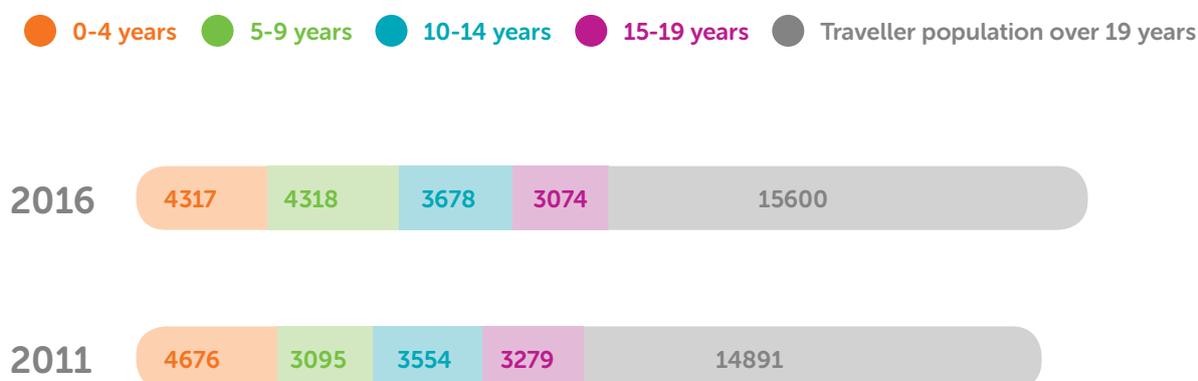
806 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 2.

807 *ibid* Art 6.

808 *ibid* Art 30.

809 *ibid* Art 27.

## Source: Irish Traveller Population Census 2011 and 2016



measures, using its maximum available resources, to ensure this adequate standard of living for all children<sup>810</sup>, including children from ethnic minorities.

The State must identify gaps and barriers and take positive measures, through legislation, resource allocation, policies and programmes, to address existing and potential discrimination against indigenous children.<sup>811</sup> In 2016, the UN Committee on the Rights of the Child made particular recommendations to Ireland in relation to Traveller and Roma children across a range of areas including discrimination,<sup>812</sup> adequate standard of living<sup>813</sup> and health.<sup>814</sup> The Committee also highlighted the lack of a human rights basis for the implementation of the former *National Traveller and Roma Integration Strategy* and inadequate consultations with the Traveller and Roma community in relation to the strategy.<sup>815</sup>

*Better Outcomes, Brighter Futures, The National Policy Framework for Children and Young people (2014-2020)* recognises the particular challenges

and obstacles faced by Traveller and Roma children and young people.<sup>816</sup> Through *Better Outcomes, Brighter Futures*, the Government commits to implement and monitor the former *National Traveller and Roma Integration Strategy*, with a particular focus on Traveller accommodation and the engagement of Roma children in education.<sup>817</sup> It also commits to tackle health inequalities,<sup>818</sup> strengthen social inclusion measures,<sup>819</sup> renew efforts towards improving educational outcomes for Travellers and Roma<sup>820</sup> and reduce discrimination and intolerance experienced by marginalised groups.<sup>821</sup>

Census 2016 indicated that 30,987 people identified as Irish Travellers representing a five per cent increase since 2011.<sup>822</sup> In 2016 half of the Traveller population were under the age of 19.<sup>823</sup>

There is limited data available on the size of the

810 *ibid* Art 4.

811 UNCRC 'General Comment No. 11 Indigenous children and their rights under the Convention' (2009) UN Doc CRC/C/GC/11 para 26.

812 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 28(a).

813 *ibid* para 60.

814 *ibid* para 50, 52(a).

815 *ibid* para 69.

816 Department of Children and Youth Affairs (DCYA), *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* (DCYA 2014) Commitments 1.4, 2.22, 4.19 and 5.6.

817 *ibid* Commitment 4.19.

818 *ibid* Commitment 1.4.

819 *ibid* Commitment 2.22.

820 *ibid*.

821 *ibid* Commitment 5.6.

822 Central Statistics Office, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' <<http://bit.ly/2AtCuoX>> accessed 25 January 2019.

823 *ibid*.

Roma population in Ireland but it is estimated to be around 5,000.<sup>824</sup> The *National Roma Needs Assessment*,<sup>825</sup> commissioned by the Department of Justice and Equality (DJE) in 2015, on foot of a Logan Report recommendation,<sup>826</sup> was published in 2018. The *Needs Assessment* found that members of the Roma community face high levels of discrimination, marginalisation, extreme poverty and social exclusion.<sup>827</sup>

It also found that some Roma children live in overcrowded housing with rats, damp and sewerage.<sup>828</sup> Respondents reported that they did not have basic supplies for new-born babies and that children are going to school hungry and without lunch.<sup>829</sup> Almost 18 per cent of respondents reported begging as their main source of income while 14 per cent had no income at all.<sup>830</sup> Fifty per cent of households with children reported that they did not always have enough food.<sup>831</sup> The *Needs Assessment* noted that living in poverty often gave rise to mistrust of service providers as Roma families fear that their children may be taken into state care.<sup>832</sup>

It is welcome that the DJE has prioritised the areas of social inclusion and employment in the *Needs Assessment*.<sup>833</sup> Six Roma Inclusion projects have been awarded total annual funding of €200,000 from 2018 to 2020.<sup>834</sup> In 2019 and 2020, the Department will award funding of €500,000 for seven projects to generate employment for the Roma community.<sup>835</sup>

### ► National Traveller and Roma Inclusion Strategy (NTRIS) 2017-2021:

The updated NTRIS was published in June 2017.<sup>836</sup> It is organised under 10 strategic themes including a specific theme on children and young people. It contains 149 actions that have 'the potential to improve the situation of Travellers and Roma in Ireland, if implemented'.<sup>837</sup> The NTRIS Steering Group is tasked with the development and oversight of the implementation of the actions outlined in the Strategy.<sup>838</sup> In 2018, progress was made on 140 of the actions.<sup>839</sup> However, to effectively monitor and evaluate the implementation of the Strategy, impact indicators and consultation with Traveller and Roma representatives on the Steering Group are required.<sup>840</sup> Three sub-committees have been tasked with examining and reporting on the need for the collection of data disaggregated by ethnicity across services; the use of mediation in relation to feuds; and the retention of Traveller and Roma children in the education system.<sup>841</sup> Traveller and Roma representatives on the Steering group have requested government departments and agencies to identify three to five key priorities for 2019 and these will make up the 2019 implementation plan.<sup>842</sup>

The NTRIS and the *Roma Needs Assessment* identify a number of challenges facing Traveller and Roma children and young people including in the areas of discrimination, education and health. This year's *Report Card* will focus on education and housing.

### ► Education:

Travellers and Roma experience high levels of educational disadvantage and the focus on school completion in NTRIS is important. It includes 31

824 Hilary Harmon, *Irish Traveller and Roma Children, Shadow Report, A response to Ireland's Consolidated Third and Fourth Report to the UN Committee on the Rights of the Child* (Pavee Point 2015) 22; Pavee Point, *Roma Communities in Ireland: Child Protection Considerations* (Pavee Point, 2014) 11. No separate question exists on the Census form to capture this cohort of the population.

825 Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018)

826 Report of Ms Emily Logan published July 2014 and Garda Síochána Act 2005, s 42 (Special Inquiries relating to Garda Síochána) Order 2013 <<http://bit.ly/2kesmW4>> accessed 10 December 2018.

827 Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 12- 13, 62.

828 *ibid* 10.

829 *ibid* 62.

830 *ibid*.

831 *ibid*.

832 *ibid*.

833 Communication received by the Children's Rights Alliance from the Department of Justice and Equality (DJE), 10 January 2019 and 4 February 2019.

834 *ibid*.

835 *ibid* and 4 February 2019.

836 DJE, *The National Traveller and Roma Inclusion Strategy 2017-2021*, (DJE 2017).

837 Pavee Point, *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Ireland* (European Commission 2018) 7.

838 Minister of State with responsibility for Equality, Integration and Immigration, David Stanton TD, Written Answers, National Traveller-Roma Integration Strategy, 5 July 2018 [29665/18].

839 Communication received by the Children's Rights Alliance from the DJE, 10 January 2018.

840 Traveller and Roma representatives were not consulted on the development of indicators. Pavee Point, *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Ireland* (European Commission 2018), 10-11.

841 Minister of State for Integration, Immigration and Equality, David Stanton TD, Written Answers, Departmental Strategies, 3 October 2017 [41748/17].

842 Communications received by the Children's Rights Alliance from the DJE, 10 January 2019 and 4 February 2019.

education-related actions for Traveller and Roma children. School completion rates have significantly improved for Traveller children but remain significantly lower than the general population, as Traveller boys are four times as likely to leave school at primary level as the general population.<sup>843</sup> The *Needs Assessment* found that respondents viewed education as a positive opportunity for their children and parents placed value on their child's education;<sup>844</sup> 78 per cent of Roma children attended primary school, while 37 per cent of children were in secondary school.<sup>845</sup> Roma children face significant barriers in education including financial constraints<sup>846</sup> yet many Roma families are not deemed eligible for Back to School Footwear and Clothing Allowance.<sup>847</sup> The NTRIS commits to implement community-based supports to assist in the retention of Traveller and Roma children in the education system.<sup>848</sup>

In March 2018, the sub-group on the retention of Traveller and Roma children in education proposed a pilot project to improve school attendance, participation and retention among children and young people in the Traveller and Roma communities.<sup>849</sup> There has been significant and welcome progress on this cross-departmental pilot. Since March, the sub-group has met eight times and identified four pilot sites.<sup>850</sup> Each pilot site will undertake a local needs assessment and subsequently develop an action plan to address need<sup>851</sup> with departmental commitments made to appoint 16 dedicated staff members.<sup>852</sup> All pilot sites are expected to be fully operational by quarter three of 2019.<sup>853</sup>

Roma and Traveller children are significantly more likely to report being bullied<sup>854</sup> and many report

# €4.5 million

In 2017 local authorities only spent €4.5 million out of a total budget of €9 million on Traveller accommodation

hiding their identity.<sup>855</sup> Research on the effectiveness of anti-bullying procedures and guidelines, in consultation with Traveller and Roma representative groups, has been commissioned.<sup>856</sup> The National Council for Curriculum and Assessment (NCCA) is reviewing the intercultural education guidelines in light of the recent recognition of Travellers as an ethnic minority,<sup>857</sup> as well as conducting an audit of the place of Traveller culture and history in the current school curriculum.<sup>858</sup> These measures are welcome but it is important that both Traveller and Roma children and parents are consulted as part of the review. Roma history and culture should also be included in any reforms to the current curriculum.

### ► Housing:

The number of Travellers living in temporary accommodation increased between 2011 and 2016 from 3,560 to 3,718 accounting for 12.2 per cent of all Travellers.<sup>859</sup> The vast majority of Travellers live in local authority accommodation, with an increase of

843 Central Statistics Office, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' <<https://bit.ly/2CGbmTc>> accessed 21 November 2018.

844 Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 110.

845 *ibid* 83.

846 *ibid* 110 - 111.

847 *ibid* 111.

848 DJE, *The National Traveller and Roma Inclusion Strategy 2017-2021*, (DJE 2017) 26.

849 Communication received by the Children's Rights Alliance from Tusla, Child and Family Agency, 24 December 2018.

850 *ibid*. The pilot sites are Enniscorthy/Bunclody in Wexford; Tuam in Galway; North Dublin (Coolock, Ballymun, Finglas) and; South Dublin (Clondalkin, Tallaght).

851 Communication received by the Children's Rights Alliance from Tusla, 24 December 2018.

852 *ibid*. These will include four Educational Welfare Officers, four Home School Community Liaison Officers and eight Education Workers from the Traveller and Roma communities.

853 *ibid*.

854 DCYA, *State of the Nation's Children*:

*Ireland 2016*, (DCYA 2016) 58.

855 Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 115.

856 Communication received by the Children's Rights Alliance from the DES, 1 February 2019.

857 Carl O'Brien, 'Traveller Culture and History Set to Feature on School Curriculum', *The Irish Times*, 27 September 2018.

858 *ibid*.

859 CSO, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' <<http://bit.ly/2AtCuoX>> accessed 25 January 2019.

93 families being accommodated by voluntary bodies with local authority assistance from 2016 to 2017.<sup>860</sup> In 2017, 585 Traveller families lived in unauthorised halting sites, an increase of 49 families on the previous year.<sup>861</sup> Overcrowding remains an issue for Irish Traveller households; 40 per cent live in overcrowded accommodation compared to less than six per cent of all households in the general population.<sup>862</sup> Traveller families are more at risk of homelessness - while they make up less than one per cent of the population they make up nine per cent of the homeless population.<sup>863</sup> They also face the highest levels of discrimination when accessing housing.<sup>864</sup> It is estimated that half of the families referred to Garda stations where no emergency overnight accommodation is available are Travellers.<sup>865</sup> Forced evictions over fire safety concerns, from both authorised and unauthorised halting sites, continue to be a threat.<sup>866</sup>

Budget 2019 allocated €13 million to Traveller-specific accommodation, an increase of €1 million on the previous year.<sup>867</sup> While the increase in funding for Traveller specific accommodation is welcome, in 2017 local authorities only spent half of the €9 million allocated to Traveller accommodation.<sup>868</sup> Sanctions must be put in place for a failure to address the accommodation needs of Travellers.<sup>869</sup>

The NTRIS highlights the role of the National Traveller Accommodation Consultative Committee (NTACC) in monitoring delivery of the commitments on accommodation informed by the *Review of Funding*. The Minister of State with special responsibility for Housing and Urban Development, Damien English TD established the Traveller Accommodation Expert Group on foot of a recommendation by the NTACC. The group, chaired by David Joyce,<sup>870</sup> will review the Traveller Accommodation Act 1998 and other relevant legislation which impacts the provision and delivery of accommodation to Travellers.<sup>871</sup> The group met for the first time in October 2018 and has been asked to examine the best way of delivering Traveller accommodation and to develop key actions in the next six months.<sup>872</sup>

The *Needs Assessment* found that Roma face significant discrimination in accessing accommodation. The majority of interviewees lived in private rented accommodation while 13 per cent were renting from a local authority and six per cent were homeless.<sup>873</sup> The living conditions for Roma were found to be very poor with many families living in overcrowded accommodation often without a tenancy agreement.<sup>874</sup> Many Roma live in accommodation without basic facilities such as a kitchen, cooker, running water or heat.<sup>875</sup> The *Needs Assessment* reported that some families had their water turned off or fuses removed by landlords when their rent was overdue.<sup>876</sup> The NTRIS does not include any objectives which specifically support the Roma community in relation to accommodation. Further research should be carried out to ascertain the housing situation of the Roma community.<sup>877</sup>

860 Department of Housing, Planning, Community & Local Government (DHPLG), 'Annual Count 2017 - Total Number of Traveller Families in all categories of Accommodation' <<https://bit.ly/2N7HuWW>> accessed 25 January 2019.

861 *ibid.*

862 CSO, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' <<http://bit.ly/2AtCuoX>> accessed 25 January 2019.

863 Raffaele Grotti, Helen Russell, Éamonn Fahey & Bertrand Maitre, *Discrimination and Inequality in Housing in Ireland* (IHREC 2018) ix.

864 *ibid.*

865 Jack Power, 'Half of families sleeping in Garda Stations are Travellers or Romanian', *The Irish Times*, 13 August 2018.

866 Pavee Point, Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Ireland (European Commission) <<https://bit.ly/2PmC7Ru>> accessed 15 November 2018.

867 DHPLG, 'Murphy welcomes increase of €725m in Housing, Planning and Local Government funding (+22%) under Budget 2019', 9 October 2018 <<https://bit.ly/2FyEIH3>> accessed 24 November 2018.

868 Minister of State with special responsibility for Housing and Urban Development, Damien English TD, Dáil Debate, Traveller Accommodation, [26818/18], 20 June 2018.

869 Representative groups consulted in the Independent Review stated that the Housing (Traveller Accommodation) Act 1998 should be reviewed to provide for sanctions, penalties or other measures of enforcement for local authorities who do not implement their own targets.

870 David Joyce is a member of the Irish Human Rights and Equality Commission and a solicitor at Mercy Law Resource Centre.

871 Joint Committee on Housing, Planning and Local Government Debate, Traveller Accommodation: Traveller Accommodation Expert Group, 6 November 2018.

872 *ibid.*

873 Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 85 - 87.

874 *ibid.* 88-89.

875 *ibid.* 88.

876 *ibid.*

877 *ibid.* 92.

## Traveller and Roma Children Immediate Actions for 2019



### **Develop and publish an implementation plan for the NTRIS and allocate the necessary resources for its implementation.**

There has been some progress on the NTRIS actions in 2018. However a clear implementation plan with indicators is required as a matter of urgency to ensure all of the Strategy's objectives are fully implemented within the given timeframe. Traveller and Roma children should be consulted as part of the development of the implementation plan to ensure that their voices as ethnic minority groups are heard.



### **Review the NTRIS to incorporate the recommendations from the *National Roma Needs Assessment*.**

Given the concerning levels of discrimination, poverty and marginalisation detailed in the *Needs Assessment*, the planned midterm review of the NTRIS, due to take place in 2019, provides an ideal opportunity for its recommendations to be incorporated into the wider Strategy.



### **Ensure the research commissioned on the effectiveness of anti-bullying procedures and guidelines is completed in 2019.**

It is important that this research informs further actions to address identity bullying experienced by Traveller and Roma children and young people. They should be consulted as part of the research.



### **Publish the report of the Traveller Accommodation Expert Group as a matter of urgency.**

To address the significant accommodation issues faced by Traveller families, the report and recommendations of the Expert Group should be published as a priority. A clear plan should be published detailing timelines and actions for implementation.

## 6.2 Refugee and Asylum-Seeking Children

Section Grade:

C

### ➔ Government Commitment

#### **A Programme for a Partnership Government commits to:**

Offer safe haven for refugees under EU and UN resettlement and relocation programmes, while promoting the integration of refugees in our communities.

▶ **Progress: Some**

Reform of the Direct Provision system, with particular focus on families and children.

▶ **Progress: Steady**

'Refugee and Asylum-Seeking Children' receives a 'C' grade in *Report Card 2019*, an increase from last year's 'D+' grade. While the Government has met its relocation target for Greece, it has not met resettlement commitments.<sup>878</sup> The consultation on National Standards for the Direct Provision system is positive but the standards have not been published. From a children's rights perspective, the transposition of the EU Recast Reception Conditions Directive into Irish law is a significant development ensuring that a child's best interests is a primary consideration in relevant decisions on their accommodation and situation while in the protection process. A third increase in the Direct Provision payment to children is also positive.

Every child should be free to enjoy their rights without facing discrimination of any kind irrespective of their race, national or ethnic origin or other status.<sup>879</sup> Children outside their country of origin seeking refugee protection are entitled to appropriate protection regardless of whether or not they are accompanied by their parents/guardians.<sup>880</sup> The State must take steps

878 Under the EU's emergency relocation scheme, asylum seekers with a high chance of a successful application are relocated from Greece and Italy to other Member States to have their applications processed and if successful, they will be granted refugee status in those Member States. The resettlement scheme provides legal and safe pathways for displaced persons in need of protection. The European Commission, 'Relocation and Resettlement 13 June 2017' <<https://bit.ly/2tn3YG1>> accessed 25 January 2019.

879 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 2(1).

880 *ibid* Art 22(1).

to facilitate family reunification where possible,<sup>881</sup> but in cases where this is not possible, the State must give the same protection to the unaccompanied minor as it would to other children who are separated from their family<sup>882</sup> or who are placed in state care.<sup>883</sup> The child's ethnic, religious, cultural and linguistic background must be considered when deciding what is best for that child.<sup>884</sup> In 2016, the UN Committee on the Rights of the Child called on the State to bring its 'asylum policy, procedures and practices into line with its international obligations' and ensure asylum seeking and refugee children have the 'same standards and access to support services as Irish children'.<sup>885</sup>

In December 2018, Ireland along with other world leaders adopted the *UN Global Compact for Safe, Orderly and Regular Migration*, the first global agreement on a common approach to international migration in all its forms.<sup>886</sup> It recognises the need for a cooperative approach to optimise the benefits of migration, alongside addressing the risks and challenges of migration for individuals, communities and states.<sup>887</sup>

In July 2018, Minister for Justice and Equality, Charlie Flanagan TD, signed regulations<sup>888</sup> transposing the EU Recast Reception Conditions Directive into Irish law.<sup>889</sup> The Directive seeks to harmonise standards of reception conditions across the EU. The introduction of the right to work through the 2018 Regulations should have a positive effect on children living in Direct Provision as parental access to the labour market is a critical route out of poverty. A Direct Provision resident who has worked for a total of 12 weeks will have their income assessed, and dependent on the level of income their Direct Provision payment may be reduced or stopped<sup>890</sup> and they may have to pay a contribution towards

881 *ibid* Art 22(2).

882 *ibid*.

883 *ibid*.

884 *ibid* Art 20(3).

885 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 66.

886 United Nations, 'Global Compact for Migration' (UN 2018) <<https://bit.ly/2phtmzT>> accessed 3 December 2018.

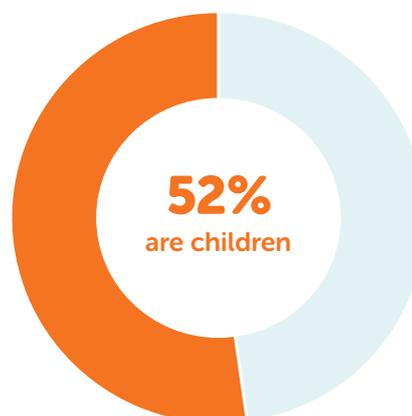
887 *ibid*.

888 European Communities (Reception Conditions) Regulations 2018, SI 230/2018

889 European Commission, 'Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of application for international protection (recast)' *Official Journal of the European Union* L180/96.

890 European Communities (Reception Conditions) Regulations 2018, SI 230/2018, s 5(1).

## 25.4 million refugees worldwide



accommodation costs.<sup>891</sup> However, children under the age of 18 will retain their Direct Provision payment even if their parents are working.<sup>892</sup> Similarly no contribution from parents towards the costs of Direct Provision accommodation is required in respect of children living in Direct Provision.<sup>893</sup>

In addition, the regulations require that the best interests of the child is the primary consideration in decisions that impact on children including those made in relation to their accommodation and family situation.<sup>894</sup> This means that the possibility of family unity, the child's well-being and social development, safety and security considerations, including the risk of human trafficking, and their views in accordance with their age and maturity must be considered when making decisions about them.<sup>895</sup>

### ► Irish Refugee Protection Programme (IRPP):

The latest figures show that there are 25.4 million refugees worldwide, 52 per cent of whom are

891 *ibid* s 5(2).

892 *ibid* s 5(1).

893 DJE, 'Information Booklet: Labour Market Access for International Protection Applicants', <<https://bit.ly/2sAKqja>> accessed 18 January 2019.

894 *ibid* s 9(1).

895 *ibid* s 9(2).

## Resettlement of Refugees in Ireland

	2015-2017	2018	Number of people due to arrive in 2019	Total
<b>Commitment</b>	<b>1,040</b>	<b>600</b>	<b>600</b>	<b>2,240</b>
<b>Actual number of people arrived</b>	<b>792</b>	<b>338</b>	<b>855</b>	<b>1,985</b>

Source: Information received from the Department of Justice and Equality, 14 January 2019.

children.<sup>896</sup> Despite a global increase in the numbers of people seeking international protection in 2017, the number of applications for international protection in the EU almost halved, falling from 1.3 million in 2016 to 650,000 in 2017.<sup>897</sup> The UN High Commissioner for Refugees has calculated that the number of children seeking protection in Europe also decreased by 67 per cent in 2017.<sup>898</sup> This is a result of an agreement between the EU and Turkey which reduced the number of refugees arriving in Greece by 96 per cent.<sup>899</sup> An EU action plan to support Italy and reduce the number of refugees crossing the Central Mediterranean has resulted in a decrease in people entering the EU through that route.<sup>900</sup>

As part of its IRPP resettlement commitments, the Government pledged to accept 1,040 programme refugees by 2017.<sup>901</sup> The Government made subsequent commitments to resettle a further 600 refugees in 2018 and 2019 respectively.<sup>902</sup> The 2018

resettlement figure of 338 includes 255 people who were selected as part of the initial pledge but their arrival was delayed due to Ireland's commitment to the EU Relocation mechanism from Greece.<sup>903</sup> In light of this delay the Government has revised its overall resettlement commitment from 2,240 to 1,985.<sup>904</sup> In relocating 1,022 people from Greece,<sup>905</sup> Ireland has fulfilled its relocation commitment.<sup>906</sup> However, it has not met its resettlement commitments and the overall commitment has been revised downwards. The 2019 target to resettle 855 refugees<sup>907</sup> must be met.

*Unaccompanied Minors:* In 2018, 5,400 unaccompanied children arrived by sea in Italy and Greece.<sup>908</sup> Approximately 5,500 unaccompanied children are thought to have reached Spain in 2018.<sup>909</sup> Children and young people travelling on their own are extremely vulnerable, many fall victim to abuse and violence, or are trafficked into sexual exploitation or forced labour.<sup>910</sup> The Government committed to prioritise unaccompanied minors through the IRPP by relocating 20 unaccompanied minors from Greece<sup>911</sup> and up to 200 unaccompanied minors from

896 *ibid.*

897 Eurostat, 'Asylum statistics' (Eurostat 2018) <<https://bit.ly/2RxxxRO>> accessed 26 September 2018.

898 United Nations High Commissioner for Refugees, United Nations International Children's Emergency Fund & United Nations Migration Agency, *Refugee and Migrant Children in Europe: Overview of Trends 2017* (UNHCR 2018) 1.

899 European Commission, *Relocation: EU solidarity between member states* (European Commission 2017) 1.

900 European Commission, 'EU Action in Libya on Migration' <<https://bit.ly/2kuqgGO>> accessed 25 January 2019; United Nations High Commissioner for Refugees, United Nations International Children's Emergency Fund & United Nations Migration Agency, *Refugee and Migrant Children in Europe: Overview of Trends 2017* (UNHCR 2018) 2.

901 Office for the Promotion of Migrant Integration 'Irish Refugee Protection Programme' <<https://bit.ly/20I8IVO>> accessed 25 January 2019.

902 DJE, 'Minister Flanagan and Minister of State Stanton announce new Family Reunification Scheme in support of refugees and their families under the Irish Refugee Protection Programme'

(DJE 2017) <<http://bit.ly/2A4u6Nh>> accessed 16 January 2019.

903 Communication received by the Children's Rights Alliance from the DJE, 14 January 2019.

904 *ibid.*

905 *ibid.*

906 *ibid.*

907 *ibid.*

908 United Nations High Commissioner for Refugees, *Desperate Journeys: Refugees and Migrants Arriving in Europe and at Europe's Borders* (UNHCR 2018) 25.

909 *ibid.* 26.

910 United Nations Children's Fund (UNICEF) & International Organization for Migration (IOM) *Harrowing Journeys: Children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation* (UNICEF and IOM 2017).

911 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Written Answers: Unaccompanied Minors and

France following the dismantling of the unofficial refugee camp in Calais in 2017.<sup>912</sup> In a welcome development, Ireland committed to extending the unaccompanied minors programme in Greece and including Italy with the aim of accepting 60 unaccompanied minors in 2018/2019.<sup>913</sup>

Ireland was unable to meet its commitment to relocate 200 unaccompanied minors from France due to administrative difficulties on the French side and based on a lack of interest expressed by young people in being relocated to Ireland. Irish authorities identified 41 young people who have since been resettled in Ireland from France.<sup>914</sup> The Calais Special Project finished its operations in 2018.<sup>915</sup>

Refugees accepted through the IRPP are accommodated in three Emergency Reception and Orientation Centres (EROCC)<sup>916</sup> where they spend an average of 10 months.<sup>917</sup> The initial resettlement timescale anticipated by the Department of Justice

and Equality (DJE) was three to four months.<sup>918</sup>

#### ► Children in Direct Provision:

The 2015 Final Report of the Working Group on Improvements to the Protection Process including Direct Provision and Supports to Asylum Seekers, also known as the McMahon report, made 173 recommendations.<sup>919</sup>

In 2018, there were 38 Direct Provision accommodation centres nationwide. Of the 5,997 people in Direct Provision, 1,724 are under 18.<sup>920</sup> The number of available spaces in the Direct Provision system has steadily decreased resulting in the accommodation of 300 asylum seekers including 44 children, in commercial hotels outside of the Direct Provision system.<sup>921</sup> Six Direct Provision centres are accommodating more residents than their contracted capacity,<sup>922</sup> reflective of the significant strain placed on the system. In December 2018, 12 per cent of the people residing in Direct Provision, over 700 people,

## Unaccompanied Minors Arrived in Ireland

	Actual number of arrivals 2015-2017	Actual number of arrivals in 2018	Number of people due to arrive in 2019
Greece	6	0	36
Calais	30	11	0
Malta	0	0	5

Source: Information received from the Department of Justice and Equality, 14 January 2019.

Separated Children, [33522/16], 8 November 2016.

912 Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD, Dáil Debates, EU Migration Crisis: Motion, 10 November 2016.

913 Communication received by the Children's Rights Alliance from the DJE, 14 January 2019.

914 Minister of State at the Department of Justice & Equality, David Stanton TD, Written Answers, Refugee Data, [48252/18] 20 November 2018.

915 *ibid.*

916 Minister of State at the Department of Justice & Equality, David Stanton TD, Written Answers, Refugee Resettlement Programme, 7 September 2018 [35673/18].

917 Communication received by the Children's Rights Alliance from the DJE, 14 January 2018.

918 Minister for Education and Skills, Richard Bruton TD, Written Answers, Education Schemes, 21 November 2017 [48910/17].

919 DJE, *Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers* (2015). The Working Group was established by the Government in October 2014 and was chaired by former High Court Judge, Dr Bryan McMahon. It comprised a number of representatives from government departments, agencies and non-governmental organisations.

920 Communication received by the Children's Rights Alliance from the DJE, 24 January 2018

921 *ibid.*

922 *ibid.*

have permission to remain in Ireland but cannot move out due to challenges in accessing accommodation.<sup>923</sup>

Budget 2019 increased the rate of the weekly Direct Provision allowance for children, increasing it from €21.60 to €29.80 in line with the McMahon Report recommendation.<sup>924</sup> This is a positive measure and was the third increase in less than three years to the payment. A review should be conducted to assess the additional social protection needs of children in the Direct Provision system.

*National Standards for Direct Provision Centres:* National standards are essential to ensure that asylum seeking and refugee children receive a consistent standard of high quality care in all centres and to facilitate open discussion, improve quality, challenge under-performance and provide oversight.<sup>925</sup> In August 2018, the DJE published draft National Standards and opened a five-week public consultation period.<sup>926</sup> The Standards aim to improve the quality of care and to ensure consistency across all Direct Provision accommodation centres.

The draft Standards are encouraging and include a number of child-specific provisions. They require families to be provided with child-friendly accommodation that 'respects and promotes family life and is informed by the best interests of the child'.<sup>927</sup> Service providers will be required to accommodate families in centres with own-door accommodation with access to the families own private living space, alongside additional sleeping quarters and a family bathroom. The draft Standards require that each Centre provides access to cooking and storage facilities either in a self-contained unit or communal kitchen in tandem with catering options.<sup>928</sup> In 2016, the UN Committee on the Rights



of the Child called on the State to 'allow for residents [of Direct Provision] to store and cook their own food' as far as possible.<sup>929</sup> At the beginning of 2019, 3,232 residents in 18 centres had access to cooking facilities.<sup>930</sup> Service providers are required to respect children's rights by explaining their rights in an age-appropriate way, hearing and taking into consideration the views of the child in relation to services provided, including through consultation,<sup>931</sup> and facilitating and supporting children to exercise their rights.<sup>932</sup>

The development of standards is a positive step but to have a real impact on the families and children living in Direct Provision they must be published and an implementation process initiated without delay. It is vital that they inform contractual obligations between the service provider and the Department. A robust monitoring system will be crucial to ensure compliance with the Standards. The draft Standards propose that an independent inspectorate will be put in place to conduct inspections in line with the National Standards.<sup>933</sup> Without an independent inspectorate undertaking

923 Minister of State for Immigration, Integration and Equality, David Stanton TD, Parliamentary Questions, Written Answers, 19 December 2018 [53868/18].

924 At the time of the McMahon report, the recommendation equated to the rate of Qualified Child Increase (QCI). Notably, Budget 2019 increased the Qualified Child Increase rate to €34 (children under the age of 12) and €37 (children over the age of 12) for children of other social welfare recipients. Department of Employment Affairs and Social Protection, 'Budget 2019' <<https://bit.ly/2RDi1rJ>> accessed 27 November 2018.

925 Michele Clarke, *Briefing Paper on the Inspection of Direct Provision* (DJE 2015) 7.

926 Minister for Justice and Equality, Charlie Flanagan TD, Parliamentary Questions, Written Answers, EU Directives [39045/18].

927 DJE, *Draft National Standards for Direct Provision Centres: Public Consultation* (DJE 2018) standard 4.4.

928 *ibid.*

929 UN Committee on the Rights of the Child 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 66(c).

930 Communication received by the Children's Rights Alliance from the DJE, 25 January 2019.

931 DJE, *Draft National Standards for Direct Provision Centres: Public Consultation* (DJE 2018) Standard 1.2.18.

932 *ibid* Standard 6.1.9.

933 *ibid* 4.



**National standards are essential to ensure that asylum seeking and refugee children receive a consistent standard of high quality care in all centres and to facilitate open discussion, improve quality, challenge under-performance and provide oversight.**

unannounced inspections, they will lack the necessary oversight to achieve meaningful change. The Health Information and Quality Authority (HIQA) would appear to be the obvious body to undertake such independent inspections.

*Child Protection and Welfare Strategy:* The UN Convention notes that measures to protect children should, as appropriate, 'include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment'.<sup>934</sup>

The DJE published its child safeguarding statement in May 2018<sup>935</sup> and the new *Child Protection and Welfare Policy and Practice Document for Direct Provision accommodation centres and EROCs*, which supplements the safeguarding statement, was published in July.<sup>936</sup>

Both the Child Protection and Welfare Policy and Practice Document for Direct Provision are positive steps to ensure the safety of children in Direct Provision. However, more than half of the referrals to Tusla about children in Direct Provision relate to child welfare rather than child protection concerns as highlighted by HIQA in its 2015 report.<sup>937</sup> Prevention and early intervention measures are essential to ensure that welfare concerns are addressed in a timely manner and do not escalate.

Families from a refugee background often need support to deal with trauma, to adapt to unfamiliar parenting styles, to find new supports in place of their traditional community and family supports, adjust to new family roles and the influences of a new culture.<sup>938</sup>

It is important that a Child Welfare and Protection Strategy is developed to complement the existing child protection policies already in place. The new strategy should incorporate the Signs of Safety approach as outlined in Tusla's *Child Protection and Welfare Strategy*<sup>939</sup> and focus on prevention and early intervention measures to support families. The Child and Family Unit within RIA usually consists of a child and family services manager seconded from Tusla and two administrative staff. However, the manager role has been vacant since November 2018, which is a concern.<sup>940</sup>

Developing and implementing a strategy with a preventative focus will require a greater compliment of staff with child protection and welfare expertise in the Child and Family Unit. Consideration should be given to providing the unit with additional resources to support the development of a child welfare and protection strategy.

Tusla is currently aligning the Area Based Childhood (ABC) programme with its Prevention, Partnership and Family Support (PPFS) Programme to help embed and enhance the Agency's Prevention and Early Intervention work.<sup>941</sup> An action plan will be developed for the next phase of the ABC Programme as part of the PPFS from 2019 onwards.<sup>942</sup> The redeveloped PPFS could pay particular attention to the needs of children and parents living in EROCs and Direct Provision accommodation in terms of both universal and targeted services and supports that may be required.

934 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 19(2).

935 DJE, 'Child Safeguarding Statement' (DJE, 2018) 2, 46-49. The safeguarding statement sets out the principles and procedures that staff should follow if they become aware of harm, risk or suspicion of harm to a child.

936 DJE, *Child Protection and Welfare Policy and Practice Document for Reception and Integration Agency (RIA), Irish Refugee Protection Programme (IRPP) and Accommodation Centres for persons in the International Protection process under contract to the Department of Justice and Equality* (DJE, 2018). The policy aims to guide the Designated Liaison Person (DLP) on dealing with child welfare and protection concerns specifically arising in accommodation for refugee and asylum seekers. The policy requires two DLPs: one in RIA's Child and Family Services Unit to ensure that child protection and welfare procedures are followed and to keep appropriate records; and a DLP in the accommodation centre responsible for reporting child protection or welfare concerns to Tusla and to the DJE.

937 HIQA 'Report on inspection of the child protection and welfare services provided to children living in Direct Provision accommodation under the National Standards for the Protection and Welfare of Children and Section 8(1) (c) of the Health Act 2007' (25 May 2015) <<https://bit.ly/2TfK114>> accessed 25 January 2019, 12.

938 Kerry Lewig, Fiona Arney and Mary Salveron, *The Working with Refugee Families Project* (University of Australia 2009) 13.

939 Child and Family Agency, Tusla, *Child Protection and Welfare Strategy 2017-2022* (Tusla 2017).

940 Communication received by the Children's Rights Alliance from the DJE, 24 January 2018.

941 Minister for Children and Youth Affairs, Katherine Zappone TD, Written Answers, Area Based Childhood Programme, 18 October 2018 [43139/18].

942 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 20 December 2018.

# Refugee and Asylum-Seeking Children

## Immediate Actions for 2019



### **Fulfil commitments under the Irish Refugee Protection Programme.**

Ensure the resettlement of 1,985 programme refugees and 60 unaccompanied minors by the end of 2019.



### **Implement without delay measures to transform the Direct Provision system and end the institutionalisation of children and families. In order to transform the Direct Provision system, as we know it, the Government should:**

- Publish and implement the National Standards for reception accommodation centres for people seeking protection as a priority. The standards should inform contractual obligations between the service provider and the Department of Justice and Equality.
- Identify an independent inspectorate to support the implementation of the National Standards, monitor compliance and, ensure that refugee children receive a consistent quality of care in reception accommodation centres for people seeking protection.
- Provide 'own-door' accommodation with private living space for families.
- Given the increase in the Direct Provision allowance for children to the level in the McMahon recommendation, conduct a review to assess the specific social protection needs of children in the Direct Provision system.
- Develop and implement a child welfare and protection strategy with a prevention and early intervention focus to address the particular needs of families living in reception accommodation and in Direct Provision centres. Ensure that the redeveloped Prevention, Partnership and Family Support pays particular attention to the needs of children and parents living in emergency Reception and Orientation Centres and Direct Provision accommodation. Tusla should appoint a child and family services manager for the Child and Family Unit as a priority.

## 6.3 LGBTI+Children and Young People

Section Grade:

A-

### ➔ Government Commitment

#### **A Programme for a Partnership Government commits to:**

Develop an LGBT Youth Strategy that will encompass education, youth services, mental health and other issues, and to review implementation of the National Action Plan on Bullying as part of this process.

▶ **Progress: Delivered**

'LGBTI+<sup>943</sup> Children and Young People' receives an 'A-' in *Report Card 2019*. This grade reflects the publication of the cross-departmental *LGBTI+ Youth Strategy 2018-2020*. Almost 4,000 young people participated in the consultation process for the strategy. However, the National Action Plan on Bullying has not yet been reviewed.

Every child has the right to enjoy their rights without discrimination of any kind.<sup>944</sup> While the UN Convention on the Rights of the Child does not specifically refer to discrimination on the grounds of sexual orientation or gender identity, the UN Committee on the Rights of the Child has clarified that sexual orientation is included in these grounds.<sup>945</sup> The UN Committee called on States, when implementing children's rights during adolescence, to 'repeal all laws criminalizing or otherwise discriminating against individuals on the basis of their sexual orientation, gender identity or intersex'<sup>946</sup>

943 The term LGBTI+ is used to denote Lesbian, Gay, Bisexual, Transgender and all other individuals who may identify as intersex etc. The term is inclusive of all sexual orientations and gender identities. This is the preferred term used throughout the section and this has changed from *Report Card 2017* to reflect the official title of the National LGBTI+ Youth Strategy.

944 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 2(1).

945 UNCRC 'General Comment No. 4 on Adolescent health and development in the context of the Convention on the Rights of the Child' (2003) UN Doc CRC/GC/2003/41 para 6.

946 Intersex is 'a term used to describe individuals who are born with sex characteristics (chromosomes, genitals, and/or hormonal structure) that do not belong strictly to male or female categories, or that belong to both at the same time'. See Agnes Higgins et al *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and*

status and adopt laws prohibiting discrimination on those grounds.<sup>947</sup> States must also 'take effective action to protect all lesbian, gay, bisexual, transgender and intersex adolescents from all forms of violence, discrimination or bullying by raising public awareness and implementing safety and support measures.'<sup>948</sup>

#### ► LGBTI+ Youth Strategy:

In June 2018, the Minister for Children and Youth Affairs, Dr Katherine Zappone TD launched the *National LGBTI+ Youth Strategy 2018 – 2020*. The Strategy is the first LGBTI+ youth strategy in the world. It aims to guarantee a cross-governmental approach to providing additional supports and measures to enhance the lives of LGBTI+ young people and to address some of the key challenges they face in their everyday lives.<sup>949</sup>

The publication of the Strategy is an important milestone for LGBTI+ children, young people and their families. In 2016, the UN Committee on the Rights of the Child called on the State to 'strengthen its efforts to combat discrimination against and stigmatization and social exclusion' of children including that based on their sexual orientation or gender identity.<sup>950</sup> The Strategy addresses many of these issues and young people have been consulted directly and have informed measures that will improve their lives.

The Strategy was informed by a comprehensive consultation process comprising of seven youth-led consultations held in different locations around the country and an online consultation facilitated by SpunOut.ie.<sup>951</sup> Almost 4,000 young people participated in the consultation process. The results of the final consultation, published by the Department of Children and Youth Affairs (DCYA) in December 2017 revealed discrimination, bullying, isolation, health and mental health as key issues impacting on young LGBTI+ people's lives.<sup>952</sup>



The Strategy contains three overarching goals: to create a safe supportive and inclusive environment for LGBTI+ young people; to improve the physical, mental and sexual health of LGBTI+ young people; and to develop the research and data environment to better understand the lives of LGBTI+ young people.<sup>953</sup> There are 15 objectives with 59 actions outlined to help implement these goals with clear responsibility under each action.<sup>954</sup> The Strategy is aligned to the five national outcomes of *Better Outcomes, Brighter Futures, The National Policy Framework for Children and Young People 2014-2020*<sup>955</sup> and will feed into that framework's implementation structures.<sup>956</sup> Actions in the Strategy also align with a number of other policies including the *National Youth Mental Health Task Force Report 2017* and the *National Sexual Health Strategy 2015 – 2020*.<sup>957</sup>

The *LGBTI+ National Youth Strategy* was developed by the Department of Children and Youth Affairs (DCYA) in the context of the overall *Better Outcomes, Brighter Futures* Framework. Reflecting the cross-government remit of the Framework, comprehensive structures have been established to drive implementation. These

<sup>947</sup> *intersex people in Ireland* (GLEN and BeLonG To 2016) 19.

<sup>948</sup> UNCRRC 'General Comment No. 20 on the implementation of the rights of the child during adolescence (2016) UN Doc CRC/C/GC/20 para 34.

<sup>949</sup> *ibid.*

<sup>950</sup> Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 2.

<sup>951</sup> UNCRRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 28.

<sup>952</sup> Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 10. The online survey received 3,710 responses from young people aged between 16 and 25 years living in Ireland.

<sup>953</sup> *ibid.*

<sup>954</sup> Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 15.

<sup>955</sup> *ibid.*

<sup>956</sup> *ibid.*; Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures, The National Policy Framework for Children and Young People (2014-2020)* (DCYA 2014).

<sup>957</sup> Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 32.

<sup>958</sup> *ibid.* 15.



same structures are used to support constituent strategies that sit within the Framework, including the *LGBTI+ National Youth Strategy*. The timelines and Key Performance Indicators that were due to be 'established and agreed for each of the actions included in the implementation plan' have been developed for internal use.<sup>958</sup> Monitoring of the implementation of the Strategy will be through the Advisory Council on *Better Outcomes, Brighter Futures*.<sup>959</sup> Olivia McEvoy, Director of Diversity & Inclusion Advisory Services with Ernst & Young, has been appointed to the Council. This is intended to ensure that a member of the Advisory Council has the 'remit to represent the relevant issues from the Strategy in the broader *Better Outcomes, Brighter Futures* context'.<sup>960</sup> A Youth Forum as well as an annual implementation forum are also due to be established as part of the implementation process.<sup>961</sup> While the Strategy is a positive step forward, adequate

oversight and the development of clear timelines and indicators are key to its successful implementation.

A key theme in the Strategy relates to LGBTI+ young people and educational settings. In consultations, young people highlighted the impact of bullying and harassment, a lack of education on gender, sex and LGBTI+ issues, poor school policies and a lack of gender-neutral bathrooms and uniforms as issues that continue to present challenges.<sup>962</sup> The Strategy includes welcome actions including the requirement for schools to develop whole-school policies to ensure the inclusion of LGBTI+ young people and explore opportunities for the appropriate inclusion of LGBTI+ lives as part of the curriculum review at both primary and senior-cycle levels.<sup>963</sup> Schools will be required to consult with parents and students on all school policies, including on school uniform policies. These actions could help to build a more inclusive environment in formal education settings. However, given the autonomous nature of school governance, the Department of Education and Skills should provide clear guidance and oversight to schools on how to implement these actions in school settings.

958 Department of Children and Youth Affairs, 'Better Outcomes, Brighter Futures: Newsletter on the implementation of the National Policy Framework for Children and Young People and related developments – 2018 Issue 01' <<https://bit.ly/2sHGj51>> accessed 4 January 2019; Communication received by the Children's Rights Alliance from the DCYA, 5 February 2019.

959 *ibid.*

960 Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 33.

961 *ibid.*

962 Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) 10.

963 *ibid.* 19.



**An estimated 29,000 young people identify as LGBTI+ representing a sizeable minority of the school population in Ireland. Homophobic bullying is 'directly related to poorer mental health outcomes and higher levels of reported self-harm and suicidal behaviour'.**

The Strategy includes a number of actions to address the mental health needs of LGBTI+ young people, including the development of targeted early intervention initiatives and services to reduce the risk of self-harm and suicide.<sup>964</sup> This is a necessary inclusion because an LGBTIreland Report found that 35 per cent of the LGBTI+ young people they surveyed experienced severe or extremely severe depression and that young LGBTI+ people self-harm at a rate of more than six times that of LGBTI+ people over the age of 46.<sup>965</sup> In addition, the Strategy commits to advancing the recommendations from the review of the Gender Recognition Act 2015 as quickly as possible.<sup>966</sup> These include the introduction of a system of gender recognition for children of any age subject to parental consent, or a legal process where consent from both parents is not given.<sup>967</sup>

In launching the Strategy, the Minister for Children and Youth Affairs, Dr Katherine Zappone TD pledged an annual €400,000 to improve youth services, making them more LGBTI+ aware.<sup>968</sup> As part of the annual allocation for 2018, the Minister announced a €100,000 grant scheme aimed at making local services more accessible to young LGBTI+ people.<sup>969</sup> The grant scheme aimed to provide funding to 'implement evidence-based training, mentoring, coaching, Continuous Professional Development initiatives' and the development of guidelines for youth services.<sup>970</sup> A total of €156,388 was distributed for capacity building measures across 39 organisations for youth, health and social service professional groups and organisations.<sup>971</sup> A further €20,000 was allocated to conduct a landscape analysis of existing research and data.<sup>972</sup> The annual funding for implementation of the Strategy is important. However, a clear process

and timeline for applications for funding or grants would ensure that there is adequate time for relevant organisations to plan their applications and ensure that they can deliver their projects on time.

#### ► Review of the Action Plan on Bullying:

An estimated 29,000 young people identify as LGBTI+ representing a sizeable minority of the school population in Ireland.<sup>973</sup> Homophobic bullying is 'directly related to poorer mental health outcomes and higher levels of reported self-harm and suicidal behaviour'.<sup>974</sup> While initiatives to address homophobic and transphobic bullying in schools exist,<sup>975</sup> and are supported by the Department of Education and Skills, almost half of the 416 *LGBTIreland Report* participants aged between 14 and 18 years had experienced anti-LGBTI+ bullying, while 67 per cent had witnessed an incident of anti-LGBTI+ bullying.<sup>976</sup> In relation to LGBTI+ young people, international human rights experts have explicitly stated that 'States must act to overcome prejudice and stereotypes through anti-discrimination initiatives in schools and public education campaigns'.<sup>977</sup>

The review of the *Action Plan on Bullying* is focused on the LGBTI+ specific actions but the Department of Education and Skills should build on this review and consider other forms of bullying and harassment against other children and young people in relation to gender, race, religion or other grounds.

964 *ibid* Goal 2, Objective 11.

965 Agnes Higgins et al, *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland* (Glen & BeLonG To 2016) 107, 110.

966 Department of Children and Youth Affairs, *National LGBTI+ Youth Strategy 2018-2020: LGBTI+ young people: visible, valued and included* (DCYA 2018) Goal 1, Objective 1, 2, 6, 8.

967 Department of Employment Affairs and Social Protection, *Review of the Gender Recognition Act 2015: Report to the Minister for Employment Affairs and Social Protection* (DEASP 2018) 109.

968 Department of Children and Youth Affairs, 'World's First LGBTI+ National Youth Strategy launched Minister Zappone confirms funding for first actions Young People to be 'Visible, Valued, Included' <<https://bit.ly/2TQ5D59>> accessed 2 October 2018.

969 Department of Children and Youth Affairs, '€100K grant fund to kick-start World's First LGBTI+ National Youth Strategy' (DCYA, 28 August 2018) <<https://bit.ly/2ra9YTj>> accessed 2 October 2018.

970 *ibid*.

971 Communication received by the Children's Rights Alliance from the DCYA, 5 February 2019.

972 *ibid*.

973 Gay and Lesbian Equality Network, 'Being LGBT in School; A Resource for Post-Primary Schools to Prevent Homophobic and Transphobic Bullying and Support LGBT Students' <<http://bit.ly/1Sxsxub>> accessed 3 January 2018.

974 Agnes Higgins et al *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland* (GLEN and BeLonG To 2016) 8.

975 The *Stand Up!* campaign, run annually by BeLonG To, is a programme aimed at tackling homophobic and transphobic bullying in schools. This campaign has been endorsed in the current national *Action Plan on Bullying*, which recommended that the project be supported by the Department of Education and Skills. BeLonG To 'Stand Up Campaign' <<https://bit.ly/2RQ7uJB>> accessed 25 January 2019. Gay and Lesbian Equality Network, 'Being LGBT in School; A Resource for Post-Primary Schools to Prevent Homophobic and Transphobic Bullying and Support LGBT Students' <<http://bit.ly/1Sxsxub>> accessed 3 February 2017. The Department has also provided funding to BeLonG To to explore the ways in which Stand Up! can be adapted for use in primary schools.

976 Agnes Higgins et al *The LGBTIreland Report: national study of the mental health and wellbeing of lesbian, gay, bisexual, transgender and intersex people in Ireland* (GLEN and BeLonG To 2016) 82.

977 United Nations Human Rights; Office of the High Commissioner, 'Discriminated and made vulnerable: Young LGBT and intersex people need recognition and protection of their rights' (17 May 2015) <<http://bit.ly/1QPqBJv>> accessed 3 February 2017.

## LGBTI+Children and Young People **Immediate Actions for 2019**



**Publish timelines and Key Performance Indicators online in the first quarter of 2019 for the actions contained in the *LGBTI+Youth Strategy*.**

The *LGBTI+ Youth Strategy* is a world first and has the potential to significantly tackle the inequality and discrimination faced by LGBTI+ children and young people within a clear policy framework. To effectively implement the Strategy, clear timeframes, accountability measures and adequate funding are required.