

# DÁIL ÉIREANN

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## AN COISTE UM ACHAINÍOCHA ÓN BPOBAL

## COMMITTEE ON PUBLIC PETITIONS

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*Dé Máirt, 22 Meitheamh 2021*

*Tuesday, 22 June 2021*

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Tháinig an Comhchoiste le chéile ag 12.30 p.m.

The Joint Committee met at 12.30 p.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	Seanadóirí / Senators
Pat Buckley,	Jerry Buttimer,
Cormac Devlin,	Gerard P. Craughwell,
Richard O'Donoghue,	Eugene Murphy.
Pádraig O'Sullivan.	

Teachta / Deputy Martin Browne sa Chathaoir / in the Chair.

## **Safety and Welfare of Children in Direct Provision Report: Discussion**

**Chairman:** I welcome everyone to our public virtual meeting using Microsoft Teams. The Ceann Comhairle of the Dáil, Deputy Seán Ó Feargháil, and the Cathaoirleach of the Seanad, Senator Mark Daly, have appealed to everybody in the parliamentary community to continue to follow public health advice, to wear a mask and to maintain social distancing. I request that members, witnesses and staff use wipes and hand sanitiser provided to clean seats and desks that are shared, so as to supplement regular sanitation. This will help to mitigate the risk of Covid-19, including the Delta variant, spreading among the parliamentary community.

I propose that we approve the minutes of the private and public meetings on 29 April 2021, already approved in a virtual private session this morning. We must do this for procedural reasons. Is that agreed? Agreed.

I will now read some formal notices. I remind members of the constitutional requirement that members must be physically present within the confines of the place of which Parliament has chosen to sit, namely, Leinster House and-or the Convention Centre Dublin in order to participate in public meetings. I will not permit a member to participate where they are not adhering to this constitutional requirement. Therefore, any member who attempts to participate from outside the parliamentary precincts will be asked to leave the meeting.

Before we start, I wish to explain some limitations to parliamentary privilege and the practice of the Houses regarding references witnesses may make to other persons in their evidence. The evidence of witnesses physically present or who give evidence from within the parliamentary precincts is protected pursuant to both the Constitution and statute by absolute privilege. However, witnesses are giving evidence remotely from a place outside of the parliamentary precincts and, as such, may not benefit from the same level of immunity from legal proceedings as a witness who is physically present does. Witnesses may think it appropriate to take legal advice on this matter.

Witnesses are again reminded of the long-standing parliamentary practice that they should not criticise and make charges against any person or entity by name or in such a way as to make him, her or it identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if witnesses' statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that they comply with any such direction.

The committee's first meeting on direct provision was held on 11 May, when we met the Ombudsman, Mr. Peter Tyndall. Today, we continue our examination of direct provision with the Ombudsman for Children, who published a report in April, entitled Safety and Welfare of Children in Direct Provision. On behalf of the committee, I am delighted to extend a warm welcome to our witnesses from the Office of the Ombudsman for Children: Dr. Niall Muldoon, Ombudsman for Children, and Ms Nuala Ward, director of investigations.

Before we hear from Dr. Muldoon, I propose that we publish his opening statement on the committee's website. Is that agreed? Agreed.

I thank Dr. Muldoon for his own volition investigation, which started in February 2018 and resulted in last April's report. The report includes 14 findings where the office found that certain actions may have been contrary to fair and sound administration. The report made 12 recommendations addressing the International Protection Accommodation Service, IPAS, which is

part of the Department of Children, Equality, Disability, Integration and Youth, and Tusla, the Child and Family Agency.

The committee looks forward to hearing Dr. Muldoon's statement, including on what progress has been made so far, when we can expect better news and what the next steps are. The committee also welcomes the Government's recently published White Paper on ending direct provision.

I suggest that Dr. Muldoon make an opening statement of between five and ten minutes, after which there will be questions and comments from members. As usual, each member will have approximately five minutes. This will give a member time to contribute a second time if needs be. Members may speak more than once.

I invite Dr. Muldoon to make his opening statement.

**Dr. Niall Muldoon:** I thank the committee for the invitation to speak today. As the committee is aware, the Ombudsman for Children's Office is an independent statutory body that was established in 2004 under the Ombudsman for Children Act 2002. Under that Act, we have two core statutory functions: to promote and protect the rights and welfare of children up to 18 years of age; and 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.

Our Safety and Welfare of Children in Direct Provision investigation report is the latest in a series of publications by our office on the direct provision system, which affects part of the strategic cohort of children that we have targeted. This investigation joins our Direct Division and Life in Lockdown reports, which were both published last year. It was an own volition investigation, which means that we did not need a complaint to begin examining a matter because I was able to initiate it upon learning of serious concerns about an issue. This is significant, given that, since we began accepting complaints on behalf of children in direct provision in 2017, we have found that residents are reluctant to complain or draw attention to themselves in case it hampers their applications for asylum or their living conditions. The initial complaint we received was from a parent in the direct provision system who had concerns about overcrowding, the nutritional content of the food, the lack of safe play areas for children and poor communication from centre management about facilities and how to make a complaint. When that parent chose not to progress the complaint, we still had serious concerns. As such, we decided to launch an own volition investigation into how IPAS was assured about the safety and well-being of children.

When we started examining, we became aware of child protection and welfare concerns within the direct provision centre concerned. We then took the decision to expand the investigation on child protection to include all accommodation centres and to cover the role of Tusla, as we could not be sure that these issues were isolated to one place.

Our investigation has 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. IPAS, which is responsible for accommodating asylum seekers, was not following its 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 direct provision was not being recognised or assessed. Tusla was not gathering data about children living in direct

provision that 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.

We made a series of recommendations to IPAS and the Child and Family Agency. We called for them to recognise the inherent vulnerability of children in the international protection process, work together collaboratively and meet children's needs locally. Separately, we asked IPAS to end the use of commercial emergency hotels immediately and to put in place a well-resourced quality assurance mechanism to monitor complaints, child protection and welfare concerns and any other incident. 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 its 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, which was published last 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, they have another few years within the system ahead of them. 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 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-month and 12-month update from both agencies.

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 important documents, if I may. The Direct Division report was launched in July 2020 - I am afraid there is an error in my written statement - and outlined the views and experiences of children living in direct provision accommodation. Through engaging with children aged between 12 and 17 years across nine centres, 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 that accommodation, including a lack of space and privacy, with many children reporting that there were cameras everywhere. Discrimination and racism at school and in the community were 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 integration.

While many children struggled to do so, some of them identified positive elements that helped them to feel included and a part of their schools, communities and wider society, such as inclusion in community events and sports. Within schools, some children said that teachers, staff and students had shown respect for different cultures and religions, exemplified by the provision of prayer rooms, permitting the wearing of 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 and we expect for our children.

However, children living in direct provision accommodation must learn how the systems in Ireland work and navigate those, generally while learning a new language and often while dealing with trauma.

The findings presented in that report are stark. The children highlighted a number of challenges and difficulties, including a lack of space and privacy, 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 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 must be considered to ensure that, for as long as the current system remains, the direct division that they experience is addressed and remedied.

In December 2020, we launched Life in Lockdown, which reported on the views and experiences of children living in direct provision accommodation during the Covid-19 pandemic lockdown. Following on from our original Direct Division report, we spoke to a small number of children 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 within direct provision accommodation all contributed to children's increased levels of anxiety and sense of isolation. Up to 24 October 2020, 313 cases of Covid-19 were reported within direct provision accommodation. At that stage, this represented 4% of all direct provision residents in Ireland 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, such as social exclusion, physical isolation from their communities, lack of facilities and lack of space and privacy, remained and were often intensified during the pandemic and restrictions. Issues with online learning were also highlighted as a problem. Such issues, including lack of hardware and Wi-Fi and not having English as a first language, made homework and classes much more difficult for those children. The boredom, loneliness and frustration felt by most people during lockdown was magnified for children living in direct provision accommodation because they had to stay indoors, often in one small room, with their whole families for months. It was a terrifying vista for many.

It is clear that our international protection system has many flaws. Our office is delighted with the commitments in the White Paper to bring about positive change. We have urged the Minister, Deputy 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. I thank the committee again for the invitation to speak in front of it. Myself and my colleague, Ms Ward, will be very happy to answer any queries that members may have.

**Chairman:** I thank Dr. Muldoon. I am sure all the members will have plenty of questions but I will start. It is frightening to read the report and see some of the things that are going on in direct provision centres, especially with regard to young children being totally neglected, for want of a better word. One of the concerns raised in the opening section of the report is that residents are extremely reluctant to complain in case it affects their asylum applications or their living conditions. The report sets out that after the investigation was expanded, it found that IPAS, which was responsible for the accommodation of the asylum seekers, was not even following its own child protection procedures. The accommodation was not being inspected properly.

I would like to raise a few issues with Dr. Muldoon before I let others in. I will come back in later in the meeting. In the course of Dr. Muldoon's correspondence with these agencies, has anybody held their hands up and admitted fault or at least acknowledged responsibility for failing these children? Under the Children First Act 2015, an obligation is placed on each Government Minister to ensure his or her Department prepares a sectorial implementation plan. Was that done?

If we can look into the future for a moment, given the recommendations from the McMahon report of 2015, which in large part have not been implemented by any of the agencies involved, is there a possibility that many of Dr. Muldoon's recommendations and those of the McMahon report could be shelved until the new system of direct provision is in place in two or three years' time, as we are being told it will be? Given the obvious lack of foresight in preparing for the care of children in the current system of direct provision, can Dr. Muldoon foresee any pitfalls that might present themselves with the new system which may need to be flagged now while that is being put together?

**Dr. Niall Muldoon:** I thank the Chairman very much. First, as regards anyone admitting fault, that is part of the process we do within our investigations. We engage with the services. In this case, we would have engaged with IPAS, Tusla and the Department. They accepted our recommendation. Is that an acceptance of fault? I presume it is an acknowledgment that they need to improve things and had not done things to the level that should have been done. As we have carried out a statutory investigation, the findings are strong. They accepted them and made strong commitments to the implementation of those recommendations. That follows on to the Chairman's question about the future and 2024.

It is possible that the difference between the McMahon report recommendations and our own is that we will statutorily follow up. We already have a timeline. We will follow up on the recommendations at six months and 12 months to see where they are and we have done that. We have shown a record. We followed up on a number of investigations after two years and three years so they know we are not going away. It is not just a case of handing in the report and leaving it for somebody else to push it. We will be pushing it and if it gets to a stage where we are not satisfied with the implementation as planned or it is not reaching the level we want, we can really challenge them on that. Certainly, from our point of view, our recommendations will not be going away. The White Paper itself has many commitments.

The Chairman also asked if there are any pitfalls. At the moment, sourcing accommodation and funding are probably the two pitfalls that could get in the way. The plan is very good; it is positive. We know there is already a discussion about whether it is being costed properly. From our point of view, the plan is crucially right. If it is about funding, the Department and the Minister in this case, Deputy O'Gorman, must strongly fight their corner to make this a reality. Hopefully, therefore, we can see a better future in 2024.

As I said in my original statement, we are not going to let them use that as a reason to postpone all the improvements that are needed here and now for the children who are currently in direct provision. If a child of six years of age living in direct provision is being told to wait for three years, that is half of the child's life - 50% of his or her life will be delayed waiting for something to change. Things need to work now. I ask my colleague, Ms Ward, to talk about the sectorial implementation plan around the Children First legislation because she would have more awareness of that.

**Ms Nuala Ward:** A key issue is with regard to the implementation of the Children First Act

2015. As the committee will no doubt be aware, the Act sets out very clear responsibilities for people who run direct provision centres with regard to having a relevant person to guide staff on how to manage referrals of child protection concerns. Having mandated persons means that there is an obligation to report any concerns. Obviously, to do that all staff need to be trained. Everybody working in the centre needs to understand what their responsibilities are in order that the whole community is keeping an eye out for these children. We found that was not in place. When we looked at it at the time of our investigation, 500 staff members were yet to have received training in Children First guidelines. In fairness to IPAS, we understand it is now taking that on board and accelerating that training, and in particular doing it online. That will be a key help. Every centre is also supposed to undertake a risk assessment because every centre is different and will have particular risks. They are also supposed to complete a child safeguarding statement. Again, we could not get any reassurances that this was in place in all these centres.

In particular, we were concerned about emergency centres, as Dr. Muldoon made reference to. We strongly recommended that commercial hotels should cease providing emergency accommodation because they were not even within the very basic minimum of Children First guidelines. I thank the Chairman for that really important and critical question.

**Chairman:** I will make a couple of points before I bring other members in. From reading the report by the Ombudsman for Children's Office, it comes across as though our responsibility for children in direct provision was taken on begrudgingly by some. It looks like a system that was not really devised or thought out in any constructive way, but instead was developed on the hoof without any consideration being given to the needs of children seeking refuge.

I find it quite astounding, for instance, that children seeking refuge were not considered by Tusla to be a vulnerable group. It is unbelievable that it would have taken that kind of stance. To hear that IPAS does not have any concerns regarding the impact on children growing up in direct provision is, quite frankly, unbelievable. One line in the report really hit home to me. It stated, "the lack of operational guidance between ... [Tusla and IPAS] has resulted in families being transferred ... [to other] ... centres mid-assessment without the knowledge of social workers" who would have been working with them. This added to children being left lacking in visibility. Has there been any evidence in the witnesses' work that when this was brought to the agencies concerned, they made an attempt to reform the way they carried out these roles? Do they know if children who fell through the cracks here were being followed up with or whether their assessment had to be picked up from the beginning? Finally, for now, throughout their report, one phrase that recurs repeatedly is how the agencies failed to implement the recommendations contained in the McMahon report. Multidisciplinary assessments to identify and assist vulnerable people with special reception needs in particular is a case in point. This a simple question. I doubt it has a simple answer but I am going to ask it. Why have the McMahon report recommendations been consistently ignored by Departments?

**Ms Nuala Ward:** I will go through these questions in turn. The vulnerability piece is interesting. First and foremost, it is important to acknowledge that these children are living with their parents. That is the big protective factor for many of them. While their living conditions may not be conducive to a good family life, they are living with their parents. The Child and Family Agency recognised that this is the first and foremost safeguard for them. However, we found that it failed to recognise that these are children who may have gone through trauma, for instance, in the journey they took to get to Ireland or that they have arrived in the new country that is unknown to them. There are unknown systems, and a language that they may not know

either. All of that creates the vulnerabilities were talking about. As I am sure the Chair knows, under the EU directive and under our own Irish regulations there is an obligation on the State to assess people, minors in particular, about their vulnerability. We are all different. Children could land into this country who may have special educational needs, mental health difficulties or trauma because of what they have gone through. We are obliged to assess that vulnerability and then provide services to meet those needs and, hopefully, help them through that journey. In the debate about vulnerability, that is what we were trying to establish. We appreciate that the agency now recognises that these children have got particular vulnerabilities that as a State we must try to meet.

As for our concerns about families moving across mid-assessments, I am happy to say that Tusla has fully accepted that it is going to take a sample audit to make sure that no child has fallen through the cracks. A big gap we found through this investigation was that IPAS assured us that there was a seconded social worker that led the child and family services unit within IPAS. That was a critical safeguard for that service to be assured of how referrals managed and to guide central managers about concerns. However, that post was vacant for over a year. IPAS itself was really concerned about that. We were equally concerned. It was trying to emphasise the importance of everybody working together to meet the needs of these children.

Again, what we wanted was a protocol in order that all these children are in communities. If Tusla and IPAS work together in local areas at an early stage they can build services through the children and young people's services committees, CYPSCs, which are the local childcare committees, to meet the needs of these children and help to integrate them into the community. Those are some of the critical recommendations we have made and have been accepted by both parties.

I think I covered all those questions, but please tell me if I did not.

**Dr. Niall Muldoon:** On the one piece the Chair asked about why we think the McMahon report's recommendations were not followed up on, it is hard to tell exactly why. My sense is that political decisions were made that certain recommendations would not be followed through. That is probably the nature of the new programme for Government. It was strong on what direct provision was going to be done. The Minister, Deputy O'Gorman, has taken it on himself to create the White Paper that paves the way for new a new future for those children and families. Without the recommendations within the McMahon Report we would not be where we are now. Unfortunately, this should have been done perhaps four or five years ago. However, where we are now is really the best outline. As the Chair said, our direct provision system was set up for a six-month cycle. Back in 1990, we expected there was an influx of immigrants that would disappear and that nobody would want to come to Ireland. However, we just kept building on it. It started off on shifting sands and it never got any more secure for children or families. This is the first time we have planned for a continuous stream of people coming here at different stages with different vulnerabilities with the intention of providing for them in the best way possible and of allowing them to be integrated into our country as soon as they come in the door, regardless of what decision we make at the end of the process. That is something to look forward to.

**Chairman:** I thank Dr. Muldoon. I will come back in later on. I call Deputy Buckley next, to be followed by Deputy Devlin.

**Deputy Pat Buckley:** I have a couple of points. The big one is on the fabulous work that has been done. The reports are fairly in-depth. The one about living in lockdown was quoted in



the media back in March. It is Dr. Muldoon's own quote to the effect that children in lockdown are living in "low-level melancholy", with a lack of joy in their lives. It is a damning indictment of what should not have happened to those who come from stressful life, wherever it is in the world. There should be an onus on us to have people welcomed, to have respect, to respect their dignity, and respect everything about them as human beings. I read the other report, which was also a in-depth report but it was simplified. It was an ideal report because when it is easy reading, it is easy soakage. Once it is easy soakage, it is there.

On the point that people have been reluctant to complain, the thought of having five or six people in one room for a week is hard enough, never mind for months upon months. It is an indictment of what should not be happening. One part of the report stated that one centre found that some members had not even been vetted properly for working with children. It is ludicrous that in 2021 that this was allowed to happen.

I have two questions. Does Dr. Muldoon have a wish list for three demands that could be made now and that should be acted on? He is talking about things improving in 2024. What will be happening for the next three years? Will people still be living in one room? Will they still be afraid to complain? The mental torture within the system between the family unit and individuals must be off the Richter scale. As parents they see their own children suffering but it is as though they have been removed from the steering wheel of a car. They are now sitting in the passenger side, someone else has the steering wheel and they have no control over it. There must be an unbelievable amount of stress put on everybody in there. I have worked with other people and I have spoken to a couple of volunteers who work in some of these centres. They have major issues in some places if they do complain, especially if it is about a mental health episode. It is the typical Irish way; when the individual or group comes back into that setting, everything is brushed under the carpet. If they do not keep quiet, they will be punished further. That is not the right way to treat people. The witnesses mentioned the Children First course. I did it online in 2018. I would have thought that it would have been a statutory obligation for anybody working with in direct provision, never mind working with children. It bewilders me.

People have a perception that people living in direct provision are scroungers and they should not be here. That is wrong. This is why these committee meetings, especially public meetings, are so important. The witness's reports have made many findings. They have been strong and straight on it. If people knew what was happening, they would be more understanding towards what is actually happening and what people should be doing. I will again ask for a wish list of three measures that could change things immediately. To those who are listening to this meeting, I ask that you put yourself and your own family in that position for a week, never mind for months, and see how you would feel. These people are willing to work. Many of them are well educated and others are not. It depends on where they come from. However, they all seem to be tarred with the one brush. It is not fair.

I congratulate the witnesses. Keep at it because we need the truth to be told. One of the most difficult things to do in this State is help people to tell the truth.

**Dr. Niall Muldoon:** I appreciate the Deputy's kind words. We will certainly keep at it. The non-vetting was a shock to us. We probably decided to extend the investigation from one centre to the whole national system to see if that was the case anywhere else. As I am sure members know, if someone is in a voluntary system, be it the GAA or as a school driver, he or she must be vetted before being allowed to do that. To be a staff member alongside so many vulnerable children and not be vetted was a dangerous scenario from our point of view and we needed to check it out.

What our wish list would be is always a difficult question. If we started with an own door scenario that allowed people to be in accommodation, be it two or three rooms knocked together with their own cooking facilities and separation of privacy for the children, that would be a starting point. A second wish would be to move out of emergency accommodation so that there could be live, controlled centres that met the standards, which are minimal enough.

A third wish would be for better community integration in line with the idea that we support one another. I believe there are 4,500 people within the direct provision system and, as the Deputy says, people often use terms like “scrounger”, “should not be here” and “they are taking from us”. The reality is there are doctors, engineers, professors, teachers, nurses and others in the system who are phenomenally gifted and able to give back to us if we are able to facilitate them. That is why steps forward like having the ability to create a bank account or get a driving licence and the right to work will change the situation quickly. If you are able to hire someone who was formerly a doctor to work on something, you will quickly see the value of that individual and his or her family. Regardless of the international protection system, they become part of the community quickly.

Currently, the separation and isolation are issues. For many generations, the Irish people have locked anyone we did not like or were uncertain about inside institutions, be those people with psychiatric issues or alcoholism, children with special needs, young people who got pregnant out of marriage etc. We locked them up and put them away so that we could ignore them and treat their children and family members poorly. The children of direct provision are suffering at the hands of that still. That is why opening up, airing it out and allowing people the opportunity to work and integrate in their communities would be my third wish. I hope that will start happening, given those processes are there. For example, Bank of Ireland now allows people in direct provision to have bank accounts, which should make it easier to work. Elements like that start to trickle down and should change matters quickly.

I believe I have covered the Deputy’s points. If there was anything else, he might let me know.

**Deputy Pat Buckley:** No. I thank Dr. Muldoon.

**Deputy Cormac Devlin:** I thank Dr. Muldoon and Ms Ward for their presentation. This meeting has been a cursory glance over some of their reports, but I should start by complimenting them on their work, particularly how the office took the initiative as outlined in Dr. Muldoon’s opening statement and investigated further when the complaint was dropped. Look at what the office has uncovered and the changes that will be brought about in the short term. Dr. Muldoon mentioned the White Paper. It is encouraging that much of it meets with his approval.

I will ask a number of questions. Do the witnesses know why the 2015 McMahon report was not acted upon? Was any rationale given or was the report simply shelved after its production? Regarding Tusla’s involvement in direct provision, Dr. Muldoon highlighted the need for cultural sensitivity training. Has there been any? My colleague, Deputy Buckley, mentioned something that should be commonplace, namely, that people working with children at the very least be vetted. There is a great deal of cultural diversity in the direct provision system, yet no one had the foresight to train staff to deal not only with the various complexities of individual cultural identities but with the fact of many cultures co-existing in the same facilities.

I wish to ask two further questions. Three of the findings in the Safety and Welfare of Children in Direct Provision report stand out for me. I wish to ask about those. No. 3 relates to

current inspections. According to it, the regime “does not take [into] account ensuring the ... supports are adequate to meet children’s physical, mental, spiritual, moral and social development”. According to No. 4 on the frequency of current inspections, “IPAS failed to meet its own benchmark of three inspections per centre per annum” and did not conduct any inspection of emergency accommodation centres where children were residing. No. 5 on an independent complaints procedure ties in with Dr. Muldoon’s reference in his opening statement to the need for an independent and robust procedure that people can trust and have faith in, given that, where they are coming from, faith in authority can be questionable because of what they have experienced.

Dr. Muldoon mentioned his office had written to the various agencies and that it would carry out six- and 12-month follow-ups. When was that correspondence sent and has there been any indication of a response yet?

**Dr. Niall Muldoon:** I will share the answers with Ms Ward. Regarding the McMahon report, there was a real energy around it. A different political situation came into being under the then Minister, Ms Frances Fitzgerald, who had a strong understanding of children and the justice system in that regard. There was a push in the early stages. There was an implementation report as well as follow-up at many stages, but the matter fell by the wayside. After different Ministers took charge, the priorities were different.

As the Deputy rightly commented, one of our recommendations was for an independent complaints procedure. That recommendation was made by Mr. Justice McMahon. The situation was even worse at that stage because many people were even afraid to approach NGOs to complain about the system and let the NGOs take those complaints forward. The McMahon report helped to clarify our remit and the remit of the Ombudsman, Mr. Tyndall, in that we could go into the matter. In turn, that allowed us to start taking independent complaints. As such, it was the start of a system. The report was not followed through on fully in that regard, but there has never been a full rationale as to why its recommendations were not implemented. With many reports, it depends on the individual’s priorities. The changes in Ministers and governments would have impacted the push to get those recommendations implemented.

For the other questions on Tusla’s training in cultural sensitivity, the three findings and the follow-up, I will pass the committee over to my colleague, Ms Ward.

**Ms Nuala Ward:** Cultural sensitivity is important for all social workers. Ireland has become so diverse. This is not just about children and families living in direct provision. Rather, all of Ireland has changed dramatically in the past 20 or so years. There is an expectation we should be well able to deal with and manage people from different cultural and ethnic backgrounds in a sensitive manner. Therefore, it was a surprise to us that training had not yet been completed even though it had been recommended numerous times. We appreciate it will now happen as part of a broader intercultural strategy within the Child and Family Agency. That training must of course include the staff and managers of the units themselves. We have visited nearly all of the centres throughout the country and have met some individual staff members who are exceptionally dedicated and committed to working with these families, but that cannot just be based on individuals’ interests. I have no doubt there are social workers who have undertaken their own professional development in this regard, but that is not good enough. It cannot be reliant on individuals. There must be a more systemic national approach that is informed by strategy. That is the critical element. We will be monitoring that closely because that will help everybody.

Regarding the inspections, we are very clear that the current inspection regime is not what is needed to be assured of the safety and welfare of children, as was mentioned, in respect of their moral, spiritual and social development. As can be seen in our report, the current inspection regime is very much based on the physical conditions, whereas a robust inspection mechanism is much more than that. It is concerned with standards, dignity, privacy and what the conditions are like. It involves meeting with the children and parents to ask them what it is like to live in a centre. It is not just a case of walking in, checking some documents and then walking away.

Linked to the other point made by the Deputy is the complaints procedure. A really good and robust complaints procedure is an invaluable insight into exactly what a centre is like. As the Deputy said, we recognise that it is so difficult for these people, coming from the countries they come from, to make a complaint. That is especially the case when those people are waiting and hoping that this country will accept their asylum applications. The analogy we always try to make regarding IPAS is that it is a bit like being in hospital and being a vulnerable person as a result. People in direct provision centres are entirely dependent on other adults for a roof over their heads, food for their children and clothes on their backs. It is really difficult for people in that situation to be able to be brave enough to step up and say they want to make a complaint about the centre. It is now up to IPAS to act in this regard. One of our recommendations is for IPAS to empower people and to ask them why they are not making complaints and where they might think the process is going wrong. We are really interested, therefore, to see the response from IPAS to that recommendation.

That point links us nicely into the last aspect. We will definitely be following up on this situation, as we always do. We tend not to go away. Therefore, we will be returning in respect of a detailed implementation plan at six months. We have timelines, and there has been a commitment to address various issues from Tusla and IPAS, and both of them together. I state that last aspect because, as can be seen, we made specific recommendations to both organisations, but the two organisations must also work together for the benefit of these children. We will follow up again in this regard. As an example of our follow-up, concerning another investigation, we are two years into it and still following up on it. I hope that answers the Deputy's question.

**Chairman:** I thank Ms Ward and I call Deputy O'Donoghue.

**Deputy Richard O'Donoghue:** I thank the witnesses for their comprehensive report. Regarding inspections, Tusla was mentioned. I have been involved in many different things as a public representative and one of the failures I have perceived in respect of bodies like Tusla concerns the requirement to announce inspections in advance. In the case of children and situations where people are making complaints, or are afraid to make complaints, we have seen similar situations arising in other sectors, such as in the meat industry and other entities, where there is a requirement to give advance notice of inspections. To me, then, those are not inspections. An inspection is when someone turns up at the door and informs the body concerned that an inspection is commencing. It is then possible to see everything as it is. Things would be much better in the institutions, hotels and other types of accommodation where people are being housed if there were inspections without announcements being made beforehand. Complaints would probably come in much faster if inspectors were walking into situations unannounced.

Rather than placing people in direct provision centres, I would love to see community centres or community hubs where people can interact and get a sense of community. We have a crisis in housing and other speakers referred to the need for doctors and other medical people. There are people with construction skills living in direct provision centres who could help to rebuild this country and be part of it by having built something and put something into the

country. It would be fantastic for those people and their children to see that happening as well. It is an example of a complete form of community. I see that as one of the major possibilities in this regard.

I am very interested in cultures. I may be guilty when I first meet people of asking, without even thinking about it, where they are from. The person concerned would be looking at me to see if I am being racist, but it is just me asking because I love to know where people are from, what was the culture around their family and what way they do things. I get that approach from my father. Culturally, we used to do things differently here many years ago. I love different cultures and I love to know about everyone's country and culture, how they do everything and how things work. That is me. This brings us back to the training of those who are helping people in direct provision. The training provided should ensure that an understanding is imparted of the people living in the centres and of their cultures. Equally, the training should allow people living in the centres to understand and relate to our culture.

I welcome everything that has been done, but there is much more to do. One thing has struck me concerning much of what we have heard and read in this regard. I am involved in many charity fundraising events for people in need. The biggest benefit I see in such activities is that they bring people from all the different cultures together to foster understanding. For people and children from abroad coming into this country, it is like being dropped into the middle of the desert. Their whole world is completely gone and they are trying to fit into a new world. They should be able to bring part of their own world with them while they are becoming part of this new world to make it inclusive.

I applaud the Ombudsman for Children's Office for what it is doing, but the one thing which would help people coming into the country and living in direct provision centres would be unannounced inspections of the facilities. That is the biggest change which would bring more people forward. I state that because such unannounced inspections would show up everything. It would also allow the people living in centres to work together for the betterment of where they are being housed. It would work better culturally as well, because people would have to work together and doing so brings change. Change can sometimes be hard, but it is very rewarding when it happens.

I again thank the witnesses for everything they have done. I apologise for joining the meeting late, but I was having trouble with technology. I probably need to upgrade myself in that area. It is a work in progress. I thank the witnesses again for everything they have done.

**Dr. Niall Muldoon:** I thank the Deputy. I agree with him regarding the concept of how we can integrate asylum seekers within our communities and work with them and allow them to work with us. I think we will look back on this pandemic and realise that the vast majority of healthcare workers came from the direct provision system. Many of the people who looked after our elderly and many of those who worked in the meat processing sector also came from the direct provision system. We owe those people a debt for the work they have done. It is important to remember that aspect. Equally, as the Deputy said, once people are engaging in work they are mixing with people from the local community and everyone is learning about each other. That allows for cultural barriers to be broken down. If people help each other out in work, all of a sudden there is a bond. That is a way forward, and that is why I am delighted to see the right to work being more available.

Cultural training is certainly something we must talk about. Deputy Devlin spoke earlier about the cultural sensitivities in this regard. We have seen situations where people from differ-

ent cultures who would be natural enemies at home ended up in the same centres. We had to be careful of such situations. It could have been the case that people might not even have known about it. I refer to different religions not mixing and some cultures being more supportive of women than others. Those kinds of things are important in how we help to welcome people. It is also why the training is so important. Deputy O'Donoghue is right about the concept of sharing with each other.

I remember visiting a school in Tipperary where 11 languages from 12 countries were spoken. I did not realise that the school was holding an international day when I visited, and I got fed with dishes from each country. It was the most delicious day out I ever had. The parents also came in, got dishes from the different countries, learned about each and asked about recipes. It was the kind of activity which brings people together and that is what we need to do more of. It was then that the children also started to realise that they had things they could share and that it was not a case of everything they had being bad. They had stuff that other people had never even heard of or seen, and they could really start to share. Many of the schools are doing fantastic work with those sorts of things. Hopefully, we can build on that in the future. I thank the Deputy.

**Chairman:** I thank Dr. Muldoon, and I call Deputy Pádraig O'Sullivan.

**Deputy Pádraig O'Sullivan:** I thank Dr. Muldoon and Ms Ward for their attendance. The report is concerning and eye-opening. I read it last night and refreshed my reading again this morning because there is so much in it. It is a testament to the good work the ombudsman's office has put in and it confirms a number of the concerns expressed by many of us who have had interactions with direct provision centres in our constituencies over the years. To be fair, Ms Ward acknowledged that a lot of good work goes on in those facilities. I live not too far from the centre located in the former Ashbourne House Hotel and I can say that there is much good work being done there. The people living in it are well embedded in community groups, sporting groups and Tidy Towns committees. It is great to see. As a teacher by training, I recall the vetting I had to undergo and the Garda clearance that was required to work with children. When those children attended local sports clubs, as many of them did, all of the trainers were vetted. It is clear from the ombudsman's report that this did not happen in some of the places in which children in direct provision were residing. I find it mind-boggling when we look at all the steps community groups take to comply with all the relevant legislation that the same was not done in some cases in the direct provision system.

I agree with Dr. Muldoon that the White Paper cannot be used to support a claim that everything is going to be solved in four or five years. There undoubtedly will be a transition period. From our engagement in this committee with a large number of State organisations, we have an understanding of the time and resources it will take to implement this change. It is inevitable that there will be a period of bedding in for the new system when it is introduced. We need to get things right. I was interested to hear that the ombudsman's office will be looking at reviewing, in the next six to 12 months, what actions have been taken and which recommendations implemented. That is welcome.

In my interaction with a couple of direct provision centres locally in Cork, there were issues in regard to meals, conditions and so on. Many of them were dealt with after people who were availing of the facilities sat down with local management. It was good that this engagement worked. I found, however, that Covid was being used as an excuse for not addressing many of the things that were causing issues for people locally. There were issues with food, accommodation conditions and cooking facilities for individuals and families. Commitments were given

well in advance of Covid to rectify those issues but, unfortunately, it seemed that it was only after the clamour of media reports that work was done to provide people with suitable accommodation and eating facilities. It was unfortunate that Covid was used as an excuse for putting a lot of things on the long finger.

Deputy O'Donoghue referred to drive-by inspections. A teacher in a school can be subject to a drive-by visit by an inspector any day of the week. Is there any facility for inspections to be done in direction provision centres without their being flagged in advance? Is that kind of regime in place or has it ever been in place?

I have another question on inspections. Under finding No. 12, the ombudsman's report states: "Tusla has failed to identify a named social worker for a DP centre in their area..." To the best of the witnesses' knowledge, is this indicative of a wider problem across the sector? I do not like using the word "sector" because we are dealing with people's absence, but I want to know whether the absence of social workers was prevalent in the studies the ombudsman's office did and if this is indicative of their absence on a wide scale.

Under recommendation No. 3, the report states that the Minister for Health has agreed that HIQA will take on the role of monitoring centres during the transition period. Has this initiative taken effect and where are we at in the process? Have resources been committed and staff delegated to do those inspections?

Regarding referrals, Dr. Muldoon mentions in his report that there were 162 referrals from IPAS to Tusla from 2017 to 2020. I understand Tusla has stated that it had 510 referrals over a similar period. There is a disconnect there that highlights the lack of interaction between those agencies and the invisibility of children in the system. The fact that the numbers do not line up makes it clear that children have fallen through the cracks. With whom does responsibility ultimately lie in this regard? Is it with IPAS, Tusla or the Minister for Children, Equality, Disability, Integration and Youth? Where does the buck stop?

Finally, it is great to have this valuable report and I do not want to detract from it. Will the witnesses indicate what recourse the ombudsman's office will have in six or 12 months if, in conducting its reviews, it finds there is continual ignorance of, or failure to implement, any of the recommendations? I do not want to be seen to predict the future or to ask the ombudsman to look into a crystal ball, but there is a great deal in the document and I would be surprised if it is fully implemented in 12 months. Where does the ombudsman's office go if there is a failure to implement?

**Dr. Niall Muldoon:** I will take the Deputy's last question and ask Ms Ward to answer some of the others. In essence, we will follow through on the recommendations as long as we need to do so. Six to 12 months is our starting point and we would hope things are finished by then. Often, however, it takes time to turn the boat around. We will stick with it as long as we know progress is being made and there is an implementation timeline. As Ms Ward mentioned earlier, we have done that in between two and three years in the case of some recommendations. Ultimately, the legislation says that if I am not satisfied that recommendations are being followed through on, I have the power to bring a special report to the Oireachtas. Our office was set up in 2002, the Act was introduced in 2004 and we have not yet availed of that right. There were one or two situations previously where we wrote to the Secretary General of the Department to say we were considering bringing a special report to the Oireachtas. That tended to focus minds and get things done. It is what we would ultimately do if there is a lack of satisfaction or progress on the recommendations in this report.

As the Deputy noted, there is a large number of recommendations in the report. We have a timeline and a set of plans in place with Tusla, IPAS and involving the two bodies together. The Department is behind the report and there is backing from it for each of the recommendations. We will check how far the organisations have come in six months and in 12 months. I do not expect all the recommendations to be done but they certainly should be well progressed. Ultimately, if I feel frustrated that things are not going anywhere or something has stagnated, we can look at the option of going to the Oireachtas and putting the responsibility back on it to challenge the Minister and the Secretary General to do something more. As I said, it has never yet come to that and I hope we will not be in that situation in this instance, but that power is there and available to us.

I ask my colleague to respond to the Deputy's questions on inspections, social workers, recommendation No. 3 and referrals.

**Ms Nuala Ward:** On referrals, the discrepancy in the data was a serious concern for us. Tusla struggled to give us the numbers we asked for on referrals, which we needed to get an insight into what the organisation was receiving. As the Deputy pointed out, there was a significant discrepancy between what IPAS understood it had notified and what Tusla understood it had received over the three years. The outcome of this is that both bodies have committed to an inter-agency protocol.

That leads on to the Deputy's other question about the lead social worker. It was not the case that there were not resources for a lead social worker; the issue is that Tusla had not put a lead social worker in place. Once there is a Tusla social worker in every area where there is a direct provision centre, there are, straight away, much clearer lines of communication and support. For example, one thing that has been committed to, which seems quite simplistic, is that if a new centre is going to open in a social worker area, then the area manager of Tusla will be told so that he or she can think about and plan for what the children in the centre will need from its services. We will look at that carefully. Tusla has committed to gathering up that important data. Our point in regard to Tusla is that it probably has invaluable insight on exactly what it is like for children in direct provision and the challenges for children and parents living in these centres. That information and data can subsequently be used to inform Government policy and strategy. It is an invaluable resource to reflect the voices of children.

The Deputy asked about HIQA inspections. It is has been such an important thing to call for an independent inspection. HIQA has its model of unannounced inspections, which are invaluable, so we do have people showing up at 8 p.m. or the next morning and we get a real sense of what it is like for the people living there rather than arriving after three weeks' preparation. It is an important tool of any inspection regime. As far as we are aware, HIQA is moving on this. We will be engaging with the relevant persons because it is a critical part of our recommendation to see how quickly the system will be in place and how quickly it will be able to assess the standards and make changes. As Mr. Muldoon referenced earlier, we cannot wait until 2024 for standards to improve in these services and for the International Protection Accommodation Service to know what centres require more support and input to bring them up to standard. I believe I have answered all of the questions.

**Senator Eugene Murphy:** I thank the Chair. I pay tribute to Dr. Muldoon, Ms Ward and their people for their work. It is quite clear from following them that they do a good job and they take it very seriously. Something they might try to answer is how challenging they find the job. When we are dealing with children in particular, all of us become very concerned when they are getting a raw deal. The witnesses strike me as people who go way outside their role



of duty to ensure at all times that children are properly treated. They highlight situations in general where children have been neglected in certain ways. We think about direct provision and the fact that countries such as Ireland take people in who are waiting for decisions on their applications for international protection. In my view, if we are going to do this, they should be treated properly. It is quite clear there have been unacceptable situations occurring over a long period of time. To think it is six years since the McMahon report and we are still only going at a snail's pace.

I acknowledge there are commitments in the programme for Government to get rid of direct provision. In my view, and I know they are emergency situations, such centres should never be for profit. A state should not have them for profit. We talk about people trafficking but when we bring in people we are supposed to be taking them out of one hell but in some cases, not all, we have put them into another hell. This is quite obvious. This is what has happened. In my personal view, and I know not everybody will agree with me, and I know the services were needed, having such services for profit is wrong. I do know, because of how the witnesses handle their jobs and highlight this and promote it and go after every situation and investigate it, that things are improving.

I believe that people in direct provision cannot get driver licences. I ask the witnesses to update me on this. People in a direct provision centre that does not have public transport and who do not have a driver licence are in hell. I live very near the village of Roosky and we know the terrible thing that happened there. A point about the village of Roosky is there are 18 different nationalities living in the parish. It is a rural parish with a small village. At the time, there was no doubt about it, the people of the village, and I believe the same could be said of a million villages throughout Ireland, were more than willing to take in four or five families. There were even houses available if the State had given some support. Unfortunately, what happened was that between extreme right-wing and extreme left-wing people, the poor local people got caught in a very unacceptable situation.

My view is direct provision centres are certainly not the way to go. If we are going to be in this to help people out and take them out of the sheer hell they are in, then from day one, once we take them in, we have to try to support them so they have some sort of a proper life.

I do not know whether this is the experience of the witnesses but it is remarkable to watch children in schools and those who have come from other nations with our local Irish children. There is no hatred or bitterness. Children do not say they will not play with one another. It is we adults who are the problem. In some circumstances they spew hatred that is just not acceptable. I do not mind people having a view but sometimes I am shocked at their attitude. It is a minority of people. If they only looked at children and watched them in a playground or at birthday parties, before Covid of course because Covid has changed all of these things, they would see how well children get on. There is no bitterness or hatred. I appreciate the work of the witnesses and I want to know how challenging they find the job. They strike me as very genuine people. I ask them to clarify the point on driver licences. I do not think people in direct provision can apply for a driver licence. I should know this but I admit that I do not. I thank the witnesses for their great work.

**Dr. Niall Muldoon:** I thank the Senator. With regard to driver licences, I believe it is in progress but I do not know whether it is available yet. Once it was made possible to generate a bank account I suggest it should not be long before driver licences are available. As the Senator has said, it will be a lifesaver for many people. Many of the jobs they would be asked to take might involve driving and it could create new opportunities for people in direct provision. It is

close but it might not be ready. I am not 100% sure.

With regard to the comment on Roosky and other such communities, this is where the White Paper is going, with the concept of own doors in villages throughout the country and over-the-shop type apartments so people are immediately integrated into society and the community. This can only be a good thing because I believe the Irish community in general will be only too happy to work with people in this regard and support them to bring them in. Many communities will be glad of extra children also, such as national schools that have small numbers and are facing a threat. It could be a bonus for them. I believe the Senator's comment that it is the adults who are the problem is right. More articulate and intelligent people than me have said children are not born with racism but are taught it. They do not see the colour of skin or the difference or other religions. They do not see disability. They just play with the friends in front of them. This is something we need to start promoting more and more so we can create a society in which none of us sees the colour of the skin or any of the differences that have caused problems and difficulties for us. We can learn an awful lot from these young children.

I appreciate the Senator's kind words about our office and what we do. I like to think we really do try to go above and beyond to promote children's rights and make sure particularly that those children with the least voice who are seldom heard get out there, and that we bring their voices to the people such as this committee who have power and can change things. As an individual I am very lucky. I trained as a psychologist so I have learned how to separate the emotional turmoil that comes with this job. It is painful and no more than the committee members as Deputies and Senators, we get to hear the toughest stories from people about things that are not happening and things that have gone wrong and people who have been really hard done by. We have to keep focused. When we do have successes, we try to celebrate them in our office and acknowledge them among ourselves. We get small wins constantly. We do not promote them and we may not go for publicity but we are aware of things that change for one family or two families, whatever it might be. We acknowledge it and promote it among ourselves. I hope this keeps us going for the tough long journeys. This is a two or three year investigation. Recently, we did one on a Traveller site, which took three years. They are long hard slogs but they are for the right reason. They are to make sure children's rights come to the fore. I appreciate the Senator's concern for our office and individuals and I hope this helps. I appreciate the Senator's support.

**Senator Gerard P. Craughwell:** I welcome Dr. Muldoon and Ms Ward before the committee. In 2018, I travelled to Sicily to see the migration system for myself at the invitation of the Italian Government. While I was there, I met a number of what were wrongfully termed refugees, people who were, in fact, migrants. I have nothing against migrants travelling to better economic circumstances. The Irish have done it more than most. The stories I heard from the men were normal travelling circumstances, although very rough circumstances, but it was horrendous for the women. I met a number of young sub-Saharan women and girls who had started to be trafficked. They were brought to Tripoli and put into prostitution for a period of time before they were put on a boat across the Mediterranean. They arrived in Sicily and reported as refugees or migrants without documentation. They were processed and when they went through processing, I understand from some of the people we spoke to, they came out of the processing centres and were immediately picked up again by the traffickers and put straight back into the sex trade. What some of those young girls went through was horrific.

I am not sure what evidence there is to support the following and I am asking that of Dr. Muldoon and Ms Ward, but I understand there have been some cases in Ireland of young girls

being brought here as refugees or migrants, put into direct provision and used in the sex trade. If that is happening, it is outrageous. I am interested in our guests' views on that matter.

Some 29,717 cases of domestic violence were today reported in the media. Are we doing enough in direct provision centres to protect families and, in particular, young children from domestic violence? It has been said that the lockdown related to Covid-19 has led to an acceleration or increase in domestic violence because people were confined to their homes. People have been confined to direct provision centres for quite some time now so I am wondering if there has been an impact in that regard.

Sites for direct provision were identified in an almost clandestine way and the communities concerned became aware of the likelihood that a local hotel was about to start housing refugees, migrants or whatever you want to call them. I went to London in the 1960s, a time of "No Irish, no blacks, no dogs", and perhaps the same sort of thing has happened here. Everybody I have ever heard speak publicly about direct provision has said his or her community would be willing to accept five, ten or 15 families until a move is made to put five or ten families into a particular area, at which time there are a plethora of reasons as to why that particular area is not suitable for any migrants.

I am a former educator and something of great concern to me is the number of children who have grown up in migration and direct provision centres, attended school and have thereafter been prevented access to third-level education. Some of those people started their education in primary school in a direct provision centre and it is horrific to think that at the end of secondary school, some of them are still in direct provision. I know we took a number of them into further education during my time in further education and never had a difficulty with bringing in people from a direct provision centre. Is it not an outright abuse of human rights that we would prevent a child or a young adult from accessing our educational services when they have been living in this country for such a long time? We talk so much about the generosity of the Irish, boxing above our weight and how wonderful we are, but we have treated migrants in an appalling way. I travelled to the UK in the 1960s. I travelled on the boat with men who could only carry the shovel they had and speak Irish because they did not have English when they went over there. They arrived in the most hostile place and were treated worst of all by their own. I see horrors when I look at some of the direct provision centres. My colleague mentioned for-profit direct provision centres and that is a horrendous and outrageous idea. I know there is a commitment in the programme for Government to end direct provision but I have been listening to commitment on this, that and the other all my life and I will believe it when I see it. I am concerned about the children. I appreciate the work our guests do with children and their families. However, I am concerned about the prostitution issue, education and violence. I thank our guests for being here today and appreciate their time.

**Dr. Niall Muldoon:** I thank the Senator. I will take a couple of those questions and will ask my colleague to finish off. On the question about domestic violence, Women's Aid today came out with their numbers and, as the Senator said, there were approximately 29,000 reports of domestic violence during the lockdown period. The concerning piece to me is that there were 6,000 children reported as being victims of domestic violence, including emotional, physical and sexual abuse, and suffering from neglect. That is a pandemic we have not heard about. We in Ireland have for too long considered domestic violence as an issue between two adults but a considerable number of children are hugely affected by it. That is something we need to get to grips with.

We have a family law system which does not support families and children and allow their

voices to be heard in the way they should be. We do not have crèche facilities for parents who may be single or separated and are going into court for a domestic violence order. Going into court with a pram can be difficult. Separating from the person who they allege has physically abused them can be difficult. It is important that we make those things within the domestic violence system better for our children.

I do not know enough about domestic violence within direct provision but tensions can rise if a family is stuck in one or two rooms. Some of those people are unemployed and have nothing to do. They are not allowed even to cook in some places. Those tensions will sometimes lead to violence. That is not good for the children we support within the direct provision system and needs to be fixed.

I will also comment on the education sides of things. The Senator is right. It is time we start to look at the children who come through direct provision. We should know we can support them within a proper third-level process. The Irish and others who have migrated to different countries knew education was the tool by which they could pull themselves up and become part of a society. Many of the children in direct provision are intelligent and hard working. They put considerable effort into getting their leaving certificates and then find themselves smacked in the face because, on the basis that they are considered international students, they cannot afford to go to college. That is a poor reflection on us as a society. We give them support, allow them to get education and encourage them to get the leaving certificate and then make it difficult for them to get to third level. It also means we are shooting ourselves in the foot because we are losing phenomenally articulate and intelligent people who could add enormously to our society.

I will let Ms Ward speak on the trafficking piece. On a personal basis and with a child-centred focus, I would be very aware of the concept of prostitution from consistent interaction with European colleagues, including children's commissioners in Greece, Italy and the Baltic states where many of the migrant ships land. I am aware that is a dangerous piece. Ireland has much to do to understand the trafficking side of things. I will pass over to Ms Ward in that regard.

**Ms Nuala Ward:** It is an interesting point. The fact we cannot answer that, that we do not know how women who have come into this country have been trafficked for sexual exploitation, and that we cannot say how many young girls who are in direct provision and who may have been trafficked for that purpose, is a very serious flaw. That is why it is so important to put an emphasis on the need for this country to introduce the vulnerability assessments. By introducing those assessments we will be able to answer those questions. The assessments will be able to establish who these children and young women are and what services they need to help them overcome the trauma that has happened to them to date. I am aware the vulnerability assessment is being piloted at present. We will be watching the outcome with great interest to see the different types of trauma, including sexual exploitation and trafficking, the people who have come to Ireland have experienced in their journey.

**Senator Gerard P. Craughwell:** I remember going to Italy at the time. The general answer in this country was that everybody who comes here is properly vetted and we had nothing to worry about. Then I saw the process up close where people arrived without documentation. Whether they destroyed it or it was taken from them is irrelevant. They had no documentation so they were put through a process. The process was supposed to involve identifying who they were. However, I could declare myself to be John Murphy from Tuam or Michael Moriarty from somewhere else. I could give myself any name I wanted. The police check then went to the area I claimed to have been from asking whether they were aware of John Murphy. On being told the name John Murphy had never come to the police's attention and he was a bona fide

person, I immediately would have got myself a new identity. Whether I wanted it for criminal reasons or otherwise is irrelevant.

The key issue here is that, for example, a man of my age in that process could bring three or four young women with him and claim they were his daughters. They would be processed in the same way the man would be processed. I am not aware of any way we establish the bona fides of parenthood. What I am looking at here is the possibility of trafficking not just the young ladies in question but also the pimp who is going to manage them once they arrive into European countries. It is a matter of grave concern. Ms Ward hit the nail on the head. The fact we cannot answer the question is more serious than the fact the question exists.

The other issue is I do not know if there has been a proper analysis of the Irish attitude to those who are so unfortunate that they find themselves having to board a boat somewhere to get to whatever country in Europe. There is some anecdotal evidence that when the unfortunate migrants arrive in one of our rural counties, they wonder how they ended up there when they had expected to go to London or somewhere else. I find it hard to rationalise the Irish attitude to the way the Irish were treated when they emigrated on the one hand and, on the other hand, the way we treat those who have migrated into our country. Has any survey of Irish attitudes been carried out? The anecdotal evidence is we are quite a cruel and uncaring people in some places. I am not saying all places, but some places. It is time we faced up to that and were honest with ourselves as to exactly how we treat those who are less fortunate than us. I am interested to hear Dr. Muldoon's views on that.

**Dr. Niall Muldoon:** The Senator has spoken a truth perhaps. There may be an attitude survey that I have not seen, but there are the voices of the children in direct provision that we discussed in our report last year. They talked about a type of covert racism. There are many people, especially in the education and community systems, who do not think of themselves as racist, but there are very simple things. For example, the children said the black child would always be asked about basketball or rap music. There is an assumption that because you are black, that is what you want or like, but it may mean nothing to the children, or they are simply not interacted with at all while their peers are talking about the latest county team or about sports with their white colleagues. There are simple things such as teachers would often try to break up the groups of two or three children who are from the same direct provision centre and are together in the playground, saying in the process that this is how they integrate and that they have to mix, whereas they felt scared and they were together as a group or a team because that is where they felt comfortable. They had to go outside their comfort zone. Those are the small things we have. Overt racism is not necessarily something Ireland has to be aware of, but there is a lack of understanding of the impact of your behaviour when you work that way.

One of the things we have called for is a change in teacher training and more diversity among our teachers. I have called for the concept of bringing in teachers from the 17% of our population who were born outside Ireland. That 17% is not represented in our teaching population. If we got a greater variety of teachers by, perhaps, postponing the Irish language qualification for five or six years and letting them teach and build up their experience in the Irish, we could change the way children see their teachers and the way education happens. It would give them a target.

Within that, the Senator is right. The attitude of Irish people on a one-to-one basis is very positive, but as a group we sometimes think we are better than we are. That is only because we have been homogenous for thousands of years. It is in the past 20 years that we have changed from being nothing but white Irish and perhaps a few English to this multicultural, diverse soci-

ety. That is really a bonus. We have an opportunity to enhance our communities and our future lives by welcoming these people in. It is to be hoped that is where we will go in the future.

As regards the trafficking, it might be worthwhile for the committee to talk to the Garda Síochána. I know a number of committees are working on this, with inter-agency work being done on trafficking. I am not up to speed on those, but certainly work is being done. That is something the committee might be able to discuss with other professionals.

**Senator Gerard P. Craughwell:** I thank Dr. Muldoon and his colleague, Ms Ward. The information they constantly give to the public is vital. If they see something that needs to be highlighted, I beg them to come back to the committee and to get it into the public domain. The public needs to know. I will outline an experience I had at the weekend. I have a relative whose legs have been amputated. A three-year-old child, my granddaughter, turned to him the other day and asked him how long it would take for them to grow back. That is a child. A child sees nothing but positivity. A child has no inhibitions. God help us but we train them to build the inhibitions they develop and, in some cases, those inhibitions are racist. I applaud the work our guests are doing and I thank them for their time.

**Chairman:** I have a few more questions. During your work on direct provision and the challenges faced by the children you have obviously seen how Covid-19 has limited the provision of certain services. Has Covid-19 been used as an excuse for the lack of services to begin with in some cases? For example, you found that IPAS had approximately one clinic rather than two in each direct provision centre in 2019. Since the restrictions began, IPAS stated it could not have physical meetings and carried out Zoom meetings instead. I could not fail to notice that a total of just ten meetings had taken place in that length of time. What is your reaction to that?

**Dr. Niall Muldoon:** It is very unfortunate. Whether it is used as an excuse or it is the reality, not being able to go into the centres to carry out the inspections that were meant to happen and to engage with the people the way we want them to be engaged is a real drawback. There are many situations within the direct provision system in which we did not move fast enough for Covid. We wrote to the Covid committee to highlight the lack of Wi-Fi and lack of computers. Not only did those children not get remote learning, they just were not in a position where they could ever possibly benefit from remote learning. That was behoven on the Government. What are you talking about? You are talking about approximately 1,000 laptops. You would not even need that because they would not all be using them, but those sort of things could have been done rather rapidly with the WiFi connections.

My colleague, the children's commissioner in Scotland, talked about the reaction in Scotland in that within two months, they had sent out 30,000 laptops with WiFi bundles. You were not reliant on the direct provision centre to provide you with the WiFi, you knew you would secure your own. Most of the direct provision centres got their laptops through charitable donations. Are those the sort of things we should be allowing to happen? Those sort of things were down the list of priorities at times.

They had to rapidly move people around to try to separate them out but I believe they ignored the children's side of things. Families were moved from one place to another without coordinating where other family members were. Was Covid-19 used as an excuse? I do not think so but children were not high on the priority list when decisions were made during Covid-19 in the direct provision system. I have no doubt everyone was trying their best. We engaged with IPAS and the various principal officers. They were put to the pin of their collar in many situa-

tions but children were probably down this list with regard to the decisions which were made. Is that sufficient for the Chair?

**Chairman:** That is grand. Do all staff in these centres understand their obligations under the Children First Act 2015? Is the child and family services unit adequately resourced? Is there a procedure in place to identify children with special needs, especially in a timely manner, in centres such as these? Has Tusla developed an intercultural strategy to inform the provision of social services to ethnic minority children and families?

**Dr. Niall Muldoon:** You would like to think all staff understand their children first obligation but what we have seen and the reason our investigation was necessary was that we saw a system which developed on an *ad hoc* basis. The Chair spoke of that at the start. It just came out of the blue and when there was a surge in applications, another location was found to put a direct provision centre. How it was staffed was up to somebody else. We put out for private tender and contracting. You could have a hotelier putting in all their hotel managers and staff who had had nothing to do with children or direct provision previously but who knew how to cater for people, provide lunches and keep things moving and clean.

When we move to a non-profit situation controlled by the State, in which the State has the right and obligation to provide the right service, we will know our staff are looked after and trained properly and understand children first. If you had an emergency hotel in which none of the staff changed, understanding children first would not have been high on their list of priorities and then maybe they had a sudden influx of 50 families who were there for six or seven weeks. We were concerned it was not in the best interest of children and that is why we made the findings.

Is the children's unit adequately resourced? We certainly hope so. I will check with my colleague, Ms Nuala Ward, who has more awareness of that situation.

**Ms Nuala Ward:** No, it was not adequately resourced for the time we were investigating it. As I stated earlier, one of the critical posts of social worker seconded from Tusla was vacant for one year. One of our key recommendations was this unit needs heavy investment if it is to be such an important linchpin for the safety and welfare of children, for driving through the training and for making sure everyone knows about their obligation to children first and are able to implement it. In its response IPAS has committed to fully resourcing that unit in order that it is fit for purpose and to do what it is supposed to do under its own policy.

**Chairman:** If nothing else goes out from here today - and it has come up on several occasions - it should be the number of professionals and trained people who could make a massive difference to our communities and the country if they were not caught up in the system year upon year. It has been flagged over and over again, with regard to the whole system speeding up. These professionals want to work in this country. I commend the witnesses on raising the issue and I encourage them to keep raising it.

Senator Craughwell and others have brought up what we really need to understand in this country in terms of where these migrants and refugees are coming from. I encourage people to look at television and see the countries and cities they were leaving, flattened to the ground. I encourage people to think about putting their own families into a rubber boat, shoving them out into the middle of the sea and hoping they get there, just to come over to get our dole or whatever, as some people try to make out. It is unbelievable. I commend the witnesses on what they have done and I ask people to consider those kind of things.

Do any other members want to speak?

**Senator Jerry Buttimer:** Yes. I am conscious of time. I thought we had a roster or a rota. I thank Dr. Muldoon and Ms Ward for being with us today and for their work. In the report, Dr. Muldoon spoke about the culture of fear. I apologise; I missed some of the meeting because I had a vote. Who created that culture of fear?

**Dr. Niall Muldoon:** There is a starting point, on which we touched earlier, which is that these people are coming from a fearful background and are mistrustful of the agencies and authorities to start with. They have experienced huge trauma, war, abuse, rape and all sorts of violence as they transport themselves in fear of their lives. All sorts of trauma are affecting them. They come with a distrustful background and then, unfortunately, are met by professionals who may not have been fully trained to be ready to look after them properly. They are putting all of their hopes on the international protection application.

The fear is they will do or say something wrong which will stop them from getting their international protection, which is the sort of security they are looking for and which they have brought their family all the way across the world to find. On the culture of fear, in general the professionals were not there to allay the fears of the people who have come in and work and live in the system. We created a vicious circle in which they come in scared and we do not support them enough to allay those fears and allow them to make complaints and improve the system as a result.

**Senator Jerry Buttimer:** Is it fair to say the State or the agencies of the State do not create that culture of fear? Dr. Muldoon's report states the State perhaps does not have the concerns of children at heart. I am paraphrasing but that is the tenet of what is being said. I would say that is not the case. Surely, the remit of Tusla and the Department is the care and protection of young people.

**Dr. Niall Muldoon:** That is correct.

**Senator Jerry Buttimer:** Going back to the IPAS oversight, Dr. Muldoon spoke about it not being robust enough. Who is responsible for putting that oversight in place?

**Dr. Niall Muldoon:** That is definitely the State. What I am trying to say is we have developed a system that does not focus on the child and has not trained professionals. You are back to the for-profit situation. We rush out and tender to companies. We know the names of the companies. Catering companies produced many of the centres. They were not trained in looking after the traumatic experience of children and families who came from war-torn situations. The State has developed a system which does not support children in that way.

**Senator Jerry Buttimer:** How would Dr. Muldoon categorise or describe his engagement with Tusla or the Department of Children, Equality, Disability, Integration and Youth?

**Dr. Niall Muldoon:** It was tense, for a period, but we have got to a situation in the past year in which we have engaged positively. They have taken on board the concerns we had. They have accepted our recommendations and are working towards changing the things that needed to be changed. The vulnerability assessments that have been done will be hugely important for us to understand what flaws were there before. The last time I heard, approximately 350 assessments have been done since January. That will give us an insight into the number of things which were not done for the past 21 years and we will get a sense from that.



**Senator Jerry Buttimer:** From his engagement with various sections of the Government or agencies working on behalf of the Government, does Dr. Muldoon get any sense of a willingness to embark on changes? We spoke about the McMahon report, which is the blueprint for what we all want to see. None of us wants direct provision to continue in any shape or form. Those of us who have visited direct provision centres recognise the changes that have to be made. The end of that system needs to happen. Surely there is a mechanism whereby we can all work in the same direction as opposed to in the competitive or adversarial way that we seem to be experiencing and that is unacceptable.

**Dr. Niall Muldoon:** The Senator is right. One of the key actions in the White Paper is the creation of an implementation plan, overseen by the Oireachtas, that has a strong sense of which Department is running which element and what the timeline will be so that there will be no lagging behind or abdication of responsibility in making those recommendations come true. The timeline is tight, but the Minister, Deputy O’Gorman, has committed to it and says that he has the backing of all Departments. On Sunday, we saw the Department of Public Expenditure and Reform raise a question over the costings, but that sort of thing will happen. The recommendations need to be pushed through and followed up. The Government needs to start showing us the timelines and what the progress landmarks will be over the next 12 to 36 months.

**Senator Jerry Buttimer:** I wish to ask about the issue of unaccompanied minors. In America, there has rightly been a great outcry about the treatment of unaccompanied minors and Vice President Harris’s remarks a few weeks ago when she told people not to come. What is our position on unaccompanied minors seeking to have refugee status granted to them? How does Dr. Muldoon foresee us engaging with and treating them? They are young people who are in need of help and we should welcome them with open arms.

**Dr. Niall Muldoon:** The Senator is 100% right. They are young people who have travelled on their own through treacherous terrain and faced some of the most dangerous outlaws and bandits they could come across to land on our shores. We have done a good job in respect of children who are young enough to enter foster care. They are put into specially trained foster care immediately and looked after well. Where we let them down is when they move towards 18 years of age and we immediately move them into the direct provision system. They could be in foster care in Cork only to be moved to a direct provision centre in Kildare for no reason. They are put into a room shared with two or three other adults who live their lives in all sorts of way - the adults could be working, drinking or carousing - of which the young people have no experience whatsoever. We have been pushing the concept of continuing aftercare for those children while they wait for the international protection system to kick in and make a decision, because this is the one area where we are letting them down. We should change it. We are only talking about fewer than 50 people per year, and they do not reach 18 years of age at the same time either. We need to improve on this considerably.

**Senator Jerry Buttimer:** I thank Dr. Muldoon and Ms Ward for their work and for highlighting these issues. It is important that there be a whole-of-government - I did not want to use the word “Government” - approach, that everyone moves in the same direction and that we all engage and listen. We have probably not listened to people in direct provision. They are people, and all they want is a better life for themselves. The Chairman referred to the perception of a social welfare state. I know no one in direct provision who wants to be in that position. It paints a false picture of people who are in direct provision. Those I have met are fine people who want to make a contribution. Those who have left direct provision and become citizens are making a contribution to our country.

**Chairman:** The perception of a social welfare state for people in direct provision needs to be done away with. There are people in direct provision who would gladly start working, paying tax and being a major addition to this country tomorrow morning.

I take it that no other member wishes to contribute. We are running against the clock anyway. Do Dr. Muldoon and Ms Ward wish to make a final comment?

**Dr. Niall Muldoon:** Nothing further from me. I thank the committee for this opportunity.

**Chairman:** The discussion has been beneficial and informative. On behalf of the committee, I thank our witnesses for attending, even though it has only been virtually. I hope that they will be able to visit the Oireachtas committee in person in the not-too-distant future. In the meantime, we wish them the best for the summer and hope they stay safe.

**Ms Nuala Ward:** I thank the Chairman.

**Chairman:** We lost the video feed during the meeting, but thanks to the staff here, we got it back fairly quickly and we were able to watch and listen again.

I wish to correct the record. I said that the minutes were April's, but they were actually from 25 May.

**Senator Jerry Buttimer:** That is all right. We knew what the Chairman meant.

**Chairman:** If no members wish to raise any other business, then the committee will adjourn until 11 a.m. on Thursday, 8 July for a virtual private meeting, to be followed by a public meeting at 12.30 a.m. The details will follow. I thank Mr. Leo Bollins, Ms Barbara Hughes and the other secretariat staff for their work.

**Senator Jerry Buttimer:** I also thank the people who are recording and reporting us.

The joint committee adjourned at 2.27 p.m. until 12.30 p.m. on Thursday, 8 July 2021.