



**Department of Children, Equality, Disability, Integration and Youth:
Public Consultation on the next
Government Policy Framework for Children and Young People in Ireland**

**Preliminary Observations
by the Ombudsman for Children's Office**

Contents

1. Introduction	1
2. Considerations	1
3. Goals, Areas and Priorities for Action	4

1. Introduction

On 27 January 2022, the Minister for Children, Equality, Disability, Integration and Youth launched a public consultation on the next Government policy framework for children and young people in Ireland. This framework will be a successor to Better Outcomes, Brighter Futures: the National Policy Framework for Children and Young People, 2014-2020 (BOBF).

The Ombudsman for Children's Office (OCO) welcomes the decision of the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to conduct a public consultation on the successor to BOBF and the opportunity this consultation presents for us to provide an initial input at an early stage in the process to develop a new framework.

The purpose of this brief submission is to set out the OCO's preliminary, high-level observations on what the new framework could usefully focus on. These observations are grounded in the OCO's experience of discharging our core statutory functions under the Ombudsman for Children Act 2002 (2002 Act) and are being made further to the OCO's statutory duty under section 7(4) of the 2002 Act to advise any Minister of the Government on any matter relating to the rights and welfare of children. We are cognisant that the new framework will cover all those aged 0-24. However, in light of the OCO's statutory mandate, this submission focuses on children and young people up to 18 years of age.

2. Considerations

From the OCO's perspective, there are a number of key considerations that should inform the development of the new national framework and corresponding decision-making about what this framework will focus on:

- **Remit** – In 2021, the Department of Children and Youth Affairs was expanded to become the DCEDIY. As a national framework, the successor to BOBF will necessarily be distinct from and wider in scope than a departmental strategy. Nonetheless, the OCO suggests that development of the new framework might usefully have regard to and be strategically aligned with the DCEDIY's expanded remit. In brief, there is an opportunity to develop a national framework that includes a particular focus on matters concerning equality, disability and integration. In this regard, we are of the view that the new framework should include an explicit focus on special measures that are directed towards achieving tangible improvements for children experiencing inequality and disadvantage for one or more reasons.
- **Timeframe** – The proposed timeframe for the new framework is five years. The OCO expects that the framework will be directed towards delivering positive change with and for children and young people. Accordingly, we anticipate that work to identify priorities and corresponding actions for inclusion in the new framework will involve considering and specifying a) what tangible benefits can be delivered for children and young people during

the period 2023-2028 and b) what measurable progress can be made during this period in respect of complex, multi-dimensional issues that require a longer timeframe to address in full.

- **Adding value** – Development of the new national framework needs to consider how this framework can add value. The OCO is concerned that the potential of this framework to add value will be unnecessarily curtailed if the framework is approached as an overarching repository for the many and wide-ranging commitments and initiatives concerning children and young people set out under existing or pending national policies and strategies. We therefore encourage the DCEDIY to consider the following questions as it works to develop the new framework:
 - What priority areas for action can be advanced more efficiently and/or effectively through being included in the new national framework? (What)
 - What measures should be introduced or further developed through the new framework to strengthen the State’s capacity to deliver positive change with and for children and young people? (How)
 - Which groups of children should the new framework give particular attention to? (Who)

- **International children’s rights standards** – 28 September 2022 will mark the thirtieth anniversary of Ireland’s ratification of the UN Convention on the Rights of the Child (CRC). During 2022, the UN Committee on the Rights of the Child (CRC Committee) will progress its work under the Simplified Reporting Procedure (SRP) to examine the State’s progress in fulfilling its obligations to children under the CRC. Although BOBF referenced children’s rights under the CRC, it was not based on or driven by the Convention. Furthermore, as the OCO noted in a submission to the CRC Committee in 2020, while the State has made progress in implementing children’s rights under the CRC in recent years, significant gaps and shortfalls remain that need to be addressed.¹ For these reasons, the OCO welcomes indications from the DCEDIY that the CRC Committee’s concluding observations following its examination of Ireland’s combined fifth and sixth report on the State’s implementation of the CRC will inform decision-making about priorities for the new framework. Furthermore, from our perspective, the new framework should be a rights-based framework that:
 - is clearly grounded in and directed towards implementation of children’s rights under the CRC
 - includes a focus on actions that can support mainstreaming of children’s rights and a child rights-based approach across the system and in respect of core measures and decisions affecting children (e.g. legislative, policy and budgetary measures)
 - mobilises and promotes use of the CRC and the CRC Committee’s general comments and concluding observations as a resource to support the State’s implementation of children’s rights.

¹ Ombudsman for Children’s Office, [Submission to the UN Committee on the Rights of the Child on the List of Issues Prior to Report for the fourth periodic examination of Ireland](#) (2020).

Given that the new framework will cover all those aged 0-24 and taking into account Ireland's obligations in respect of children and adults under other international human rights instruments, including the ICCPR, ICESCR, CEDAW, CERD and CRPD, the OCO suggests that the new framework could be developed in such a way that it:

- includes an appropriate focus on the CRC in respect of children and young people under 18 and
 - has regard to the State's obligations to both children and adults under other core human rights instruments.
- **European children's rights initiatives** – The OCO understands that Ireland's commitments under the European Child Guarantee (ECG)² are likely to be a key component of the new framework. We also understand that, under the new framework, actions directed towards implementing these ECG commitments will be supplemented by additional measures to address child poverty. The OCO supports the prospective integration of Ireland's commitments under the ECG and the inclusion of child poverty as a key priority in the new national framework. We suggest that work to identify other priority areas for the new national framework might also have appropriate regard to priorities set out in the EU's Strategy on the Rights of the Child 2021-2024³ and the Council of Europe's Strategy for the Rights of the Child 2022-2027.⁴
 - **Covid-19** – While the trajectory of Covid-19 remains uncertain, it currently appears that Ireland is beginning to emerge from the pandemic. Given the very significant impact that the pandemic and measures taken in response to Covid-19 have had on the lives of children and young people, the OCO is of the view that the new national framework needs to include a focus on addressing the adverse effects of Covid-19 measures on children and young people. In this regard, we suggest that the framework should incorporate actions that support the achievement of robust system-wide understanding of the impacts that Covid-19 and measures taken in response to it have had on children's lives and children's rights, including for the purposes of:
 - identifying, resourcing and implementing additional measures to support children's recovery from the negative impacts of the pandemic on their lives, with a particular focus on those children who have been most adversely affected
 - strengthening and sharpening the State's capacity to address the needs and uphold the rights of children in the context of crises (e.g. health, environmental/climate, economic/financial and/or conflict-related crises).

The pandemic both amplified and exacerbated existing inequalities experienced by particular groups of children in Ireland. As noted above, and taking into account children's right to non-discrimination, the OCO is of the view that the new framework needs to include a particular focus on the most vulnerable groups of children. Accordingly, it should include special measures under the priority areas, which are directed towards mitigating persistent

² [European Child Guarantee 2021-2028](#) (2021).

³ [EU Strategy on the Rights of the Child 2021-2024](#) (2021).

⁴ [Council of Europe Strategy for the Rights of the Child 2022-2027](#) (2022).

barriers that certain children face as regards enjoying their rights on an equal basis with other children.

3. Goals, Areas and Priorities for Action

Further to the considerations outlined above, the OCO suggests that the new national framework could usefully pursue the following interrelated goals:

1. Mainstreaming children's rights
2. Strengthening the delivery of progress in key areas affecting children and their rights
3. Addressing persistent inequalities and disadvantage experienced by specific groups of children
4. Supporting children to recover from the pandemic and preparing for future crises.

While far from exhaustive, the outline that follows proposes a number of areas and priorities for action that we think merit consideration for prospective integration in the new framework.

A goal of mainstreaming children's rights could usefully encompass core children's rights principles *and* general measures for implementing children's rights. In this regard, we suggest that it would be constructive for the new framework to specify *cross-cutting principles*. These principles could be a focus for specific actions that seek to strengthen implementation of these principles in practice. In addition, the principles could inform the development and implementation of priorities set out under thematic areas.

If cross-cutting principles are specified in the new framework, they should include the four general principles of the CRC, namely: non-discrimination (Article 2, CRC); best interests of the child (Article 3, CRC); life, survival and development (Article 6, CRC); and respect for the views of the child (Article 12, CRC). Examples of actions that could be implemented under the new framework to advance the mainstreaming of these children's rights principles in practice include:

- developing and implementing a new national strategy on children and young people's participation that, among other things, could include a focus on strengthening provision for seldom heard children to exercise their right to be heard in decisions affecting them
- developing guidance to strengthen the capacity of different parts of the civil and public service to consider and apply the best interest of the child principle appropriately.

Focused on the 'how' of children's rights, the CRC Committee's General Comment on general measures of implementation of the CRC identifies *cross-cutting measures* that need to be taken to respect, protect and fulfil children's rights.⁵ These general measures could also be a focus of specific actions to support appropriate, effective use of these measures to advance the implementation of

⁵ UN Committee on the Rights of the Child, [General Comment No.5: General Measures of Implementation of the Convention on the Rights of the Child](#) (2003).

children's rights. In addition, it would be useful to consider these general measures when deciding what actions to pursue to make progress on priorities identified under thematic areas.

As the DCEDIY is aware, general measures for implementing children's rights that the CRC Committee has identified include:

- legislation
- effective remedies
- comprehensive policy and strategy
- coordination
- allocation of resources
- data collection
- dissemination, awareness raising and training
- monitoring, including child impact assessment and evaluation and independent monitoring.

Examples of actions that could be included in the new framework to advance effective use of general measures to progress the implementation of children's rights include:

- Legislation
 - Complete an assessment of the extent to which Ireland's domestic law complies with the CRC and develop and implement a plan to address gaps and shortfalls identified through this assessment
 - In parallel, develop and commence implementation of a plan to incorporate the CRC into Irish law
 - Assess where legislation may be necessary or merited to drive improvements (e.g. legislating for child poverty reduction; legislating for interagency coordination and collaboration)
- Effective remedies
 - Address gaps in the State's independent, statutory complaints-handling framework concerning children
 - Improve the availability of child-friendly information, advice and advocacy for children
- Coordination
 - Audit structures and mechanisms that exist to facilitate coordination and collaboration on cross-sectoral issues affecting children at the national, regional and local levels for the purposes of identifying shortfalls and corresponding measures to address same
- Allocation of resources
 - Strengthen existing mechanisms, including equality budgeting, to support effective child-proofing of budgetary measures
 - Assess where the introduction of specific budgetary lines and ring-fenced funding are merited to facilitate effective resource allocation to address specific children's rights issues (e.g. mental health) and to support specific groups of children (e.g. Traveller and Roma children)

- Data collection
 - Strengthen the collection and quality of data available in relation to vulnerable groups of children
 - Strengthen data sharing arrangements among State agencies to support evidence-informed approaches to the development, delivery and monitoring of policies, programmes and services concerning children and their rights
- Dissemination, awareness raising and training
 - Implement a programme to raise awareness of children’s rights among civil and public servants and to build their capacity to give appropriate consideration to children’s rights in decision-making affecting children
- Monitoring
 - Address gaps in the State’s independent, statutory inspection framework
 - Develop and implement a child rights impact evaluation of the impacts of Covid-19 measures on children and their rights, including for the purposes of:
 - developing system-wide awareness and capacity in relation to child rights impact assessment (CRIA) and child rights impact evaluation (CRIE)
 - identifying, resourcing and implementing additional measures to support children’s recovery from the negative impacts of the pandemic on their lives, with a particular focus on those children who have been most adversely affected
 - strengthening the State’s capacity to address the needs and uphold the rights of children in the context of crises (e.g. health, environmental/climate, economic/financial and/or conflict-related crises)
 - Develop and pilot an approach to CRIA in a relevant area (e.g. policy formation affecting children) as an initial step to introduce CRIA in Ireland

As noted in section 2 above, the OCO suggests that the DCEDIY focus on identifying thematic areas and corresponding priorities for action that can be progressed more efficiently and/or effectively if they are included in the new national framework.

The six thematic areas set out below draw on and adapt the CRC Committee’s clusters of children’s rights. Under each thematic area, we give examples of priorities for action that merit consideration for inclusion in the framework. As regards the outworking of priorities, we suggest that actions identified against priorities should demonstrate that:

- consideration has been given to cross-cutting principles of the framework, including the CRC’s four general principles, and that these principles will inform the development and implementation of the actions (link to proposed Goal 1)
- consideration has been given to which general measures for implementing children’s rights need to be mobilised to progress each priority (link to proposed Goal 1)
- attention is being given to addressing persistent inequalities and disadvantage that children belonging to specific groups experience, including children with disabilities, asylum-seeking and refugee children; Traveller and Roma children; and children affected by socio-economic disadvantage (link to proposed Goal 3)

- children, and particularly those children most adversely affected, will be supported to recover from the negative impacts of Covid-19 measures on their lives (e.g. in the areas of health and education) and that the State is strengthening its capacity to uphold children's rights in the context of crises (link to proposed Goals 1 and 4).

Area 1: Civil rights and freedoms

Priorities to consider include:

- ➔ Addressing the digital divide among children and young people, having regard to children's rights in relation to the digital environment (e.g. inclusion, literacy, safety, participation)
- ➔ Supporting access to identity information by children and young people

Area 2: Protection from violence and abuse

Priorities to consider include:

- ➔ Strengthening the State's capacity to respond to child protection referrals and to address the needs of children at risk, including in times of crisis
- ➔ Supporting a coordinated, cross-sectoral approach to preventing and combating child abuse and bullying
- ➔ Improving access to support services and child-sensitive redress for child victims

Area 3: Family and alternative care

Priorities to consider include:

- ➔ Progressing delivery of a child-centred family justice service
- ➔ Providing for the availability of sufficient suitable care placements for children

Area 4: Health

Priorities to consider include:

- ➔ Strengthening mental health supports and services for children
- ➔ Addressing waiting lists for health services for children, with a particular focus on those children whose health and development are most adversely affected by delays in accessing services they need

Area 5. Standard of living

Priorities to consider include:

- ➔ Addressing child poverty, through implementation of ECG actions and supplementary measures

Area 6: Education, leisure and cultural activities

Priorities to consider include:

- ➔ Combating educational disadvantage
- ➔ Progressing the provision of inclusive education
- ➔ Improving access to leisure and cultural activities