

Leanaí a Urramú

Tuarascáil Bhliantúil
Oifig an Ombudsman do Leanaí

Aibreán 2005 – Nollaig 2006

Seo an dara Tuarascáil Bhliantúil de chuid an Ombudsman do Leanaí. Cuireadh an Tuarascáil faoi bhráid an Oireachtais de bhun Alt 13 (7) den Acht um Ombudsman do Leanaí, 2002. Cuimsíonn an tuarascáil seo an tréimhse 25 Aibreán 2005 go dtí 31 Nollaig 2006.

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Cé muid agus cad a dhéanaimid?

Cuireadh Oifig an Ombudsman do Leanaí (OCO) ar bun i mí Aibreáin 2004 faoi reachtaíocht phríomhúil; An tAcht um Ombudsman do Leanaí, 2002. Tá an tOmbudsman do Leanaí neamhspleách ar an Rialtas agus ar ghníomhairí eile sa tsochaí shibhialta agus tá an OCO freagrach don Oireachtas.

An ról atá ag an Ombudsman do Leanaí ná cearta agus leasa leanaí agus daoine óga faoi bhun aois a hocht déag a chothú agus a chosaint. Seo a leanas na príomhfheidhmeanna atá ag an OCO: seirbhís neamhspleách a chur ar fáil a dhéanann gearáin maidir le comhlachtaí poiblí a láimhseáil; cearta leanaí a chothú, lena n-áirítear a bpáirt i ngníomhaíochtaí rannpháirtíochta agus cumarsáide; agus comhairle thaighde agus pholasaí a sholáthar chun a chinntiú go gcomhlíonann dlí, polasaithe agus cleachtais na caighdeáin is airde agus na dualgais atá orthu faoi Choinbhinsiún na NA um Chearta an Linbh.

Ceapadh Emily Logan ina Ombudsman do Leanaí i mí an Mhárta 2004 – an chéad Ombudsman do Leanaí riamh in Éirinn.

Teachtaireacht ón Ombudsman do Leanaí

Ceartha Leanaí in Éirinn a Mhúnlú agus a Chosaint.

Is méanar dom a bheith i mo Ombudsman do Leanaí sa lá atá inniu ann in Éirinn - le dearcthaí agus tuairimí na linne ag athrú agus an pobal ag éirí níos ilchineálaí is níos ilchineálaí. Tá na hathruithe seo le sonrú ar an gcaoi a gcaitheann daoine le leanaí agus le daoine óga agus ar a meon i leith na leanaí sin. Tá na hathruithe seo le sonrú freisin ar an gcaoi a machnaíonn, a motháíonn agus a ngníomhaíonn na leanaí féin. Tá luachanna, dearcthaí agus iompar na sochaí ríthábhachtach má táthar chun tacú le leanaí agus na leanaí sin ar a ndícheall saol sásúil folláin a chaitheamh.

Seo mo dhara tuarascáil bhliantúil. Bhí an tréimhse atá á hathbhreithniú sa tuarascáil seo ina tréimhse fhuinniúil spreagúil. Ba mhór an fuinneamh a bhí ann le déanaí ó thaobh na díospóireachta poiblí de ar cheisteanna a bhaineann le leanaí. Mar bhuaicphointe air sin, thug an Taoiseach, Bertie Ahern gealltanas poiblí, i mí na Samhna 2006, go rabhtas chun cultúr a chothú sa tír ina n-urramófaí leanaí na tíre agus ina neartófaí an seasamh atá ag leanaí sa Bhunreacht. Sa dara cuid de 2006, chuir an tAire Leanaí tús le comhairliúchán le príomhpháirtithe leasmhara chun go n-aontófaí an fhocláíocht a úsáidfid don reifreann bunreacht um chearta leanaí.

Ní hé amháin go bhfuil an ghníomhaíocht bhunreachtúil seo ag titim amach, atá tá cúrsaí ag athrú go sóisialta agus tá tuairimí cultúrtha agus polaitiúla níos ilchineálaí ná mar a bhí riamh. Ní mór dúinn tús áite a thabhairt do leanaí agus do dhaoine óga agus a chinntiú go ndéantar tagarmharcáil ar a rannpháirtíocht sa phobal agus go rathaítear an rannpháirtíocht sin. Ní mór dúinn éisteacht leo. Ní mór dúinn a dtaithí a chur san áireamh. Ní mór dúinn meas a bheith againn ar a ndearcthaí.

I mó cháil mar Ombudsman do Leanaí tá an t-ádh orm bheith i bhfeighil na heagraíochta seo - Oifig an Ombudsman do Leanaí (OCO). Ba mhaith liom buíochas a ghabháil leis an bhfoireann dhíograiseach dhílis a d'oibrigh gan staonadh chun a chinntiú go raibh rath ar an dara tréimhse feidhmiúcháin seo – don Oifig agus do Leanaí araon.

Seo a leanas roinnt de na buaicphointí ar mhaith liom aird a dhíriú orthu sa tuarascáil seo:

- an tacaíocht a thug Coiste na NA um Chearta an Linbh dár gcuid oibre;
- an atreorú a rinne an Chomh-aireacht ar dhréachtreachtaíocht a mbeadh tionchar aici ar leanaí;
- an obair a rinne an OCO le leanaí agus daoine óga agus an fheasacht atá á spreagadh maidir leis an OCO; agus

- an freagra a thug comhlachtaí poiblí ar ár ngearáin agus ár n-imscrúduithe. Mhéadaigh líon na ngearán agus na n-imscrúduithe sin ó 177 go 790 le linn na tréimhse sin.

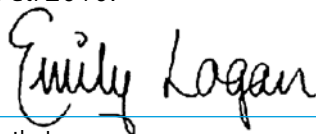
An bhliain seo chugainn tá sé beartaithe ag an OCO iniúchadh a dhéanamh ar na constaicí atá i gcoinne fheidhmiú iomlán cearta leanaí. Ceann de na constaicí is mó atá ag teacht chun cinn ná an cur chuige cultúrtha agus na dearcathaí atá ann i leith seirbhísí a sholáthar do leanaí agus do theaghlaigh áirithe. Cur chuige agus dearcathaí a dteipeann orthu leanaí a urramú.

Cé go gur minic nach léiriú cruinn na gearáin ar chaighdeán na seirbhíse a chuireann eagraíocht ar fáil, féadfaidh gearáin cultúr na heagraíochta sin a chur in iúl go minic, maille leis an taithí a bhí ag leanbh nó teaghlach leis an eagraíocht chéanna. Mar shampla, ba chúis mhór imní dom é, i rith thréimhse thuairiscithe na tuarascála seo, saincheist a chuir athair faoinár mbráid – athair a bhfuil leanbh aige atá faoi mhíchumas intleachtach. Tá an tsaincheist seo faoi shainchúram na hOifige seo ach níor theastaigh ón bhfear go ndéanfadh an oifig imscrúdú ar an scéal mar go raibh eagla air roimh an gcóras agus na hiarmhairtí a d’eascródh as dá leanbh. Is cúis mhór imní dom é go mbeadh eagla ar aon tuismitheoir roimh aon chóras seirbhíse poiblí ar a mbíonn siad ag brath.

Cuireadh Oifig an Ombudsman do Leanaí ar bun chun cearta na leanaí atá ina gcónaí in Éirinn a chothú. Tá freagracht reachtúil orainn an tasc seo a chur i gcrích, ach nílimid ag treabhadh sa ghort inár n-aonar. Le fada an lá, bhí daoine eile ag treabhadh sa ghort seo, idir ghníomhaireachtaí neamhrialtasacha, ghairmithe a oibríonn le leanaí agus pholaiteoirí áirithe, i measc daoine eile, agus iad i mbun feachtais chun go n-éistfí le leanaí, go gcreidfí iad agus do n-urramófaí iad.

Cén ról atá againn go léir múnú a dhéanamh ar thír ina n-urramaítear leanaí agus ina gcosnaítear iad? Cén ról atá ag leanaí agus daoine óga na tíre na hathruithe sin a mhúnú? Déanfaidh mé féin agus m’fhoireann ár lándícheall a chinntiú go bhfuil an pháirt atá ag an OCO san cúrsaí seo suntasach, dearfach agus cumasaitheach.

In 2007 foilseoimid ráiteas straitéise don eagraíocht a chuimseoidh an tréimhse go dtí 2010.



Emily Logan
An tOmbudsman do Leanaí

Polasaí agus Taighde

Athrú a Chur Chun Cinn. Cearta Leanaí a Neartú.

Tá a lán leanaí leochaileacha in Éirinn inniu. Baineann an OCO úsáid as a feidhmeanna polasaí agus taighde chun athrú a chur chun cinn agus chun sochaí a chruthú ina bhfuil fíormheas ar gach leanbh. Oibrímid lena chinntiú go bhfuil dlíthe, polasaithe agus cleachtais ag comhlíonadh na gcaighdeán is airde agus ag comhlíonadh ár ndualgas faoi choinbhinsiún na NA um Chearta na Linbh. Ar an gcaoi seo tá súil againn páirt a ghlacadh san iarracht tír níos fearr a chruthú dár leanaí.

Ról Taighde agus Polasaí na hOifige mar atá siad sainithe sa reachtaíocht.

Leagann an tAcht um Ombudsman do Leanaí, 2002 ról polasaí agus taighde an OCO amach:

- Comhairle a chur ar Airí maidir le ceapadh polasaí agus comhordú ar pholasaí a bhaineann le leanaí;
- Monatóireacht agus athbhreithniú a dhéanamh ar fheidhmiú na reachtaíochta a bhaineann le cearta agus leas leanaí;
- Monatóireacht agus athbhreithniú a dhéanamh ar fheidhmiú an Achta um Ombudsman do Leanaí agus, nuair is gá, moltaí a dhéanamh chun é a leasú;
- Taighde ar ábhar ar bith a bhaineann le cearta agus leas leanaí a ghlacadh de láimh, an taighde sin chur chun cinn agus é a fhoilsiú; agus
- Eolas a mhalartú leis an Ombudsman do Leanaí i Stáit eile.

Ina theannta seo, soiléirítear in Acht 2002, gur féidir leis an Ombudsman, Emily Logan, comhairle a chur ar Airí maidir le hábhar ar bith a bhaineann le cearta agus leas leanaí. San áireamh anseo tá an fheidhm thábhachtach comhairle a chur ar Airí maidir leis an toradh a bheadh ar mholtaí reachtúla oiriúnacha a chur i bhfeidhm agus na himpleachtaí a bheadh acu do leanaí agus dá leas.

Le linn na tréimhse atá á hathbhreithniú sa tuarascáil bhliantúil seo, rinneadh gach iarracht, le hobair pholasaí agus thaighde an OCO, athruithe fónta a chur i bhfeidhm ag na leibhéil is airde sa Stát. Chuireamar comhairle ar fáil ar raon leathan ceistanna de bharr iarratais ón Rialtas nó as stuaim an Ombudsman féin. Chuir an Oifig aighneachtaí faoi bhráid Coistí Oireachtais agus eagrais thábhachtacha idirnáisiúnta chun an méid a urramaítear cearta leanaí sa Stát a neartú. Chun feabhas a chur ar ár dtuiscint ar na deacrachtaí atá ag leanaí agus daoine óga in Éirinn, rinne an OCO coimisiúnú ar thaighde ar an mbunús atá leis na deacrachtaí sin ionas gur féidir réiteach praiticiúil a aithint agus bealaí éifeachtacha a mholadh inar féidir dul i ngleic leo.

Seo a leanas rogha samplaí de chlár oibre Polasaí agus Taighde an OCO:

Comhairle a d'iarr an Rialtas

I gcaitheamh na tréimhse atá á hathbhreithniú, chuir an Rialtas trí phíosa dréachtreachtaíochta faoi bhráid Oifig an Ombudsman do Leanaí.

An chéad liosta moltaí reachtúla ba ea na hathruithe molta a bhí ann d'Acht na Leanaí, 2001. San áireamh anseo bhí: tabhairt isteach orduithe maidir le hiompraíocht fhrithshóisialta (ASBO); ísliú ar an aois is óige ag ar féidir ionchúiseamh coiriúil a dhéanamh i gcásanna áirithe agus an leathnú de réir a chéile ar an gcóras coinneála scoile do leanaí chun gach duine faoi bhun 18 bliana a chur san áireamh. Bhí an OCO den tuairim go bhféadfadh impleachtaí nach beag a bheith ag na hathruithe reachtúla seo do shaol leanaí agus daoine óga. Dá réir sin, dhírigh comhairle an Ombudsman, a tugadh don Rialtas in Aibreán 2006, ar an riachtanas a bhí ann cloí leis na caighdeáin idirnáisiúnta cuí um chearta daonna maidir le dlí cothrom don óige.

An dara mholadh reachtúil a cuireadh faoi bhráid na hOifige ba ea an Bille um an Dlí Coiriúil (Cionta Gnéasacha), 2006. Rinneadh dréachtú ar an mBille chun bearna reachtúil a líonadh a bhí ann de dheasca cinneadh ón gCúirt Uachtarach a chuir ar neamhní foráil amháin sa reachtaíocht reatha um 'éigníú reachtúil' ag rá go raibh sé neamh-bhunreachtúil. Ba choiriúil an rud é faoin reachtaíocht sin gaol gnéasach a bheith ag duine le cailín faoi bhun 17 mbliana agus ní raibh deis chosanta ar bith ann toisc dearmad réasúnta a bheith déanta maidir le haois cailín faoi bhun 15 bhliana a bhí i gceist.

Mar thoradh ar chinneadh na Cúirte Uachtaraí, ar tugadh cás CC air, bhí agóid mhór ann ón bpobal agus rinneadh achtú go gasta ar an mBille a tháinig ina ionad. Ba chúis mhór imní do Oifig an Ombudsman do Leanaí na himpleachtaí do leanaí a ghabh leis an ngníomhaíocht reachtúil seo. Threoraigh forálacha Choinbhinsiún na Náisiún Aontaithe um Chearta an Linbh sinn sa chomhairle a thugamar maidir leis an mBille. Sa chomhairle sin, d'fháiltigh an tOmbudsman roimh ghnéithe áirithe den Bhille mar an leathnú ar an gcosaint ó dhúshaothrú chun go gcuimseofaí buachaillí freisin – níor chosain an reachtaíocht a bhí ann roimhe agus a hachtaíodh i 1932 ach cailíní amháin. Mar sin féin, luaigh Emily Logan cúpla ábhar imní eile, ina measc an seans go bhféadfaí an dlí a chur ar leanaí faoi théarmaí an bhille nua; go bhféadfadh go mbeadh ar leanaí a ndearnadh leatrom orthu cásanna cúirte díobhálacha a fhulaingt; agus, go ndearna foráil a thug saoirseacht ó ionchúiseamh do chailíní éagóir dlí ar bhuachaillí. Cuireadh an chomhairle seo mar gheall ar an mBille faoi bhráid an Rialtais an 1 Meitheamh 2006.

An Bille um Gháinneáil ba ea an tríú moladh reachtúil a cuireadh faoi bhráid na hOifige seo. Cuirfear comhairle an Ombudsman mar gheall ar an mBille seo faoi bhráid an Rialtais go luath in 2007.

An Réamhchomhairle a chuireann an OCO ar an Rialtas

Chomh maith le hábhair a sheol an Rialtas chugainn ag lorg comhairle orainn faoi athruithe dlíthiúla molta, chuir an OCO comhairle ar fáil don Rialtas as a stuaim féin faoi Alt 7 den Acht um Ombudsman do Leanaí, 2002. I mí na Nollag 2006, thug an OCO comhairle maidir le reifreann a bhí molta ar chearta an linbh ag an Taoiseach i Samhain 2006. Bhí athrú ar an mBunreacht iarrtha cheana ag Emily Logan, chun cur leis an gcosaint a fuair leanaí, san aighneacht a chuir sí faoi bhráid Choiste Uile-Pháirtí an Oireachtais ar an mBunreacht i mí Eanáir 2005 agus ina tuairisc do Choiste na Náisiún Aontaithe um Chearta an Linbh in Aibreán 2006.

Sa chomhairle a chuir an tOmbudsman ar fáil maidir leis an reifreann bunreachtúil a bhí molta, d'iarr Emily Logan go n-athrófaí Ailt 40, 41 agus 42 den Bhunreacht a dhírigh ar chosaint ar leith a thabhairt do chearta an linbh agus do na cearta ag gach teaghlach. Go hachomair, d'iarr an OCO:

- go gcuirfí foráil isteach, i ngach gníomh a bhain le leanaí, gur ar mhaithe le leanaí ar dtús a dhéanfaí gach beart agus – i gcásanna cosanta leanaí – gurb é a fhaigheann tús áite thar aon ní eile;
- go gcuirfí foráil isteach a leagann amach na léirchearta atá ag leanaí leis an gceart chun cúraim theaghlaigh san áireamh;
- go gcuirfí deireadh leis an gcleachtas caitheamh ar bhealach difriúil le leanaí ó theaghlaigh neamhphósta agus leo siúd ó theaghlaigh pósta; agus
- feabhas agus athchóiriú a dhéanamh ar na cúiseanna le go ngníomhódh an Stát chun leanaí a chosaint.

Aighneachtaí chuig Coistí Oireachtais

Le linn 2006, rinne an tOmbudsman dhá aighneacht fhoirmiúla chuig Coistí Oireachtais. Tagraítear dá haighneacht chuig Comhchoiste an Oireachtais um Shláinte agus Leanaí ar imní faoi chosaint leanaí i gCaibidil 3 den Tuarascáil seo ag déileáil le feidhm ghearáin an OCO (féach leathanach 18).

I Lúnasa 2006, rinne an OCO aighneacht i scríbhinn agus ó bhéal chuig Comhchoiste an Oireachtais um Chosaint Leanaí. Bunaíodh an Coiste i mí Iúil 2006 de dheasca chinneadh na Cúirte Uachtaraí i gcás CC agus an t-achtú ina dhiaidh sin ar an Acht um an Dlí Coiriúil (Cionta Gnéasacha), 2006 a dhéanann cion de ghaol gnéasach a bheith ann idir leanaí atá faoi bhun na haoise toilithe.

San aighneacht ag Emily Logan, dhírigh sí ar na héifeachtaí a d'fhéadfadh a bheith ag an dlí nua a bhí díreach achtaithe ar leanaí. An príomhúdar imní don Ombudsman maidir le hAcht 2006 ná go bhféadfadh go mbeadh ar leanaí imeachtaí díobhálacha cúirte a fhulaingt dá bharr. Faoi na forálacha atá ann,

ní choiscfeadh rud ar bith ar an gcosantóir a mhaíomh mar chosaint go raibh dearmad réasúnta déanta maidir le haois ó chroscheistiú díreach a dhéanamh ar fhinné óg. Mhol Emily Logan go nglacfaí céimeanna áirithe chun finnéithe óga a chosaint mar: fianaise fhístaifeadta ó leanbh a cheadú; croscheistiú linbh ag an gcosantóir a thoirmeasc; go mbeadh idirghabhálaithe i láthair chun tacú le leanaí sa chúirt; beartais ullmhúcháin do leanaí roimh an triail agus traenáil dóibh siúd uile a oibríonn le leanaí laistigh den chóras dlí coiriúil.

Luaigh an tOmbudsman freisin ina haighneacht toisc méid áirithe ceisteanna tábhachtacha a bheith ag teacht i dteannta a chéile – cinneadh na Cúirte Uachtaraí i gcás CC; achtú ar Acht 2006, agus; an díospóireacht phoiblí ar cheisteanna cosanta leanaí a bhí ag croílár chás CC – gur léirigh siad seo go léir an gá a bhí le reifreann bunreachtúil chun léirchearta do leanaí a bheith san áireamh sa Bhunreacht.

Páirt an OCO i bpróiseas tuairiscithe Choiste na NA um Chearta an Linbh

Coiste na Náisiún Aontaithe um Chearta an Linbh

I Meán Fómhair 2006, rinne Coiste na Náisiún Aontaithe um Chearta an Linbh athbhreithniú ar an dara tuairisc ag Éirinn faoi Choinbhinsiún na Náisiún Aontaithe um Chearta an Linbh. Dhaingnigh Éire an Coinbhinsiún i 1992 agus tá dualgas uirthi cloí leis na téarmaí atá leagtha síos ann. Seo an dara huair go ndearnadh athbhreithniú ar fheidhmíocht na hÉireann. Rinneadh an chéad athbhreithniú i 1998.

Chomh maith leis an Stát, is féidir le heagraíochtaí eile tuairiscí a chur faoi bhráid Choiste na Náisiún Aontaithe um Chearta an Linbh agus chuir an tOmbudsman a tuairisc siúd faoi bhráid an Choiste i mí Aibreáin 2006. Dhírigh an tuairisc ar ábhair imní ar leith a bhí léirithe ag leanaí agus a dteaghlaigh. Saincheisteanna iad seo a raibh léargas faoi leith ag an OCO orthu: an gá atá le hathrú Bunreachtúil chun meas ar chearta leanaí a chinntiú; mí-úsáid leanaí; cúram sláinte; oideachas; míchumas; bochtaineacht; pionós corpartha; an dlí mar a bhaineann le hógánaigh, agus; leanaí scartha ag lorg dídine.

I Meitheamh 2006, thaistil an tOmbudsman go dtí an Ghinéiv agus chas sí le Coiste na Náisiún Aontaithe ag éisteacht réamhsheisiúnach chun eolas breise a sholáthar maidir leis na príomhcheisteanna agus ábhair imní ag leanaí agus daoine óga in Éirinn. D'fhill Emily Logan ar an nGinéiv i Meán Fómhair 2006 chun breathnú ar scrúdú an Choiste ar thoscaireacht fhoirmiúil as Éirinn faoi cheannas an Aire Leanaí.

Ag deireadh mhí Mheán Fómhair, d'fhoilsigh Coiste na Náisiún Aontaithe a Thuairimí Deiridh maidir le hÉirinn. Sa cháipéis seo, tagraíonn an Coiste do na gnéithe dearfacha agus diúltacha a bhain le feidhmíocht na hÉireann faoin gCoinbhinsiún um Chearta an Linbh agus tugann sé moltaí don rialtas. Anois leanfaidh Oifig an Ombudsman do Leanaí ar aghaidh ag déanamh monatóireachta ar an dul chun cinn a déanfar maidir le cearta an linbh.

Obair ar an Leibhéal Idirnáisiúnta

Bhain bunú Oifig an Ombudsman do Leanaí in Éirinn le cleachtas idirnáisiúnta atá ann agus ag méadú i gcónaí go gcuirfí institiúidí náisiúnta ar bun a mbeadh sé mar dhualgas orthu cearta leanaí a chothú agus a chosaint. Tá Ombudsmen nó Coimisinéirí do Leanaí curtha ar bun i 24 tír san Eoraip. Cuireadh a bhformhór ar bun le deich mbliana anuas.

Oibríonn Ombudsmen agus Coimisinéirí Náisiúnta do leanaí laistigh de chomhthéacs idirnáisiúnta atá níos soiléire ná riamh. I 1993, ghlac Comhthionól Ginearálta na Náisiún Aontaithe le prionsabail ar a dtugtar 'Prionsabail Pháras' maidir le feidhmíocht na n-institiúidí náisiúnta um chearta leanaí. Leag na Prionsabail síos na ról agus na feidhmeanna a bheadh ag institiúidí náisiúnta agus ombudsmen do leanaí agus áitíonn siad gur chóir do na hoifigí sin a bheith neamhspleách sa bhealach ina bhfeidhmíonn siad. Tá an Chomhairle Eorpach in Strasbourg i mbun clár trí bliana faoi láthair chun cearta leanaí a chothú agus tá an tAontas Eorpach ag ceapadh a pholasaí agus a chlár oibre féin ar chearta leanaí.

Ionas go mbeidh ar ár gcumas nascadh a dhéanamh leis na forbairtí ag an leibhéal idirnáisiúnta agus an fhoghlaim a dhéantar a roinnt lenár macasamhail i dtíortha Eorpacha eile – feidhm a bhfuil foráil déanta di san Acht um Ombudsman do Leanaí, 2002 – rinneadh ball iomlán de ENOC (European Network of Ombudsmen and Commissioners for Children) den OCO.

Feidhmíonn an Gréasán, a bunaíodh i 1997, mar fhóram trínar féidir eolas agus na cleachtais is fearr a mhalartú. Tacaíonn sé freisin le cumarsáid idir oifigí náisiúnta agus eagrais idirnáisiúnta mar an tAontas Eorpach agus tacaíonn sé le forbairt ar institiúidí éifeachtacha do chearta leanaí san Eoraip. An príomhchuspóir atá leis ná cur i bhfeidhm Choinbhinsiún na Náisiún Aontaithe um Chearta an Linbh a spreagadh mórthimpeall na hEorpa.

Le linn 2006, chuir an Oifig le hobair ENOC ar leibhéal éagsúla. Bhíomar gníomhach i gceapadh reachtanna agus struchtúir riaracháin ENOC don ghréasán. Mar chuid den obair seo d'fháiltíomar roimh bhail ENOC go Baile Átha Cliath i mBealtaine 2006, áit ar glacadh le na reachtanna don ghréasán.

Chuir an OCO freisin le ceapadh ráitis faoinár seasamh ar shaincheisteanna áirithe agus ghlacamar páirt i gcrúinniú cinn bhliana ENOC a tionóladh i mí Mheán Fómhair 2006.

Níos cóngaraí do bhaile, tá ár nOifig ina ball freisin de BINOCC (British and Irish Network of Ombudsmen and Children's Commissioners). Tugann an gréasán seo le chéile Coimisinéirí do Leanaí ó Shasana, ó Thuaisceart Éireann, ó Alba agus ón mBreatain Bheag agus Oifig ár nOmbudsman anseo in Éirinn. Ós rud é go bhfuilimid chomh cóngarach dá chéile agus go bhfuil na saincheisteanna a bhfuiltear ag déileáil leo sna cúig dhlínse chomh cosúil lena chéile, tugann an Gréasán fóram an-úsáideach dúinn chun eolas a mhalartú agus comhoibriú a dhéanamh i gcásanna a bhfuil gné thrasteorann ag baint leo. Chomh maith le comhoibriú ag leibhéal an Choimisinéara/Ombudsman, oibríonn an fhoireann shinsearach sna cúig oifig le chéile ar bhonn leanúnach chun seasamh comónta maidir le polasaí agus straitéisí cumarsáide comónta a fhorbairt.

In 2006, tionóladh an tríú cruinniú mullaigh de chuid BINOCC san Oifig i mBaile Átha Cliath agus ghlacamar páirt sa chéad chomhdháil foirne de chuid BINOCC a tionóladh i mBéal Feirste. Bhí baill foirne ó na cúig oifig atá páirteach sa ghréasán i láthair. Sa mhéid is gur thacaigh sé go mór le foghlaim agus leis na cleachtais is fearr a roinnt, bhí an-rath ar an gcomhdháil agus tionólfar ar bhonn bliantúil amach anseo é.

Le haghaidh tuilleadh eolais ar an obair a dhéanann gréasáin ENOC agus BINOCC, féach ar shuímh idirlín na ngréasán:

www.ombudsnet.org/enoc www.binocc.org

Taighde bonnlíne ar chearta leanaí in Éirinn

I Lúnasa 2006, rinne an Oifig coimisiúnú ar staidéar taighde bonnlíne ar chearta leanaí in Éirinn. Beidh an staidéar i gcrích i mí Marta 2007.

An cuspóir atá leis an taighde ná na príomhchonstaicí a choisceann cur i ngníomh cearta leanaí in Éirinn a shainiú. Ainmneoidh sé na baic atá leis an gcur i ngníomh sin agus na cúinsí a choisceann cur i bhfeidhm iomlán cearta leanaí, go háirithe iad siúd atá aitheanta faoi Choinbhinsiún na Náisiún Aontaithe um Chearta an Linbh.

Beidh trí mhórchuspóir leis an taighde seo.

I dtosach, cabhróidh sé linn a fheiceáil cá bhfuil na fadhbanna móra atá ann maidir le cearta leanaí. Cabhróidh aithint na bhfadhbanna seo linn ár gclár taighde agus polasaí sa todhchaí a leagan amach agus forbairt a dhéanamh ar ghníomháíochtaí ar leith chun na constaicí seo a shárú.

Ansin, tabharfaidh an taighde seo léargas ginearálta don OCO ar staid chearta leanaí in Éirinn inniu le húsáid mar shlat tomhais don dul chun cinn a dhéanfar sna blianta atá romhainn. Sa chaoi seo, beidh an taighde ina bhonnlíne nó ina thúsphointe a úsáidfear chun comparáidí a dhéanamh amach anseo. Cabhróidh sé leis an OCO táscairí athruithe a aithint a bheidh gátarach chun éifeacht ár gcuid oibre a mheas sna blianta atá romhainn.

Is dlúthchuid é an Taighde Bonnlíne freisin dár dTionscnamh Gutha trí-chéim. Tá mionchur síos ar an Tionscnamh Gutha ar leathanach 23. Go hachomair, cuideoidh an Tionscnamh Gutha le leanaí agus daoine óga a bheith rannpháirteach san fhorbairt a dhéanfar ar na réimsí d'obair Oifig an Ombudsman do Leanaí a gheobhaidh tosaíocht sa tréimhse ceithre bliana atá romhainn. Is é an Taighde Bonnlíne an chéad chéim nó gné acadúil den Tionscnamh Gutha.

Gearáin agus Imscrúduithe

Fadhbanna aonair a réiteach. Athrú a spreagadh.

Cúlra

I 1998 d'éiligh Coiste na NA um Chearta an Linbh go gcuirfí ar bun Ombudsman do Leanaí in Éirinn a mbeadh fáil ag leanaí air agus a mbeadh an chumhacht aige déileáil le gearáin agus réitigh a chur ar fáil. Seo tar éis d'eagraíochtaí neamhrialtasacha agus daoine eile iarrachtaí a dhéanamh a leithéid d'Oifig a chur ar bun chun cearta leanaí a chosaint. Forálann an tAcht um Ombudsman do Leanaí, 2002, do bhunú seirbhís ghearáin neamhspleách neamhchlaonta. Faoin Acht, féadfaidh an OCO imscrúdú a dhéanamh ar ghearáin a dhéanann leanaí – nó daoine fásta ar a son – mar gheall ar eagraíochtaí poiblí, scoileanna nó ospidéal. Tá an tseirbhís seo saor in aisce.

Dearcadh an OCO i leith a feidhme gearáin agus an chaoi a gcuirtear an fheidhm sin i ngníomh

Is cuid lárnach d'fheidhm na hOifige í an tseirbhís ghearáin agus imscrúduithe. Baineann an tOmbudsman úsáid as an gcumhacht seo d'fhonn imscrúdú a dhéanamh ar ghearáin ar leith inar cuireadh isteach ar leanaí agus réitigh eiseamláireacha a bhaint amach. Tá an Oifig den tuairim, ámh, cur chóir go gcuirfí an fheidhm seo i gcrích go cuiditheach seachas go sáraíoch, ionas go bhféadfadh comhlachtaí poiblí feabhas a chur ar a bpolasaithe, ar a gcleachtais agus ar a soláthar seirbhíse chun na torthaí is fearr a bhaint amach don leanbh a rinne an gearán agus chun sochair gach linbh a raibh baint acu leis an gcomhlacht poiblí sin. Dá bhrí sin, úsáidtear an fheidhm ghearáin agus imscrúduithe chun athrú chun feabhais a chothú agus chun go gcuirfí i bhfeidhm na cleachtais is fearr, ní hé amháin maidir leis an gcás ar leith atá á imscrúdú, ach ar bhonn ginearálta. Ar an gcaoi sin, cuirtear ar chumas na hOifige tionchar a bheith aici ar idir mhicrealeibhéal maidir le cásanna aonair is mhacraileibéal maidir le deacrachtaí córasacha a réiteach. Tá an tOmbudsman den tuairim go bhfuil tábhacht ar leith ag baint leis seo, sa mhéid gur theip ar Éirinn san am atá caite dul i ngleic leis an drochíde ar leanaí.

An aidhm atá ag an Ombudsman, nuair atá moltaí á gcur chun tosaigh, ná teacht ar réitigh atá cothrom, cuiditeach agus cumasaitheach don dá pháirtí. Níl an Oifig ina léadálaí don leanbh ná ina coimhlinteoir in aghaidh an chomhlachta poiblí.

An obair go dtí seo

Sa chéad bhliain don Oifig a bheith ag feidhmiú – ó mhí Aibreáin 2004 go dtí mí Aibreáin 2005, cuireadh 177 gearán faoi bhráid an OCO. Tá méadú suntasach tagtha ar an líon gearán ó shin i leith – agus 790 sroichte aige don tréimhse a cuimsítear sa tuarascáil seo.

I gcaitheamh an ama sin, d'athraigh cineál agus castacht na ngearán. Táimid ag tabhairt faoi deara go bhfuil méadú ar an líon cásanna atá níos casta a bhaineann le leanaí a bhfuil leochaileacht ag baint lena gás - mar shampla cosaint leanaí, cásanna nach bhfuil ach fáil theoranta ag leanaí ar phléadálaí, leanaí atá faoi chúram, leanaí atá scartha agus ag iarraidh tearmainn; gearáin a bhaineann le raon níos leithne gníomhaireachtaí agus páirtithe leasmhara; agus cásanna a bhí tar éis pointe na coimhlinte a shroicheadh nuair a bhí díobháil déanta don chaidreamh idir an teaghlach agus an soláthraí seirbhíse.

Nuair nach n-oirfeadh sé go ndéanfadh Oifig an Ombudsman gearán a imscrúdú, déanfaimid an gearán a atreorú chuig na córais sásaimh chuí nó chuig an eagraíocht chuí.

Cásanna Samplacha

Seo a leanas cúpla cás samplach chun ilghnéitheacht, próiseas agus torthaí ár gcuid oibre a léiriú.

CÁS 1

An gearán

Rinne príomhoide scoile teagmháil leis an OCO mar gur chreid sé go raibh an méid airgid a leithdháil an Roinn Oideachais agus Eolaíochta ar a scoil le haghaidh riachtanais speisialta míchothrom. Dúirt sé gur bunaíodh an leithdháileadh ar fhigiúr rollaithe 2003 agus go raibh sé beartaithe ag an Roinn Oideachais agus Eolaíochta úsáid a bhaint as an bhfigiúr sin mar tháscaire riachtanais go dtí 2008. Dúirt an Roinn leis nach ndéanfaí athbhreithniú ar an leithdháileadh sin ach amháin má bhí an scoil cáilithe mar 'scoil atá ag forbairt'. Chun a bheith cáilithe, bheadh ar an scoil a léiriú go raibh méadú suntasach tagtha ar rollú i mbliain aonair amháin. D'ainneoin gur dhúbail an rollú sa scoil, ámh, ó 2003, ní raibh an scoil cáilithe mar 'scoil ag forbairt', toisc nár shroich an scoil an sprioc ba ghá laistigh d'aon bhliain aonair amháin.

Dúirt an Roinn an méid seo a leanas: nuair a cheap sí an scéim i mí an Mheithimh 2004, baineadh úsáid as figiúirí 2003, mar gurb iadsan na sonraí ba dhéanaí a bhí ar fáil ag an am. Dúirt an Roinn nach ndéanfaí athbhreithniú ar an leithdháileadh go ceann trí bliana chun seans don scéim dul i bhfeidhm i gceart.

An Toradh

Chinn an Oifig go bhféadfadh go raibh sé contrártha do riarachán cóir cothrom iontaofa go ndearna an Roinn faillí an fás carnach sa rollú a chur san áireamh. Ar an mbonn sin, d'aontaigh an Roinn athbhreithniú a dhéanamh ar leithdháileadh ginearálta na scoile agus d'aontaigh sí beirt Mhúinteoirí Tacaíochta Foghlama sa bhreis a fhostú.

CÁS 2

An Gearán

Rinne máthair gearán gur theip ar an údarás áitiúil tithíocht imleor a sholáthar dá mac a bhfuil galar míchumasaithe forchéimnitheach air. Dhiúltaigh an mháthair teach a thairg an t-údarás áitiúil di de bhun comhairle leighis nach bhfreastalódh an chóiríocht ar riachtanais speisialta a mic - riachtanais iad a bhíonn ag athrú. Mhaígh an Chomhairle gur cuireadh an teach in oiriúint dá mac i gcomhairle leis an Teiripeoir Saothair. Ó 2000 i leith, tá an Chomhairle tar éis diúltú athbhreithniú a dhéanamh ar chás an linbh seo d'ainneoin cúpla iarracht a rinne ionadaithe leighis agus iad ag cur síos ar an gcaoi a bhfuil riocht an bhuachalla ag dul in olcais.

An toradh

Tar éis imscrúdú cuimsitheach a dhéanamh, chinn an Oifig nach raibh aon fhianaise ann gur cuireadh an teach in oiriúint do riachtanais speisialta an bhuachalla seo agus, dá bhrí sin, nach tairiscint réasúnta a bhí ann agus nach ndearnadh aon athbhreithniú ar an gcás ar feadh tréimhse ceithre bliana nach mór.

Ar an mbonn seo, rinne an oifig cúpla moladh - ina measc go ndéanfaí athbhreithniú ar chás an linbh chun go bhféadfaí teacht ar thithíocht oiriúnach; go ndéanfaí athbhreithniú ar phróisis an údarais áitiúil; agus; go nglacfadh an t-údarás áitiúil cur chuige níos comhtháite agus sofheagraí i leith leanaí. Ghlac an tÚdarás Áitiúil leis gur moltaí córa beachta a bhí sna moltaí a rinne an OCO agus tá sé ag obair i láthair na huair chun na moltaí sin a chur i bhfeidhm. Foilseofar an tuarascáil go luath i 2007 agus scaipfear é ar eagraíochtaí eile mar go bhfuil an Oifig den tuairim gur féidir leis an imscrúdú seo oideachas a chur ar údarais áitiúla agus ar chomhlachtaí poiblí eile.

CÁS 3

An gearán

Rinne cailín 17 mbliana déag d'aois, atá ina cónaí faoi chúram cónaitheach, teagmháil leis an OCO mar go raibh sí an-bhuartha faoin iarchúram a bhí á dhéanamh di. Bhí sí ag staidéar don Ardeistiméireacht agus aois a 18 beagnach sroichte aici agus bheadh uirthi an t-ionad cónaitheach ina raibh a fhágáil a luaithe is a bheadh 18 mbliana d'aois sroichte aici. Bhí sí san ionad seo ar feadh 10 mbliana agus foireann agus cónaitheoirí eile an ionaid mar a bheadh clann di. Chuir sí in iúl a cúiseanna imní nach mbeadh sí in ann don scaradh agus nach mbeadh ar a cumas tabhairt faoin saol gan a gcuid tacaíochta.

Faoin reachtaíocht reatha, tá an chumhacht ag Feidhmeannacht na Seirbhíse Sláinte, ach níl iallach uirthi, iarchúram a sholáthar.

An toradh

Bhuail an FSS leis an gcailín agus d'aontaigh siad í a choinneáil san ionad cúraim go dtí go raibh an Ardteistiméireacht críochnaithe aici. D'aontaigh siad freisin, i gcomhairle léi, plean iarchúraim oiriúnach a chur i bhfeidhm a luaithe is a fhágfadh sí an t-ionad cúraim.

Aighneacht chuig Coiste an Oireachtais

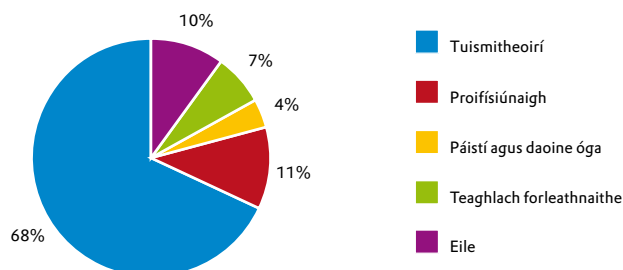
Toisc go dtiomsaíonn an OCO sonraí ó ghearáin aonair, tá sonraí tábhachtacha ar fáil don Oifig maidir le saol leanaí na tíre, nach bhfuil ar fáil in aon áit eile. A bhuíochas leis an gcóras atá ag an oifig chun gearáin a láimhseáil is féidir athruithe a bhaint amach, ní hé amháin sna cásanna aonair, ach le haghaidh leanaí ar fud na tíre a bhfuil deacrachtaí acu nó nach bhfuil na seirbhísí ag freastal orthu i gceart.

Ar na samplaí de seo tá an aighneacht i scríbhinn a cuireadh faoi bhráid Chomhchoiste an Oireachtais um Shláinte agus Leanaí an 31 Eanáir 2006, bunaithe ar 61 gearán a fuair an Oifig maidir le cosaint leanaí. Bhí na saincheisteanna a chuir na gearánaithe faoinár mbráid i gcomhréir lena chéile. Cé nach raibh sé oiriúnach gach gearán a imscrúdú, chinn an Oifig go raibh sé mar fhreagracht uirthi na húdaráis chuí a chur ar an eolas maidir leis na cúiseanna imní.

Rinne an tOmbudsman do Leanaí cur i láthair ó bhéal os comhair Choiste an Oireachtais um Shláinte agus Leanaí i mí an Mhárta 2006. Ghlac Oifig an Aire do Leanaí le moltaí na tuarascála, go háirithe an moladh gur ghá athbhreithniú a dhéanamh ar sheirbhísí cosanta leanaí, agus feidhmiú ina leith.

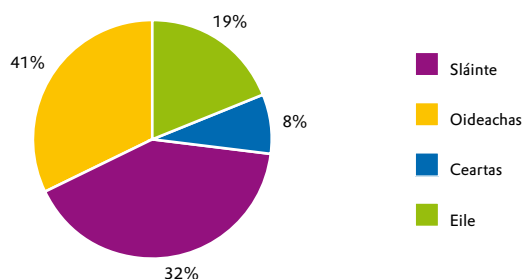
Staitisticí

Cé atá ag cur gearán faoi bhráid an OCO

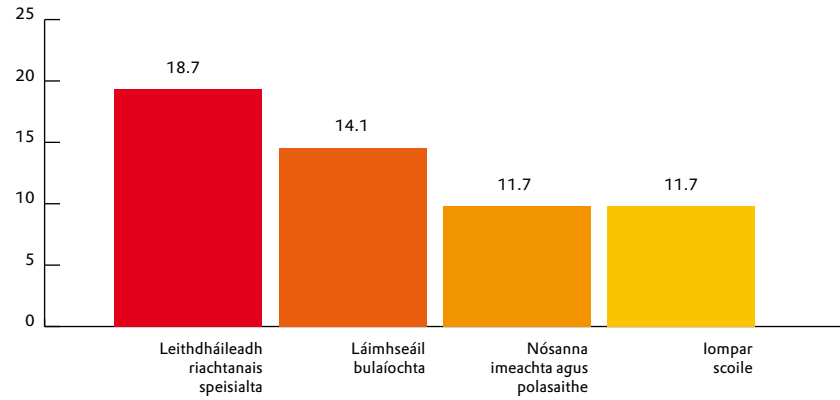


I staidéir a rinneadh ar leasa leanaí, bhí siad féin den tuairim gurb iad baill a dteaghlai na daoine is tábhachtaí ina saol. Is léir go bhfuil sé seo fíor i bhfianaise na ndaoine a théann i dteagmháil leis an OCO thar ceann leanaí. Ba iad baill den teaghlach a chuir 75% na ngearán faoi bhráid an OCO: idir mháithreacha, athraitheacha, sheantuismitheoirí, aintíní agus uncailí. Is cuma cén athrú atá ag teacht ar shochaí na hÉireann, níl tábhacht an teaghlai imithe i laghad agus ní cóir an tábhacht sin a mheas faoina luach. Cé go bhfuil struchtúr an teaghlai ag athrú, tá grá, dílseacht agus díograis na dteaghlach i leith a leanaí chomh láidir is a bhí riamh.

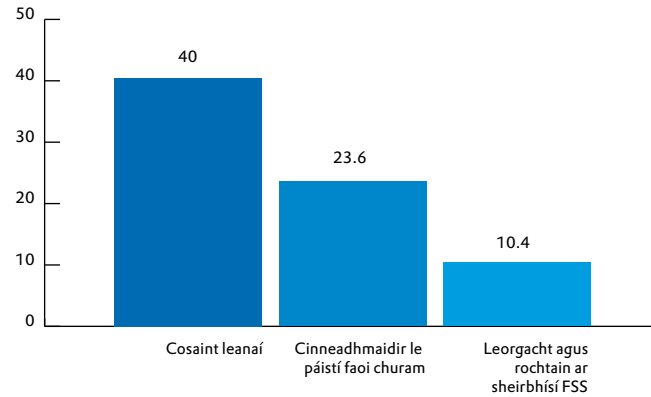
Na ceithre shaincheist i gcúrsaí oideachais mar % den líon iomlán gearán maidir le hoideachas



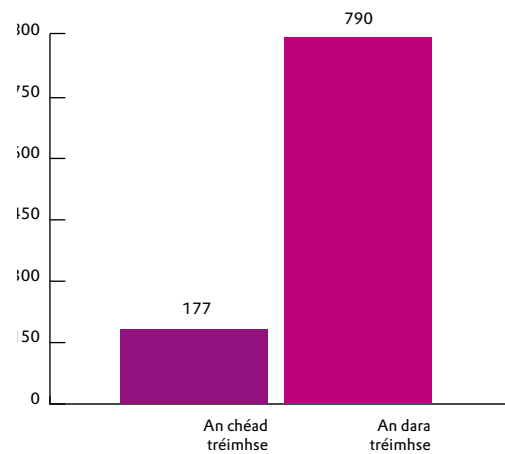
Na ceithre shaincheist i gcúrsaí slainte mar % den líon iomlán gearán maidir le slainte



Cinéalacha gearáin ó mhí Aibreáin 2005 go mí na Nollag 2006



Méadú ar líon na ngearán 2004/05 – 2005/06



Cumarsáid agus Rannpháirtíocht

Cumarsáid shoiléir. Rannpháirtíocht a éascú.

Leanaí ag cur crutha ar an obair againn

Tá freagracht reachtúil ar Oifig an Ombudsman do Leanaí cearta agus leas leanaí agus daoine óga in Éirinn a chur chun cinn. Ní mór don Oifig eolas a chur os comhair an phobail freisin faoi chearta leanaí agus faoi Choinbhinsiún na Náisiún Aontaithe um Chearta an Linbh a dhaingnigh Éire i 1992. Baineann Airteagal 12 de Choinbhinsiún na Náisiún Aontaithe go hiomlán leis an gceart atá ag leanaí agus daoine óga a nguth féin a bheith acu maidir le cinneadh ar bith a bhaineann leo. Tá Oifig an Ombudsman do Leanaí suite de go mbeidh feidhm fhóna ag an airteagal seo do leanaí agus do dhaoine óga. Creideann Emily Logan go gcaithimid spreagadh a thabhairt do leanaí a bheith rannpháirteach agus a chur ar a gcumas labhairt amach. Ciallaíonn sé seo freisin go gcaithfear na scileanna agus deiseanna a chur ar fáil do leanaí agus do dhaoine óga a chuideoidh leo tionchar a bheith acu ar an mbealach ina múnlaítear obair na hOifige agus sinn a chur ar an eolas maidir le saincheisteanna nó cúiseanna imní ar bith a théann i bhfeidhm orthu siúd agus ar an saol acu.

Anseo thíos tá sampla de chuid de na bealaí inar bhaineamar an méid sin amach le 18 mí anuas.

Taighde ar Rannpháirtíocht

I mí na Nollag 2005, rinne an OCO coimisiúnú ar an Children's Research Centre, Coláiste na Tríonóide, Baile Átha Cliath, le tabhairt faoi thaighde tábhachtach maidir le rannpháirtíocht. Samhlaíodh go gcuirfeadh an tuairisc a thiocfadh as seo bunús láidir ar fáil do ghníomhaíochtaí rannpháirtíochta an OCO agus go gcuideodh sé le forbairt ar mhodh oibre le haghaidh rannpháirtíocht ag leanaí sna réimsí lárnacha dár gcuid oibre. I measc na réimsí a clúdaíodh sa tionscadal seo, a rinneadh idir Eanáir agus Iúil 2006, bhí taighde gníomhaíochta le baill foirne an OCO chomh maith le baill de Phainéal Comhairleach na nÓg (YAP) an OCO agus grúpa seachtrach de leanaí agus daoine óga. Ina theannta seo, thug an fhoireann taighde faoi athbhreithniú dírithe liteartha agus rinneadh suirbhé ar sheacht cinn de mhacasamhail an OCO i ndlínsí eile agus raon leathan de ghníomhaireachtaí reachtúla agus neamhreachtúla in Éirinn. Tá an tuairisc bunaithe ar na tuairimí agus léargais a cruinníodh le linn na tréimhse seo.

San OCO, creidimid nár chóir an fhreagracht atá orainne um chosaint cheart chun éisteachta an linbh a aistriú go dtí an leanbh féin. Ní hionann é agus cead a gcinn go hiomlán a thabhairt do leanaí ach oiread nó an ceart a thabhairt dóibh i gcónaí an beart deiridh a dhéanamh maidir le gach cinneadh a ghlactar. Is é príomhghnó an linbh é, áfach, a bheith ina leanbh. Is gá go dtógfadh sé tamall

– tamall measartha fada – chun cultúr a chruthú ina n-éistfear le guth an linbh mar dhlúthchuid den chóras trína ndéantar déileáil le gach cinneadh agus cás a bhaineann leo. Agus ceart chun éisteachta an linbh á chosaint againn, caithfimid dul i dtaithí ar éisteacht le guthanna leanaí. Tá gach seans ann go mbeidh beatha an linbh féin ag brath ar ár gcumas agus ár dtoilteanas é seo a dhéanamh lá éigin. Tá sé beartaithe ag an OCO torthaí an Taighde ar Rannpháirtíocht a chur ar fáil don lucht éisteachta is mó agus is féidir le linn 2007.

Ról Phainéal Comhairleach na nÓg (YAP) de chuid an OCO

Is é atá i bPainéal Comhairleach na nÓg (YAP - Youth Advisory Panel) ná grúpa daoine óga a chuireann comhairle ar an Ombudsman agus ar a foireann maidir leis an gcaoi ar féidir linn ár ndícheall a dhéanamh le daoine óga. Glacann daoine óga ar an bpainéal páirt chun a ndearcadh pearsanta féin a chur in iúl don OCO – dearcadh an duine óig – seachas mar ionadaithe thar ceann dhearcthaí daoine óga i gcoitinne. Bhí baill an ghrúpa reatha rannpháirteach in obair na hOifige ón tús agus bhí siad mar chuid den ghrúpa níos leithne de dhaoine óga a chuir agallamh ar Emily Logan don phost mar Ombudsman do Leanaí.

Sa tréimhse atá á hathbhreithniú, bhí an YAP páirteach i ngníomhaíochtaí éagsúla le leanaí agus daoine óga, lena n-áirítear óg-phrofáil a dhéanamh ar roinnt den chumarsáid sheachtrach a bhíonn ag an OCO, comhairle a chur ar fáil maidir leis na bealaí is fearr cumarsáid a dhéanamh le leanaí agus daoine óga agus raon imeachtaí de chuid an OCO a chur chun cinn.

Mar chuid den taighde ar rannpháirtíocht tugadh cuireadh do bhreis is 30 leanbh agus duine óg a bheith i láthair ag cruinniú lae den sainghrúpa ionas go bhféadfadh an OCO a dtuairimí siúd a chlos maidir leis an gcaoi is fearr a bhféadfadh daoine óga a bheith páirteach in obair Oifige an Ombudsman do Leanaí. Fuair baill YAP tacaíocht chun iad a ullmhú le bheith ina n-éascaitheoirí agus glacadóirí nótaí sa cheardlann seo. Ansin rinne siad éascú ar an sainghrúpa agus foireann an OCO féin ann i ról tacaíochta. Thaispeáin an meastachán ar na ceardlanna seo gur thaitin an próiseas comhairliúcháin leis na leanaí agus na daoine óga a ghlac páirt ann.

An tSaotharlann Rannpháirtíochta

Is clár oideachais é an tSaotharlann a cruthaíodh chun eolas a thabhairt do leanaí agus daoine óga faoi Oifige an Ombudsman do Leanaí agus faoi chearta an linbh mar atá leagtha amach i gCoinbhinsiún na Náisiún Aontaithe um Chearta an Linbh. Sraith ceardlann oideachais atá sa tSaotharlann a ndéanann foireann an OCO éascú orthu. Bíonn daoine óga ó scoileanna agus daoine óga ó ghrúpaí nach grúpaí scoil iad i láthair ag na seisiúin seo.

Tá sé beartaithe go mbeadh na ceardlanna seo mar thaca don churaclam um chearta daonna atá cheana féin in úsáid i láithreacha scoile agus óige. Bhí baint ghníomhach ag leanaí agus daoine óga le dearadh na gceardlann seo. Bhí baill áirithe de Phainéal Comhairleach na nÓg san OCO páirteach chun na seisiúin a éascú freisin. Tugann na ceardlanna deis leanúnach don OCO dul i gcomhairle le leanaí agus daoine óga maidir le saincheisteanna a bhaineann lena cuid oibre.

Cuireadh tús píolótach leis an tSaotharlann ó mhí Mheán Fómhair go mí na Nollag 2006. Ghlac deich ngrúpa de dhaoine óga ó bhunscoileanna, ó iar-bhunscoileanna agus ó thionscnaimh óige ó áiteanna éagsúla ar fud na tíre páirt sa cheardlann phíolótach. Tá an tuairisc mheasúnaithe á cur le chéile faoi láthair agus tá sé beartaithe ceardlanna a thairiscint do ghrúpaí leanaí agus daoine óga eile le linn 2007.

Cuairt bhaill Choiste na NA ar an OCO

Nuair a rinne Éire daingniú ar Choinbhinsiún na Náisiún Aontaithe um Chearta an Linbh i 1992, aontaíodh go mbeadh próiseas monatóireachta ann trína dtabharfadh an Stát tuairisc do Choiste na Náisiún Aontaithe um Chearta an Linbh tuairim is gach cúig bliana faoin dul chun cinn a bhí déanta maidir le cloí leis an gCoinbhinsiún. Chuir Éire tuairisc faoi bhráid an Choiste in 2006 mar atá le feiceáil ar leathanach 10. Chreid an tOmbudsman do Leanaí gur thairbheach an smaoineamh é deis a thabhairt do bhaill ó Choiste na Náisiún Aontaithe a fheiceáil dóibh féin conas mar atá sé a bheith i do leanbh nó i do dhuine óg ag fás aníos in Éirinn inniu. Dá réir sin, thug Emily Logan cuireadh do bheirt bhall ón gCoiste, an Rapateur d'Éirinn san áireamh, cuairt a thabhairt ar an OCO chun casadh le daoine óga agus a fháil amach faoina dtaithí phearsanta féin. Thug baill de Phainéal Comhairleach na nÓg cuntas ar a ról siúd do na cuairteoirí ó na Náisiún Aontaithe. Tugadh cuireadh do ghrúpa daoine óga scartha atá ag iarraidh tearmainn agus grúpa daoine óga a bhí faoi chúram a bheith páirteach in imeachtaí an lae. Tá na grúpaí seo ag brath go mór ar an Stát agus is annamh a n-éistear go díreach leo. Tháinig dhá ghrúpa eile freisin a bhí ag obair le cuid de chomhghleacaithe an OCO in eagraíochtaí neamhrialtasacha chun casadh le baill an Choiste fad a bhí siad san OCO.

An Tionscadal Gutha

Chun a nguth féin a thabhairt do dhaoine óga agus tosaíochtaí oibre á leagan síos ag Oifig an Ombudsman do Leanaí don tréimhse 2007-2010, bhunaigh an OCO an Tionscadal Gutha.

Beidh trí chéim éagsúla ag an Tionscadal Gutha ach iad nasctha go dlúth le chéile. Leagfar amach sa chéad seal na príomhchonstaicí atá ann do leanaí a gcearta a bhaint amach in Éirinn (mar atá leagtha síos i gCoinbhinsiún na

Náisiún Aontaithe um Chearta an Linbh) agus tá an chéim seo faoi lán seoil anois. Sa dara céim iarrfar ar leanaí agus daoine óga tuairimí a thabhairt agus cur le liosta na saincheistanna a eascraíonn as an gcéad chéim. I gcéim a trí, tabharfar cuireadh do leanaí agus do dhaoine óga páirt a ghlacadh i bpróiseas comhairliúcháin trastíre a thabharfaidh deis dóibh na saincheistanna a aithint agus a áireamh ar mhaith leo go ndéanfadh an OCO oibriú orthu sna blianta beaga atá romhainn.

Taithí Oibre

Cuireann an OCO fáilte roimh dhaltáí idirbhliana ar mhian leo a dtaithí oibre a dhéanamh lenár bhfoireann san Oifig. Táimid tar éis dul i gcomhairle le daoine óga chun clár oibre agus gníomhaíochta a leagadh amach a thabharfaidh deis do dhaltáí Idirbhliana scileanna tábhachtacha a fhorbairt agus oibriú i dtimpeallacht ar leith. Tá seachtar óg tar éis páirt a ghlacadh sa chlár seo go dtí seo.

D'oibrigh triúr ball de YAP – Painéal Comhairleach na nÓg – san OCO le linn an tsamhraidh in 2006. Bhí siad páirteach i bhfíschumarsáid, forbairt ar ábhair eolais a bheadh oiriúnach don óige agus thug siad léargas an-úsáideach dúinn ar dhearcadh an duine óig ar obair na hoifige. Tá sé beartaithe ag an OCO áiteanna mar seo a thairiscint ar bhonn leanúnach do bhail YAP.

Ár suíomh gréasáin a chur i bhfeidhm

Teastaíonn ó Oifig an Ombudsman do Leanaí a bheith cinnte go bhfuil ár suíomh gréasáin suimiúil agus ábhartha do dhaoine óga agus chuige sin reáchtálar comórtas in 2005 ag lorg smaointe don suíomh úr ag an OCO. Bhuail na buaiteoirí le comhlacht deartha suímh ghréasáin agus tháinig siad ar smaointe don chuma a bheadh ar an suíomh agus chuir siad ábhair ar fáil le haghaidh leathanaigh éagsúla ar an suíomh. D'iarramar ar thrí ghrúpa eile de dhaoine óga cabhrú linn ábhar a bheadh éasca don óige a úsáid a scríobh agus thástálar an méid seo go léir ar a thuilleadh daoine óga, le comhairliúchán ar líne san áireamh, go dtí go raibh an suíomh nua ullamh le dul beo ar líne. Má tá fonn ort torthaí a gcuid oibre a fheiceáil, féach ar shuíomh idirlín and OCO www.oco.ie.

Tionscnamh Meáin do Leanaí

Tá sainchúram ar an Ombudsman do Leanaí leasa agus cearta gach linbh faoi bhun aois a 18 a chothú. Is dúshlán ar leith é dul i ngleic leis an aoisghrúpa réamhscoile (0 go 4) toisc an aois atá acu. Ghlac an OCO a chéad chéimeanna i dtreo na sprice seo trí mheán an Tionscnaimh Meáin do Leanaí (MIFC). Is clár oideachais é an MIFC a chothaíonn meas ar éagsúlacht agus ilchineálacht atá dírithe ar leanaí réamhscoile, forbartha ag NIPPA, An Eagraíocht Early Years i dTuaisceart Éireann agus an Peace Initiatives Institute atá lonnaithe sna Stáit

Aontaithe. Cuireadh tús leis an gclár i dTuaisceart Éireann de bharr taighde a rinne an Dr Paul Connolly ó Ollscoil na Ríona, Béal Feirste, a léirigh go ndeachaigh éagsúlacht agus ilghnéitheacht go mór i bhfeidhm ar leanaí ag aois óg. Tá curaclam i gceist leis do réamhscoileanna a úsáideann carachtair chartúin a forbraíodh go speisialta. Leathnaíodh an MIFC go Poblacht na hÉireann in 2006 agus rinneadh forbairt ar chartún eile a dhírigh ar bhulaíocht, i gcomhar le hOifig an Ombudsman do Leanaí agus Coimisiún Thuaisceart Éireann do Leanaí agus Daoine Óga (NICCY). Tugadh carachtar úr isteach darbh ainm Bukola ó Bhaile Átha Cliath, a chabhraigh leis na carachtair eile troid in aghaidh na bulaíochta.

Coiste na Náisiún Aontaithe um Chearta an Linbh – Tuairiní Deiridh maidir leis an dara tuarascáil ag Éireann, Meán Fómhair 2006

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations: IRELAND

1. The Committee considered the second periodic report of Ireland (CRC/C/IRL/2) at its 1182nd and 1184th meetings (see CRC/C/SR1182 and 1184), held on 20 September 2006, and adopted at its 1199th meeting, held on 29 September 2006 the following concluding observations:

A. Introduction

2. The Committee welcomes the submission of the State party's comprehensive report, as well as the detailed replies to the list of issues (CRC/C/IRL/Q/2 and Add.1), which provide further information on the situation of the children in Ireland. It further notes with appreciation the fruitful and open dialogue with the high-level delegation of the State party.

B. Follow-up activities and progress achieved by the State party

3. The Committee notes with appreciation the adoption of new legislation and policy measures, such as:

- (a) The Equal Status Act and the Education (Welfare) Act of 2000;
- (b) The Human Rights Commission Acts of 2000 and 2001;
- (c) The Children Act of 2001;
- (d) The Ombudsman for Children Act of 2002;

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- (e) The Education for Persons with Special Needs Act of 2004; and
- (f) The National Children's Strategy of 2000, entitled Our Children – Their Lives, the National Play Policy of 2004, entitled Ready, Steady, Play, and the National Anti-Poverty Strategy reviewed in 2001.

4. The Committee notes with appreciation the ratification of international treaties relevant to the protection of the rights of the child, including:

- (a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts in November 2002;
- (b) The International Convention on the Elimination of All Forms of Racial Discrimination in December 2000; and
- (c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in April 2002

5. The Committee welcomes various measures taken as follow-up to the Committee's concluding observations (CRC/C/15/Add.85) after the consideration of the initial report to the implementation of the Convention, in particular:

- (a) The establishment of the National Children's Office (NCO) and the National Children's Advisory Council in 2001;
- (b) The appointment of an Ombudsman for Children in 2004; and
- (c) The establishment of the Office of Minister for Children in 2005.

C. Main subjects of concern and recommendations

1. General measures of implementation

(arts. 4, 42 and 44(6))

Committee's previous recommendations

6. While welcoming various measures taken to follow-up and implement the Committee's previous concluding observations, the Committee regrets that some of the concerns expressed and recommendations made have not yet been fully addressed, in particular those related to the status of the child as a rights-holder and the adoption of a child rights-based approach in policies and practices.

7. The Committee urges the State party to make every effort to address the recommendations issued in the concluding observations on the initial report which have not yet been fully implemented, and to address the list of concerns contained in the present concluding observations related to the second periodic report.

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Legislation and implementation

8. The Committee welcomes the steps taken to further develop the legal framework but remains concerned about the slow pace of enactment of specific provisions, in particular the Children Acts 1997 and 2001, that hampers effective implementation of the legal framework. The Committee expresses regret that the Convention has not been incorporated into domestic law as recommended by the Committee in its previous concluding observations.

9. The Committee urges the State party to take, as a matter of priority, all necessary measures, including the allocation of resources, to enact the outstanding provisions in the relevant Children Acts for the protection of children's rights. The Committee encourages the State party to undertake further action to incorporate the Convention into domestic law.

National Plan of Action

10. The Committee welcomes the adoption of the National Children's Strategy in 2000 as the main instrument for the improvement of the lives of children and the enhancement of the protection of their rights. The Committee also notes with appreciation the over-arching principles guiding the actions and the goals set out in the Strategy and the broad-based cooperation and public consultations undertaken in its development, including with non-governmental organizations (NGO) and academics.

11. The Committee recommends that the State party:

- (a) Evaluate and assess the achievements of the Strategy in order to ensure that a rights-based approach is applied to all the activities;**
- (b) Establish specific timeframes for the implementation of the goals and activities of the Strategy; and**
- (c) Provide specific budget allocations for the implementation of the Strategy.**

12. The Committee recommends that the State party take steps to ensure that the plan of action covers all areas of the Convention and takes into account the outcome document "A World Fit for Children" adopted by the United Nations General Assembly at its special session on children held in May 2002. The Committee further recommends that the State party implement and monitor the National Children's Strategy in a participatory and holistic way and submit information on the status and impact of these activities in its next report.

Independent monitoring

13. The Committee welcomes the establishment of the Irish Human Rights Commission and the Ombudsman for Children including his/her Office which deal with the promotion and protection of human rights in general and in particular with children's rights and their welfare.

While welcoming the specific inclusion of powers to investigate complaints by children or on their behalf, the Committee is concerned that some limitations may undermine the mandate of the Ombudsman for Children in investigations related to children in prisons and Garda stations. CRC/C/IRL/CO/2

14. The Committee recommends that the State party, together with the Ombudsman for Children, review and propose amendments to the specific provisions which limit the scope of the Ombudsman's Office investigative powers with a view to eliminating possible gaps which may result in a violation of children's rights.

15. In order to ensure the independent functioning of the Office of the Ombudsman, the Committee recommends that the State party seek ways and means to provide the Office of the Ombudsman with financial resources directly through the Oireachtas (National Parliament) and the Department of Finance. The Committee also draws the State party's attention to the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

Data collection

16. The Committee notes the progress made in the collection of statistical data, in particular through the research functions of NCO within the National Children's Strategy, and notes with appreciation the commissioned National Longitudinal Study on Children which will explore the lives of children in Ireland. The Committee also notes with appreciation the information provided by the State party in its written replies and the references to a new National Data Strategy (CRC/C/IRL/Q/2/Add.1). However, the Committee remains concerned that there is a lack of systematic and comprehensive data on children, disaggregated by age, sex, ethnicity, and rural and urban areas, which would enable the analysis of the situation of particularly vulnerable children in Ireland, including victims of abuse, neglect or ill-treatment; street children; children with disabilities; and children in institutional care.

17. The Committee recommends that the State party take further measures, including through strengthening the role of the Central Statistical Office and other governmental departments and agencies to develop a systematic and comprehensive collection of disaggregated data in compliance with the Convention, which should be used for the creation, implementation and monitoring of policies and programmes for children.

Dissemination, training and awareness-raising

18. The Committee notes with appreciation that in response to its previous recommendations, the State party has taken further measures to disseminate and make known the Convention among relevant authorities and the public at large. In particular, the Committee welcomes the dissemination of the Convention together with the National Children's Strategy and the awareness-raising activities of the NCO and the Office of the Ombudsman for Children, including through their respective web pages.

19. The Committee encourages the State party to further strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by both adults and children, including through periodic and nation-wide public awareness-raising campaigns that also include child-friendly material, and through targeted campaigns and necessary training for professionals working with and for children, in particular within schools and health and social services, and legal professionals and law enforcement officials.

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3. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

20. The Committee welcomes the establishment of the National Action Plan against Racism in 2005 and in particular, the five objectives of the plan for protection, inclusion, provision,

recognition and participation. However, the Committee is concerned that the principle of non-discrimination might not be enjoyed equally by all children in the State party and that children of different ethnicities and children belonging to minorities face higher levels of racism, prejudice, stereotyping and xenophobia.

21. The Committee recommends that the State party ensure that the National Action Plan against Racism is fully implemented and that specific attention is given to measures to address racism, prejudice, stereotyping and xenophobia among children, in particular in primary and secondary education.

Best interests of the child

22. The Committee notes that steps have been taken in some areas to ensure respect for the best interests of the child, yet remains concerned that the principle is still insufficiently addressed.

23. The Committee recommends that the State party:

- (a) Ensure that the general principle of the best interests of the child is a primary consideration without any distinction and is fully integrated into all legislation relevant to children; and**
- (b) Ensure that this principle is also applied in all political, judicial and administrative decisions, as well as projects, programmes and services that have an impact on children.**

Respect for the views of the child

24. The Committee notes with appreciation the measures taken to promote the respect for the views of the child, including through the Children and Youth Parliaments, and progress made to establish effective student councils in post-primary schools. The Committee is, however, concerned at the lack of sufficient provisions for guardian ad litem and the fact that these measures are not taken in a systematic and comprehensive manner and that the local level and subject-specific authorities are not addressed. The Committee also notes that a high number of the complaints received by the Ombudsman for Children relate to a lack of respect for the views of the child.
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25. In the light of article 12 of the Convention, the Committee recommends that the State party:

- (a) Strengthen its efforts to ensure, including through Constitutional provisions, that children have the right to express their views in all matters affecting them and to have those views given due weight, in particular in families, schools and other educational institutions, the health sector and in communities;**
- (b) Ensure that children are provided with the opportunity to be heard in any judicial and administrative proceedings affecting them, and that due weight is given to those views in accordance with the age and maturity of the child, including the use of independent representations (guardian ad litem) provided for under the Child Care Act of 1991, in particular in cases where children are separated from their parents; and**
- (c) Take into account the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard held on 15 September 2006.**

4. Civil rights and freedoms (arts. 7, 8, 13-17 and 37 a)

Protection of privacy

26. While noting with appreciation that the privacy of children being prosecuted in the Children Court is protected, the Committee is concerned that children prosecuted in higher courts are not provided with the same protection.

27. The Committee recommends that the State party take necessary measures to extend

the protection of privacy to all legal proceedings involving children.

4. Family environment and alternative care

(arts. 5; 18 (1-2); 9-11; 19-21; 25; 27 (4); and 39)

Parental responsibilities

28. The Committee welcomes a number of developments in the field of family support structures, in particular the establishment of the Family Support Agency, the introduction of quarterly payments for families with children under the age of 6 and the phased extension of paid maternity leave. However, the Committee is concerned that these structures lack a broad-based and child-centred approach and that the responsibility for support programmes and the delivery of support services is allocated to different governmental authorities.

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29. The Committee recommends that the State party:

(a) Undertake an extensive review of the support services provided under the different governmental departments to assess the quality and outreach of these services and to identify and address possible shortcomings; and

(b) Extend the social work services provided to families and children at risk to a seven-day, 24-hour service.

Family reunification

30. The Committee notes that the Refugee Act of 1996 provides for an adequate legal framework for family reunification. However, family reunification in accordance with article 10 of the Convention also applies to other situations, including migration. The Committee is concerned that family members seeking reunification do not have access to procedural information and that the principle of the best interests of the child is not taken into account in the decision-making process.

31. The Committee recommends that the State party:

(a) Consider reviewing the definition of family in the Refugee Act of 1996 to better correspond to the developing understanding of the family;

(b) Consider establishing a legal framework for family reunification outside situations under the Refugee Act; and

(c) Ensure that the principle of the best interests of the child is always a primary consideration when making decisions involving children under any legal or administrative procedures.

Alternative care for children without parental care

32. The Committee welcomes the establishment of the Social Services Inspectorate which conducts inspections of foster care and residential centres' operated by statutory and non-statutory agencies for children without parental care. However, the Committee is concerned that the Social Services Inspectorate has not yet been established on a statutory basis, lacks the necessary resources to undertake its mandated functions and does not protect all children without parental care.

33. The Committee recommends that the State party:

(a) Consider measures to create a statutory basis for the Social Services Inspectorate to function and extend its mandate to all children without parental care, irrespective of the care required; and

(b) Strengthen its efforts to ensure and provide for follow-up and after-care to young persons leaving care centres.

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Adoption

34. The Committee remains concerned that the legislation in place does not fully correspond

to international standards, particularly with respect to protection in intercountry adoptions, and does not take the best interests of the child into consideration. The Committee is also concerned that the measures taken to review current legislation are slow.

35. The Committee recommends that the State party expedite its efforts to enact and implement the legislative reforms, ensure that all relevant legislation is in conformity with international standards, and that the best interests of the child are a primary consideration.

Violence, abuse and neglect

36. While welcoming efforts undertaken by the State party to respond to the issue of child abuse and neglect, including the creation of guidelines on reporting child abuse, thorough investigations of all reported cases of child abuse and launching a nationwide awareness-raising campaign on child sexual abuse, the Committee remains concerned that no comprehensive national strategy or measures for the prevention of child abuse are in place and that there are delays in accessing support services.

37. In the light of article 19 of the Convention, the Committee recommends that the State party:

- (a) Continue reviewing the Children First: National Guidelines, and consider their establishment on a statutory basis;**
- (b) Ensure that all reported cases of abuse and neglect are adequately investigated and prosecuted and that victims of abuse and neglect have access to counselling and assistance with physical recovery and social reintegration;**
- (c) Develop a comprehensive child abuse prevention strategy, including developing adequate responses to abuse, neglect and domestic violence; facilitating local, national, and regional coordination, and conducting sensitization, awareness-raising and educational activities; and**
- (d) Ensure that evaluation of all employees and volunteers working with children is undertaken prior to recruitment and that adequate support and training is provided for the duration of their employment.**

38. In the context of the Secretary-General's in-depth study on the question of violence against children, the Committee recommends that the State party use the outcome of the Regional Consultation for Europe and Central Asia held in Slovenia from 5 to 7 July 2005 as a tool for taking action, in partnership with civil society, to ensure that every child is protected from all forms of physical, sexual or mental violence, and for gaining momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse. In addition, the Committee would like to draw the States party's attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement the overarching recommendations as well as setting-specific recommendations contained in this report.

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Corporal punishment

39. While noting that the prohibition of corporal punishment within the family is under review and that parental educational programmes have been developed, the Committee is deeply concerned that corporal punishment within the family is still not prohibited by law.

40. The Committee reiterates its previous recommendation (CRC/C/15/Add.85 para. 39) and urges the State party to:

- (a) Explicitly prohibit all forms of corporal punishment in the family;**
- (b) Sensitize and educate parents and the general public about the unacceptability of corporal punishment;**
- (c) Promote positive, non-violent forms of discipline as an alternative to corporal punishment; and**

(d) Take into account the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.

**5. Basic health and welfare
(arts. 6; 18, para.3; 23; 24; 26; 27(1-3))**

Children with Disabilities

41. While welcoming legislative and policy developments such as the Disability Act of 2005 and the National Disability Strategy of 2004, the Committee remains concerned that the legal framework inadequately addresses the specific needs of children with disabilities and their access to necessary health services and educational facilities and that many of the provisions of the Children Act have not been fully enacted.

42. The Committee recommends that the State party:

- (a) Adopt an inclusive and rights-based legal framework that addresses the specific needs of children with disabilities and implement all relevant provisions of the existing legislation related to children with disabilities; and**
- (b) Undertake, with the involvement of children, awareness-raising campaigns which focus on prevention and inclusion, available support and services for children with disabilities, and on combating negative societal attitudes towards children with disabilities.**

**43. The Committee also urges the State party to review existing policies and practices in relation to children with disabilities, giving due attention to the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities held on 6 October 1997 (see CRC/C/69).
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Health and health services

44. The Committee welcomes the commitments undertaken by the State party in a number of policy documents, including Goal No. 3 of the National Children's Strategy and the development of a Primary Care Strategy. The Committee remains concerned, however, about the lack of a comprehensive legal framework in that regard and the absence of statutory guidelines safeguarding the quality of and access to health care services as stipulated in article 24 of the Convention, in particular for children in vulnerable situations.

45. The Committee recommends that the State party:

- (a) Adopt an all-inclusive legislation that addresses the health needs of children;**
- (b) Ensure that availability and quality of health care services are maintained throughout the country by providing targeted resources and establishing statutory guidelines for the quality of these services;**
- (c) Ensure that the resources allocated to existing health care services for children are used in a strategic and coordinated manner benefiting all, i.e. the public, the community and the voluntary sectors; and**
- (d) Pay special attention to needs of refugee and asylum-seeking children, and children belonging to the Traveller community, inter alia, by implementing the existing National Strategy for Traveller Health.**

46. While welcoming the Mental Health Act of 2001 and noting that the State party has recognized the lack of adequate programmes and services related to the mental health of children and their families, the Committee is concerned that children with mental health difficulties still do not access existing programmes and services for fear of stigmatization, and that some children up to 18 years of age are treated with adults in psychiatric facilities.

47. The Committee reiterates its previous recommendation (CRC/C/15/Add.85 para. 20 and 38), and recommends that the State party:

- (a) Make full use of the findings and implement the recommendations of the Expert Group on Mental Health Policy appointed by the Minister of State at the**

Department of Health in 2003;

- (b) Undertake awareness-raising and sensitization campaigns to prevent stigmatization and ensure that focus is given to early intervention programmes; and
- (c) Continue its efforts to ensure that children with mental health difficulties benefit from specific services designed for children under 18 years of age.

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Adolescent health

48. While noting a number of policy measures taken to address alcohol consumption by children, including the National Alcohol Policy, the Strategic Task Force on Alcohol, and the attention paid to the issue by the Parliamentary Committee on Children and Young People, the Committee remains concerned about the high level of alcohol consumption by adolescents.

49. The Committee recommends that the State party strengthen its efforts to address alcohol consumption by children, by, inter alia, developing and implementing a comprehensive strategy which should include awareness-raising activities, the prohibition of alcohol consumption by children and advertising that targets children. In this regard the Committee also draws the State party's attention to the Committee's general comment No. 4 (2003) on adolescent health.

50. While welcoming the creation of a Strategic Task Force on Alcohol, the Committee is concerned about the reported increase in suicide rates among boys and adolescent males. The Committee is also concerned about the apparent link between underage substance abuse and the suicide rate.

51. The Committee urges the State party to implement the new ten-year National Strategy for Action on Suicide Prevention and the recommendations from the second report of the Strategic Task Force on Alcohol.

52. While noting that social, personal and health education is incorporated into the curricula of secondary schools, the Committee is concerned that adolescents have insufficient access to necessary information on reproductive health. The education is optional and parents can exempt their children from such education. The Committee is also concerned that sexually transmitted infections are reported to have increased noticeably during the last 10 years and young girls are in particular risk.

53. The Committee recommends that the State party strengthen its efforts to enhance access to adolescent-specific reproductive and sexual health information and services, and that these are not limited to school curricula but can also be accessed within the adolescent daily living environment, in addition to information and awareness-raising campaigns.

Harmful traditional practices

54. The Committee notes with concern that some immigrant communities continue to practice female genital mutilation (FGM) in Ireland. The Committee strongly emphasizes that FGM is a violation of the Convention.

55. The Committee urges the State party to continue its efforts to end the practice of FGM, for example, through prohibiting FGM by law, including the possibility of extra-territorial jurisdiction, and implementing targeted programmes which sensitize all segments of the population about its extremely harmful effects. The Committee recommends that the State party involve and mobilize all relevant partners at the local level, including teachers, midwives, traditional health practitioners and religious and community leaders to prevent the practice of FGM. It also draws the attention of the State party to the recommendations adopted on the day of general discussion on the girl child held on 21 January 1995 (see CRC/C/38).

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Standard of living

56. The Committee recognizes that the favourable economic development has contributed to the reduction of the overall poverty level. The Committee remains however concerned that a number of children in particularly vulnerable situations are living in households where the income remains significantly lower than the national median income.

57. The Committee recommends that the State party:

- (a) Effectively implement its National Anti-Poverty Strategy and strengthen its support to families living in economic hardship in order to ensure that poverty is reduced and children are protected against the negative impact of economic hardship on their development;**
- (b) Introduce a supplement to the existing universal child benefit payments as an additional and targeted allowance to assist the families which experience highest levels of poverty;**
- (c) Implement fully existing policies and strategies and increase budgetary allocations for and subsidization of services, including childcare, healthcare and housing, for families with children who are particularly vulnerable; and**
- (d) Increase investments in social and affordable housing for low-income families.**

**6. Education, leisure and cultural activities
(arts, 28, 29 and 31)**

Education, including vocational training and guidance

58. The Committee welcomes the State party's efforts to develop and strengthen the legal and policy framework for the right to education. The Committee is, however, concerned that the "de facto" cost of education and materials in public primary schools is in some instances the responsibility of parents; the views and specific needs of children are not always adequately taken into account; and that particularly high dropout rates exist among children belonging to the Traveller community and children with disabilities.

59. The Committee recommends that the State party:

- (a) Continue taking measures to create an educational environment where the special needs of the child are taken into consideration, inter alia, by undertaking appropriate professional assessment of the specific needs of children, providing technical and material support for children with special needs, ensuring children in schools have the right to be heard in all matters concerning their well-being, and by continuing efforts to reduce overall class sizes to provide education to all children on an equal footing;**
- (b) Ensure that budgetary allocations are also directed at improving and upgrading school buildings, recreational equipment and facilities, and the sanitary conditions in schools;**
- (c) Ensure that necessary measures are taken to combat the phenomenon of bullying and that its consequences are dealt with in a responsive and child-sensitive manner; and**
- (d) Publish and disseminate the prepared Traveller Education Strategy and undertake training activities for teachers in order to sensitize them to Traveller issues and inter-cultural approaches.**

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60. The Committee reiterates the concern raised by the Committee on the Elimination of Racial Discrimination in its concluding observations on the initial and second periodic reports of the State party (CERD/C/IRL/CO/2) that non-denominational or multid denominational schools represent less than 1 % of the total number of primary education facilities.

61. The Committee encourages the State party to take fully into consideration the recommendations made by the Committee on the Elimination of Racial Discrimination (CERD/C/IRL/CO/2, para. 18) which encourages the promotion of the establishment of non-denominational or multid denominational schools and to amend the existing legislative

framework to eliminate discrimination in school admissions.

Leisure, recreation and cultural activities

62. While welcoming initiatives such as the National Play Policy which contains several activities and responsibilities for a number of government departments, local authorities and health boards and enhances the opportunities for children to enjoy leisure, recreation and cultural activities, the Committee is concerned that little political and financial importance is given to the creation of recreational facilities and that increasing housing demands may further hamper the developments of play grounds and public space.

63. The Committee recommends that the State party place more emphasis on the creation of facilities for children to enjoy leisure, recreation and cultural activities.

7. Special protection measures (arts. 22; 30; 38; 39; 40; 37 b-d; 32-36)

Refugee and asylum-seeking children

64. While noting the recent developments regarding asylum-seeking processes through the 2006 Immigration, Residency and Protection Bill, the Committee is concerned that unaccompanied children or children separated from their parents might still not receive adequate guidance, support and protection during the asylum process, in particular with respect to access to services and an independent representation.
CRC/C/IRL/CO/2

65. The Committee recommends that the State party take necessary measures to bring the policy, procedures and practice into line with its international obligations, as well as principles outlined in other documents, including the Statement of Good Practices produced by the United Nations High Commissioner for Refugees and Save the Children. The Committee further encourages the State party to ensure that the same standards of and access to support services applies whether the child is in the care of the authorities or their parents. The Committee also draws the attention of the State party to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.

Administration of juvenile justice

66. The Committee welcomes the fact that in the Children Act 2001, the age of criminal responsibility was raised from 7 to 12 years with a rebuttable presumption that the minimum age of responsibility is 14, however, it regrets that this part of the Act did not enter into force. Furthermore, the Committee is very disappointed that this part of the Children Act was transferred to the Criminal Justice Act 2006 in which the age of criminal responsibility was lowered to 10 years for serious crimes.

67. The Committee recommends that the State party reinstate the provisions regarding the age of criminal responsibility as established in the Children Act 2001.

68. The Committee welcomes the establishment of the Irish Youth Justice Service under the Department of Justice, Equality and Law Reform, yet regrets that it is not established on a statutory basis. The Committee is also concerned that the Anti-Social Behaviour Orders provided for in the Criminal Justice Act 2006 will have the effect of bringing "at risk" children closer to the criminal justice system, especially as a breach of an Order is considered a crime. Furthermore, the Committee is concerned that the wide discretion of the judges as to the type and content of an Order may lead to measures that are disproportionate to the impugned behaviour.

69. The Committee recommends that:

(a) The State party provide a statutory basis for the Irish Justice Service and that the Justice Service give high priority to the drafting and implementation of a child-

oriented, rights-based Youth Justice Policy based on the Convention; and
(b) The Anti-Social Behaviour Orders be closely monitored and only used as a last resort after preventive measures (including a diversion scheme and family conferences) have been exhausted.

70. The Committee notes with appreciation the establishment of the Garda Diversion Programme provided for by law in the Children Act 2001, brought into force in 2002. However, the Committee is concerned that the 2006 Act extends the programme to children from the age of 10 years who have committed "anti-social behaviour." The Committee is further concerned that admission to the programme can be considered as a sentence in future criminal proceedings.
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71. The Committee recommends that children who have committed "anti-social behaviour" cannot be diverted to the Garda Diversion Programme, and that admission to the programme can never be considered as a sentence in future criminal proceedings. The Committee further urges the State party to implement a set of alternative measures as a matter of priority to ensure that the deprivation of liberty is used only as a last resort and for the shortest possible time.

72. While noting with appreciation the intention of the State party to provide for all detained children up to the age of 18 to be held in separate detention facilities – so-called Children Detention Schools – the Committee is deeply concerned that children aged 16 and 17 years are detained in St. Patrick Institution which is a closed, medium security detention centre for males aged 18 to 21 years, with no facilities for education. In addition, the Committee is concerned that the Ombudsman for Children is excluded from investigating complaints emerging from that institution and undertaking inspections of police stations.

73. The Committee recommends that the State party make every effort to use detention as a last resort. Where detention is deemed unavoidable, the Committee recommends that the State party provide children under the age of 18 with separate detention facilities. The Committee encourages the State party to make every effort in order to include in the investigation and inspection mandate of the Ombudsman for Children all places of detention where children are currently held.

Sexual exploitation and sexual abuse

74. While noting the Sex Offenders Act of 2001 that provides with a comprehensive protection of the public against sex offenders, the Committee is concerned about the lack of information concerning children victims of prostitution and on child pornography.

75. The Committee recommends that the State party collect information and undertake research on child prostitution, pornography and other forms of sexual exploitation and sexual abuse of children with a view to developing targeted measures, and requests the State party to provide detailed information in that respect in its next report.

Sale and trafficking

76. While noting the Child Trafficking and Pornography Act of 1998 and the 2006 Trafficking in Persons and Sexual Offences Bill, the Committee regrets the lack of specific information on the situation of children victims of abduction and sale or traffic for any purpose or in any form.

77. In line with articles 34 and 35 of the Convention, the Committee reiterates the recommendation by the Committee on the Elimination of Discrimination against Women (CEDAW/C/IRL/CO/4-5) on, inter alia, the adoption and implementation of a comprehensive strategy to combat trafficking, and the measures to be put in place for the physical and psychological recovery and social reintegration of victims of trafficking, including the provision of shelter, counselling and medical care. The Committee requests the State party to provide in its next report further information and data on trafficking in

particular with respect to children.

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Children belonging to minorities

78. The Committee notes the information provided in the State party's report, in particular in Chapter III under non-discrimination and child welfare, and in the written replies to the list of issues, in particular with respect to the report of the High Level Group on Traveller Issues. However, the Committee remains concerned that adequate recognition, action and positive measures have not yet been taken to enhance the enjoyment of the rights of children belonging to the Traveller community and, in particular, to facilitate their access to education, housing and health services.

79. The Committee recommends that the State party:

- (a) Work more concretely towards the recognition of the Traveller community as an ethnic group as called for by the Committee on the Elimination of Racial Discrimination (CERC/C/IRL/CO/2 para.20);**
- (b) Undertake or use existing research or comprehensive needs assessment with a particular focus on children belonging to the Traveller community in the fields of health, housing and education to further serve as a basis for policies and strategies and concrete measures for the improvement of the well-being of the children;**
- (c) Implement the recommendations of the Task Force on the Traveller community; and**
- (d) Provide in its next report detailed information on measures taken in order to enhance the enjoyment of the rights of children belonging to the Traveller community, in particular with regard to enjoyment and access to education, health services and housing facilities.**

80. The Committee regrets the lack of specific information in the State party's report on efforts to promote Irish language and culture among children and young people, and efforts made to prevent marginalization and social exclusion of Roma children.

81. The Committee requests the State party to provide further detailed information in its next report.

8. Optional Protocols to the Convention on the Rights of the Child

82. The Committee looks forward to receiving, as indicated by the State party, the initial report on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts which was due in December 2004.

83. The Committee welcomes the signature of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child pornography and prostitution in 2000 and recommends the ratification of this Optional Protocol in accordance with the intention of the State party.

9. Follow-up and dissemination

Follow-up

84. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to relevant Departments, Oireachtas (National Parliament), and to relevant local authorities, for appropriate consideration and further action.

Dissemination

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85. The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding

observations) adopted by the Committee be made widely available, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

10. Next report

86. The Committee invites the State party to submit a consolidated third and fourth report by 27 April 2009 (that is, the due date of the fourth report). This is an exceptional measure due to the large number of reports received by the Committee every year. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

Liosta na bpáistí agus na ndaoine óga gur bhuail an OCO leo

Ó mhí Aibreáin 2005 go mí na Nollag 2006, tá an OCO tar éis bualadh leis na mílte daoine óga agus páistí ón tír ar fad ag eachtraí difriúla eagraithe ag an OCO nó ag a raibh an tOmbudsman nó a foireann i láthair. Ta baint ag roinnt mhaith de na páistí agus daoine óga gur bhuailamar leo leis na heagraíochtaí seo leanas:

Salesian's Secondary School, Limerick
Scoil Mhuire, Ballyboden, Dublin 16
Francis Street C.B.S. Dublin 8
St. Paul's Senior National School, Drogheda, Co. Louth
Kildare Town Youth Project, Co. Kildare
St. Aidan's Comprehensive School, Cootehill, Co. Cavan
Firhouse Community School, Dublin 24
Ógra Chorcaí, Cork City
The Crib Youth Café, Co. Sligo
Rutland Street National School
Rutland Street Pre-school, Dublin
Larkin Street College, Dublin
Larkin Pre-school, Dublin 3
SPARK project, Galway City
Letterkenny Youth Conference
CSPE at Mercy College, Coolock
Common Purpose
Irish Association of Young People in Care
Irish Wheelchair Association
Scoil an Chroí Ró Naofa Íosa, Mulhuddart
Scoil Mochua, Clondalkin, Dublin
Cootehill Youth Service, Co Cavan
Loreto College, Crumlin
BeLonG To, Dublin
Dublin Northside Partnership,
Donegal Youth Council
ISPCC
Irish Wheelchair Association
Monaghan Comhairle na nÓg
School Completion Programme
St Mary's Youth and Community Centre
Youth Participation in Policy and Planning Project, HSE North West Area
Dublin South City Action Group (part of Dublin City Comhairle na nÓg)
Irish Association of Spina Bifida and Hydrocephalus
St. Paul's C.B.S., North Brunswick Street
HSE Summer School, Sligo

Children's Rights Alliance Young People's Reference Group
Scouting Ireland
Enable Ireland
Dun Laoghaire Youth Service
Midlands Regional Youth Services
Monaghan Neighbourhood Youth Project
Barnardos
Pavee Point
Notre Dame Secondary School, Dundrum, Dublin
Rockford Manor, Blackrock, Co Dublin
Pobalscoil Iosolde, Palmerstown, Dublin
Colaiste de hIde, Tallaght, Dublin
St Paul's Secondary School, Greenhills, Dublin
Colaiste Bride, Clondalkin, Dublin
St Joseph's Stanhope St, Stoneybatter, Dublin
Trinity Comprehensive Ballymun, Ballymun, Dublin
St David's, Artane, Dublin
Irish Foster Care Association
Northside Partnership, Dublin
Community Creations/Spunout.ie
RTE Cór na nÓg
No name club
Whiz kids, Ma Samba
ISPCC Youth Council, Tipperary
Programme of Action for Children, Sligo
Educate Together, Cork
Mental Health Ireland, Dublin & Donegal
Young Pioneers, Gormanstown
PWDI, Armagh
Young people seeking asylum
-Brehon House, Dublin
Monor House School, Dublin
National Association for Deaf People
Draíocht, Dublin
Foróige
School Council, St Munchin's College, Corbally, Limerick

Children detention schools:

Trinity House
Oberstown Girls
Oberstown Boys
Finglas Child & Adolescent Centre

Príomh – Eachtraí ag an OCO le linn na Tréimhsí Tuairiscithe seo

Athlonnú go foirgneamh nua, Meitheamh 2005

Seoladh oifige, Meán Fómhair 2005 – Seolta ag Uachtarán Nic Giolla Íosa

Tuarascáil curtha faoi bhráid Chomchoiste an Oireachtais um Shláinte is Leanaí maidir le Gearáin i ndáil le Cosaint Leanaí in Éirinn, Eanáir 2006

Ghlacamar páirt i dtionscnamh idirbliana, 'Brighter Futures', Mórshiúl Lá le Pádraig, Márta 2006

D'fhoilsíomar comhairle ar leasuithe a moladh a dhéanamh ar Acht na Leanaí, 2001 maidir le cúrsaí ceartais a bhaineann le hógánaigh, Aibreán 2006

Tháinig baill Choiste na Náisiún Aontaithe ar chuairt chuig an OCO, Aibreán 2006

D'fhoilsíomar ár dtuarascáil do Choiste na Náisiún Aontaithe um Chearta an Linbh, Aibreán 2006

Cruinniú ENOC, Farmleigh, Bealtaine 2006

Cruinniú ullmhúcháin le Coiste na Náisiún Aontaithe um Chearta an Linbh maidir le himscrúdú thuarascáil na hEireann, Meitheamh 2006

D'fhoilsigh Coiste na Náisiún Aontaithe um Chearta an Linbh a thuarascáil ar Éirinn, Meán Fómhair 2006

D'fhoilsíomar comhairle ar an reachtaíocht a achtaíodh tar eis an chais CC i ndáil le héigniú reachtúil, Meitheamh 2006

Chuiramar aighneacht i scríbhinn faoi bhráid Chomhchoiste an Oireachtais um Chosaint Leanaí, Lúnasa / Meán Fómhair 2006

Tionscadal píolótach ó Deireadh Fómhair 2006 go mí na Samhna 2006

Ghlacamar páirt sa chéad comhdháil de chuid an Ghréasáin BINOCC, Samhain 2006

D'fhoilsíomar comhairle maidir leis an reifreann molta ar chearta leanaí, Nollaig 2006