

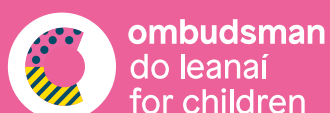
Mind the Gap

Barriers to the realisation of the rights
of children with disabilities in Ireland

Dr Catriona Moloney, Clíona de Bhailís, Dr Danielle Kennan, Dr Carmen Kealy, Dr Shivaun Quinlivan, Professor Eilionóir Flynn and Jacqueline Phiri, Centre for Disability Law and Policy, NUI Galway

Youth Friendly Summary

Research commissioned by the
Ombudsman for Children's Office



What is it all about?

This report has been written for the [Ombudsman for Children's Office](#). It was written by researchers at the Centre for Disability Law and Policy and the Institute for Lifecourse and Society at National University of Ireland, Galway. We know that children with disabilities in Ireland are not treated equally in many ways and for a number of reasons. In this report we picked out the main obstacles which stop children from being able to enjoy their rights. We also describe what needs to change and give ideas for what should happen. This is to help those making laws and [policies](#) to move forward and create important change for children with disabilities.

In this report when we say children with disabilities, we mean lots of different groups and people including children with long-term health problems and children who have been given help for mental health in the past.

No new research was done for this report. Instead, the researchers pulled together information that was already available into one report. Research carried out for this report was focused on children's rights. The rights that children have are set out in [the UN Convention on the Rights of the Child](#) and the [UN Convention on the Rights of Persons with Disabilities](#). The rights under both of these Conventions cover all areas of life and lots of different topics. This report puts them together as groups or clusters to make it easier to read. These are Development (including education and play), Inclusion and Belonging (including families, housing and transport), Health and Welfare (including the right to life, health and adequate standard of living) and Justice and Redress (including liberty and security, access to Justice, privacy, freedom from Exploitation, freedom of Expression). We also picked out some issues which we think affect all areas of life and don't fit in just one cluster. These are equality and non-discrimination, participation and accessibility.

Equality & non-discrimination — You have the right to be protected by the law, and that the laws of a country apply to everyone who lives there in the same way. You should not be unfairly because of your disability.

Participation — You have the right to give your opinion and to have those opinions listened to and taken seriously. You have the right to get help or use support to do this if you need to.

Accessibility — You have the right to take part in your community and all parts of life. Governments need to do things which make it easier for people with disabilities to take part and make things accessible. This includes access to buildings (especially public buildings), information, services and technology.

Adequate standard of living — You have the right to food, clothing, a safe place to live and to have your basic needs met. You should not be disadvantaged so that you can't do many of the things other kids can do.

Access to Justice — If you are hurt by a crime or are accused of doing something wrong, you have the right to be treated fairly when your case is being dealt with. You must be given help to express yourself in all legal processes.

Freedom from Exploitation — You have the right to protection from any kind of exploitation (being taken advantage of).

Freedom of Expression — You have the right to find out things and share what you think with others, by talking, drawing, writing or in any other way unless it harms or offends other people.

While there has been some progress in recent years, people with disabilities still face obstacles in all parts of their lives. This is especially true for children with disabilities who are often forgotten in both laws, policies and services aimed at disabled adults and those aimed children who don't have disabilities. This report aims to draw attention to the need for more focused laws, policies and services aimed at children with disabilities to make sure that their human rights are respected. This report can act as a starting point for further action by the government to make sure they respect, protect and fulfil the human rights of children with disabilities as set out in the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities.

What did we find?

1. Children with disabilities can be invisible – many laws, policies and services made for people with disabilities or non-disabled children, do not think about children with disabilities.
2. Children with disabilities often do not have a say – the views of children with disabilities are not heard when making laws and policies and developing services that affect them.
3. Children with disabilities are not counted – details on life events of children with disabilities are not often gathered.

Children are invisible:

Our research found that children with disabilities are forgotten in many laws, policies and plans that affect them.

Laws, policies and programmes made to help people with disabilities often only focus on adults. Children have different needs to adults and by leaving children with disabilities out, they are stopping children from fully enjoying their rights.

For example, the Assisted Decision-Making (Capacity) Act is a law about making decisions and getting help or using support to make decisions. It only to adults even though children and young people with disabilities might also benefit from supports, especially when they go from childhood to adulthood.

On the other hand policies which apply to children and young people don't include children with children and young people with disabilities. For example, Better Outcomes

Brighter Futures is Ireland's plan for how to make sure Ireland is a good place to live for children and young people. While this policy document regularly mentions the UN Convention on the Rights of the Child, it does not mention the UN Convention on the Rights of Persons with Disabilities. It is a worry that an important Convention, which is more focused on children with disabilities, was not considered.

Children do not have a say

Children with disabilities do not have a say on laws, policies and services that affect them.

Including children with disabilities in the creation of law, policy and services needs extra thought and attention. Children with disabilities are not one large group where everyone is the exact same. There are many types of disability and this means that different children need different types of help or support to make things accessible.

For example, the Government Department of Children and Youth Affairs and the National Disability Authority both give advice on doing research with children and with people with disabilities, but neither include practical steps on how to involve children with different disabilities in research.

Children are not counted

There is a serious lack of up to date information on children with disabilities. Without up to date information, it is hard to make laws, policies and programmes about or for children with disabilities.

Even where information can be found, it is often unclear and not everyone can agree on what it means to have a disability. This makes it harder to communicate how children with disabilities experience the world they live in.

The Growing Up in Ireland research study and the Central Statistics Office (CSO) have some information on children with disabilities. However, there is a serious lack of information on children with disabilities in a number of areas. For example, there is no information on the number of children with disabilities in the education system, on waiting lists for Child and Adolescent Mental Health Services, and on lists for assessing the needs of children with disabilities, under the Disability Act.

Changes needed:

1. Action is needed to include a focus on children with disabilities in laws, policies and programmes aimed at both children and young people and people with disabilities. This does not always mean that new laws or policies need to be created. Instead new goals and actions aimed at children with disabilities should be included.
2. Children with disabilities should be spoken to and their views taken seriously when laws, policies and services that affect them are being created. Any research or planning meetings need to think about how the individual needs of all children will be met. For example, those planning meetings need to think about how children with mobility impairments or physical disabilities, children with sensory disabilities, children who are blind/have low vision, Deaf children, autistic or neurodiverse children, children with a past in mental health services and children with intellectual disabilities can take part.

Making research accessible to all types of children with disabilities may take more money and time, but it is very important. Children with disabilities and their families need to be asked how researchers can best include them.

While different groups of children with disabilities will have different accessibility issues, this should not be used to divide up children solely based on their disability. Ways which are helpful for all children with disabilities to have their say should be used.

3. The CSO, Government departments and other agencies must collect information about children with disabilities and collect this information in the same way.

The people collecting this information should talk to children with disabilities and their families to understand better how this information can be collected in a way that will give good information, respecting the human rights of children with disabilities.

Conclusion:

This research is only a starting point in learning about the challenges facing children with disabilities in Ireland and what steps could be taken to solve these.

We want this report to support further conversations about the obstacles which stop children with disabilities from enjoying their rights and how these obstacles can be removed.

It is time for children with disabilities and their families to stop having to battle these obstacles. It is time for the State to lead, not impede.

Definitions

Ombudsman for Children's Office — The 'Ombudsman for Children's Office' is independent from the Government. Its job is to promote the rights of children and young people in Ireland, and deal with any complaints made by or for children and young people against public services.

UN Convention on the Rights of the Child — The UN Convention on the Rights of the Child is an important agreement by countries who have promised to protect children's rights. The Convention explains who children are, all their rights, and the responsibilities of governments. All the rights are connected, they are all equally important and they cannot be taken away from children.

UN Convention on the rights of Persons with Disabilities — The Convention on the Rights of Persons with Disabilities is an important agreement by countries around the world to make sure that people with disabilities have the same rights as everyone else and are treated equally. The Convention explains what it means when it says persons with disabilities, what their rights are, and what governments have to do to make sure they respect those rights.

Policy — A plan or course of action, which is generally set out in a written document by governments or other organisations, to guide their decisions and actions.

Ombudsman for Children's Office
Millennium House
52–56 Great Strand Street
Dublin 1
D01 F5P8

T: 01 865 6800
F: 01 874 7333
E: oco@oco.ie
www.oco.ie
 [@OCO_Ireland](https://twitter.com/OCO_Ireland)