



## Joint Committee on Public Petitions

### Submission by the Ombudsman for Children's Office on the investigation statement from his Office called Safety and Welfare of Children in Direct Provision

22<sup>nd</sup> June 2021

I wish to thank the Committee, through the Chair, for the invitation to speak here today. As the Committee is aware, the OCO is an independent statutory body which was established in 2004 under the Ombudsman for Children Act 2002 (2002 Act). Under the 2002 Act (as amended), the OCO has two core statutory functions:

- to promote the rights and welfare of children up to 18 years of age
- to examine and investigate complaints made by or on behalf of children about the administrative actions of public bodies, schools and voluntary hospitals that have or may have adversely affected a child

**Safety and Welfare of Children in Direct Provision** is the latest in a series of publications from our Office on the Irish Direct Provision system. Today's investigation joins our **Direct Division** and **Life in Lockdown** reports which were both published last year.

This was an own volition investigation which means that we did not need a complaint to begin examining a matter as it is initiated by the Ombudsman for Children upon learning of serious concerns about an issue. This is significant, as we have found, since we began accepting complaints on behalf of children in Direct Provision in 2017 that residents are extremely reluctant to complain or to draw attention to themselves in case it hampers their case for asylum or their living conditions. The initial complaint from the parent, involved their concerns about overcrowding, the nutritional content of the food, the lack of safe play areas for children and poor communication by centre management about facilities and how to make a complaint. When the parent in this case chose not to progress a complaint they had made, we still had serious concerns and so we decided to launch an own volition investigation into how the International Protection Accommodation Service was assured about the safety and wellbeing of children

When we started examining, we became aware of child protection and welfare concerns in the Direct Provision centre concerned.

We then took the decision to expand the investigation on child protection to include all accommodation centres and to include the role of Tusla, the Child and Family Agency, as we could not be sure that these issues were isolated to one place.

**Finding:**

Our investigation found that the Direct Provision system of accommodation does not promote the best interests of children.

An independent inspectorate was not in place, despite being recommended in the McMahon report in 2015.

The International Protection and Accommodation System (IPAS), who are responsible for accommodating asylum seekers, were not following their own child protection procedures, and accommodation was not being sufficiently inspected. An accessible and independent complaints procedure was not available for parents and the vulnerability of children living in DP was not being recognised or assessed.

Tusla, the Child and Family Agency was not gathering data about children living in Direct Provision, which might identify risks and inform strategic planning.

Tusla did not recognise the inherent vulnerability of children in the international protection process and did not make adjustments to help them to reach their full potential.

**Recommendations:**

We made a series of recommendations to both IPAS and to the Child and Family Agency. We called for them to recognise the inherent vulnerability of children in the international protection process, to work together collaboratively, and locally to meet their needs

Separately we asked IPAS to immediately end the use of commercial emergency hotels and put in place a well-resourced quality assurance mechanism to monitor complaints, child protection and welfare concerns and any other incidents.

Extensive cultural sensitivity training, as well as training in gender, equality, human and children's rights is needed for staff working in Direct Provision centres

We asked Tusla to develop an intercultural strategy to inform the provision of their services to these children and families.

We were acutely aware that the investigation was published against the backdrop of the White Paper on Ending Direct Provision. While the White Paper published in February was a welcome step, it must not prevent immediate improvements in the Direct Provision system. There are still children living in Direct Provision accommodation and even if everything goes to plan with the White Paper, these children have another few years in Direct Provision ahead. As we all know, a year is a long time in a child's life and childhood experiences stay with us right into adulthood. We cannot allow the White Paper to become the standard response to all issues relating to Direct Provision and it will not be accepted as justification for poor services, poor administration or inaction, for those currently in the system.

We have engaged positively with both IPAS and Tusla around our recommendations and they have both made strong commitments to their implementation. I look forward to seeing immediate action and progress. We will request a six and 12-month update from both agencies.

As stated already this investigation joins our Direct Division and Life in Lockdown reports, which were published last year, and I would like to offer a short summary of those two important documents.

The '**Direct Division**', report (launched on 7/7/21) outlined the views and experiences of children living in Direct Provision accommodation in Ireland. Through engaging with children aged between 12 and 17 years in 9 centres around Ireland, the report shines a light on the reality of life in Direct Provision centres, as well as their experiences in school, the local community and wider Irish society.

The report highlights a number of issues and challenges faced by children living in Direct Provision accommodation, including a lack of space and privacy with children reporting that there were cameras everywhere. Discrimination and racism at school and in the community was reported, with children frequently experiencing the use of racial and sectarian slurs and bullying. Children also reported that some teachers expressed racist or discriminatory sentiments or were covertly racist. Financial constraints and geographical isolation were also cited as barriers to social inclusion.

While many children struggled to do so, some of them identified positive things that helped them to feel included and a part of their schools, communities and wider society such as inclusion in community events and sports. In schools, some children said teachers, staff and students had shown respect for different cultures and religions by providing prayer rooms, permitting hijabs and offering Halal food in the canteen.

We must always remember that access to services such as education, housing and transport, as well as establishing friendships, taking part in community activities and being accepted in our wider society are things that many of us take for granted. However, children living in Direct Provision accommodation must learn how the systems in Ireland work and navigate these, generally while learning a new language, and often while dealing with trauma.

The findings presented in that report are quite stark. The children highlighted a number of challenges and difficulties including a lack of space and privacy in their accommodation centres, geographical isolation and a lack of transport options, as well as financial constraints.

At school and in their local communities, many children felt discriminated against, feeling that the colour of their skin was how they were judged by many Irish people.

The children made many suggestions for changes, some very simple and small, others large and systemic, that would help improve their lives in school, the community and wider society.

The issues highlighted by the children here must be considered to ensure that for as long as the current system remains, the Direct Division they experience is addressed and remedied.

In December 2020, we also launched ***Life in Lockdown***, a report on the views and experiences of children living in Direct Provision accommodation during the Covid-19 pandemic. Following on from our Direct Division report, we spoke to a small number of children in Direct Provision centres about what life was like for them during the first lockdown.

Living in confined spaces, losing the physical, educational and social environment of school, poor internet access and the high number of cases reported in Direct Provision accommodation, all contribute to children's increased levels of anxiety and sense of isolation. Up to October 24, 2020, there were 313 cases of Covid-19 reported in Direct Provision accommodation. This represented 4%

of all Direct Provision residents in Ireland, and compared to 1.3% of the rest of the general population who had contracted the virus at that time.

The issues outlined in our Direct Division consultation remained and have often intensified during the Covid-19 pandemic and restrictions: social exclusion, physical isolation from their communities, lack of facilities and lack of space and privacy. Issues with online learning were also a problem including lack of hardware, Wi-Fi and not having English as a first language made homework and classes much more difficult. The boredom, loneliness and frustration felt by most people during the lockdown was magnified for children living in Direct Provision accommodation by the fact that they had to stay indoors, often in one small room, with their whole families for months.

Thus, to conclude this statement it is clear that our International Protection system has many flaws and our Office is delighted with the commitments within the White Paper to bring about positive changes. We have urged Minister O’Gorman, Tusla and all others involved in the system to continue to improve things in the present while working to help create a new, better and more humane system by 2024.

Thank you again for the invitation to speak on this issue and myself and my colleague, Ms. Nuala Ward, will be very happy to answer any queries you may have.