

# Children's voices can change lives

**Opinion Article on Separated children by Emily Logan, Ombudsman for Children**

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In 2009 I published a report on the experiences of separated children living in Ireland. This is a group of children that appears to have been invisible to politicians and policy makers, to the media and wider public.

The children that I am referring to are defined as 'separated' children. They are children under the age of 18, who are outside their country of origin with no parent or legal guardian. They arrive in Ireland for a variety of complex reasons including fear of harm, armed conflict or disturbances in their own country. They may be victims of trafficking for sexual or other exploitation or may have travelled here to escape conditions of serious deprivation.

These children are immediately placed in the care of the State. Responsibility for provision of services to them lies with many state agencies.

At the time of publication of my report, approximately 180 separated children in the care of the State were in receipt of inferior care services. They were living in 10 unregistered hostels, often under the supervision of unqualified staff, and some without an allocated social worker. Seven of the nine hotels where the children lived were operated by privately run institutions on behalf of the HSE. This hostel accommodation contrasted sharply to the HSE-run residential units with trained social care staff where many of the Irish children in care live. The separated children were living without the type of support and protection that all children deserve and need.

Since the publication of my report just over a year ago, it is important to acknowledge that while there remain concerns, progress has been made for the children. In my role as Ombudsman for Children, I often highlight my

concerns about deficiencies in services and supports for children. I believe that it is important to also acknowledge following the intervention of my Office through my complaint handling or advocacy work, public bodies regularly respond in a positive way to my involvement and take action to improve the nature and delivery of their service.

Among the recommendations in my separated children report, I called for the practice of housing separated children in hostel accommodation to cease. The HSE, in whose care the separated children live, responded in a positive and constructive way to the report and my recommendations.

Within a number of weeks of the publication date, the HSE moved to ensure that hostels were staffed continuously with qualified care workers. In its latest update to my Office, the HSE has reported that there are only 18 young people seeking asylum that are still housed in hostels as opposed to registered residential care units or foster care. Only two hostels remain open and both will be closed by the end of December, meaning that all separated children under the age of 18 will be accommodated from then on in ordinary residential care units or in foster care.

While the number of separated children presenting to the HSE has been decreasing over the last number of years, there were approximately 300 in 2008, approximately 200 in 2009 and there have been fewer than 100 so far in 2010, they remain a very vulnerable group.

Separated children face particular difficulties vindicating their rights, including their rights to: education, housing, play and health care. They are at grave risk of breaches of their rights to protection from harm, including from trafficking; from racism and discrimination; and from poverty. They face particular challenges with respect to their position in the asylum process, and frequently lack an independent advocate to represent their concerns both in the asylum process and in the education, housing and health care areas. The State is duty bound by both national and international law to protect and provide for

separated children in the same way as children normally resident in the State. Both the Child Care Act 1991 and the UN Convention on the Rights of the Child place a duty on the State to provide for any child who is in need of care or protection.

As Ombudsman for Children I have statutory responsibility for promoting the rights and welfare of all children living in Ireland. In 2007, research commissioned by my Office identified children without parental care as particularly vulnerable and facing multiple barriers in the enjoyment of their rights. Following on from this research I decided to initiate an independent consultation with separated children living in the care of the State.

The purpose of my report was to better understand the life and level of care afforded to separated children in Ireland by hearing directly from this group of young people. Central to the mandate of the Ombudsman for Children's Office is the implementation of Article 12 of UN Convention on the Rights of the Child which sets out the right of children to a voice in all matters concerning them. Section 7(2)(a) of the Ombudsman for Children Act states that the Ombudsman for Children shall consult with groups of children I consider representative for the purposes of my functions under this section. The project provided an opportunity for separated children to reflect on their lives and experiences and raise issues of direct concern to them with my Office. Over the course of the project many separated children spoke to me and my team. We heard about their experiences before they came to Ireland. We heard about the services provided to them in Ireland.

The overall aim was that by bringing this report to the attention of policy makers, legislators and other senior decision makers, in partnership with the young people on the project, we could influence positive change for these children and others like them.

The response that my Office received to the publication of our report was unprecedented. Professionals, politicians and the public contacted us to express support for this work and compassion for the children's situation, as well as a real desire to assist in advancing positive change for the children. Most importantly for the children involved, the HSE, in whose care the children were, committed to taking immediate steps to improve the situation in which the children were living and to continue to work to provide more suitable care arrangements.

We also had ordinary people contacting us to offer their time, skills and energy. We passed on these kind and generous offers to those who work with the separated children on an ongoing basis. Others wanted to donate gifts to the children so that the children would have a great Christmas. We worked with the HSE and the children themselves to facilitate this.

As Ombudsman for Children part of my job is to consult children and young people on issues that matter to them and to highlight these issues. Although I try to give voice to their concerns, nothing is more powerful than hearing children's own experiences, in their own words. The Separated children report is a clear illustration of the importance of giving children a platform, listening to what they have to say and taking their concerns seriously - and the benefits this can bring.