

Diversity in Early Childhood  
A Collection of Essays

Diversity in Early Childhood

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# Introduction

There is a popular myth insisting that Irish society has only recently become ‘multi-cultural’ and that prior to the arrival of the ‘Celtic Tiger’ and increased inward migration the Irish Republic was a more or less mono-cultural and homogeneous society.

This has never been true. Irish society always accommodated diverse communities. There have always been indigenous racial and ethnic minorities, people with disabilities, minority religions and so on. However, Irish society has begun to acknowledge its diversity in recent years not least due to the increasing confidence of minority groups in Ireland who insist on their rightful place in this society. Most agree that this increasing acknowledgement of diversity has been a positive development opening the full depth and richness of Irish society to public discourse and experience.

Why, then, is the concept of diversity important in relation to childhood and particularly early childhood? There are mainly 2 reasons for the importance of diversity in early childhood.

The first one relates to a central ‘goal’ of early childhood: The construction of a confident self and group identity. This begins from infancy and includes the concept that children are not just individuals but also members of distinct cultural groups. The second reason is the need of civic society to promote each child’s comfortable, emphatic and respectful interaction with people from diverse backgrounds. The combined intent of these 2 factors is to empower children to resist the negative impact of racism, prejudice and bias on

their development and to grow into adults who are willing and able to work and socially interact with others in a respectful way.

The importance of diversity and inter-culturalism in our approach to childhood has been recognised in international and national policy. The United Nations Convention on the Rights of the Child refers to the principles of diversity and non-discrimination throughout. For example, in Article 29 it says that education of the child should be directed to “the preparation of the child for a responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship of all among all peoples, ethnic, national and religious groups and persons of indigenous origin.”

Our own National Children’s Strategy “*Our Children / Their Lives*” also identifies diversity education in childhood as an objective: “Children will be educated and supported to value social and cultural diversity so that all children including travellers and other marginalized groups achieve their full potential.” (Objective K, *National Children’s Strategy*)

The present collection of essays on the theme of diversity and childhood attempts to support and illustrate the current debate in Ireland. The contributors don’t need an introduction. All of them are well known beyond their own area of expertise and advocacy.

Barnardos and the National Children's Resource Centre are very pleased to publish this particular collection and we are certain that it will benefit all children in Ireland regardless of their cultural, social, religious or ethnic background.

Heino Schonfeld  
Editor

# Diversity as a Majority Issue

Annie O'Doherty, Project Worker, Early Years Programme,  
Pavee Point

*"To say that there is no need to educate all students about [diversity] because, as one college has said 'very few of our students will go into schools where they are likely to meet mixed classes' is to miss the point ... Teachers should be equipped to prepare all their children for life in a multi-racial society"<sup>1</sup>*

## Diversity

The non-homogenous nature of society (which includes many and evolving minority groups as well as the dominant community) gives rise to issues concerning human difference which together have come to be known as 'diversity' issues. The concept of equality between individuals and between groups, involves respect for identity, both personal and cultural identity. Legislation has established nine factors as grounds for illegal discrimination<sup>2</sup>, however the issue of diversity, when one considers young

1: Select Committee on Race Relations and Immigration (1969), quoted by Swann Committee, 1985. See Gaine, C (1995) p 115

2: The Equal Status Act, 2000

children's lives, extends beyond these nine identified grounds. The notion of respecting 'diversity' involves issues relating to culture, ethnicity, race, colour, nationality, language, gender, ability (disability), marital status, family status, sexual orientation, religion, membership of the Travelling community and socio-economic circumstances. Acknowledging our indigenous multicultural history and watching Ireland becoming increasingly multicultural, it is evident that racism is becoming a wider problem.

Diversity can be a positive enriching source of vitality and growth, but it can also be a source of conflict and hurt. Many differences such as language, ethnicity and social class are linked, as are parallel issues such as identity, educational attainment and the ability to participate fully in the economic and social life within society. In attempting to achieve equality of opportunity for children we cannot afford to ignore the issue of human difference.

The need for a pro-active and co-ordinated approach to dealing with prejudice is now both crucial and urgent. Education has an important role to play in preventing the development of racist attitudes and promoting understanding of difference and respect amongst young children.

## Majority and Minority Groups

It is likely (and easy) for any society with one majority culture<sup>3</sup> and a variety of minority groups<sup>4</sup>, that the majority view becomes elevated over that of other views in the mistaken assumption that it is 'correct' or 'best'. People from the dominant culture often make demands upon members of minority groups to define and explain their culture. Never experiencing

3: The term majority in this context means the predominant culture or group in society (i.e. white, Catholic, heterosexual, settled, able-bodied, etc.)

4: Minority group refers to any minority community or culture within society such as Traveller, Chinese, Jewish, disabled, etc.

this for themselves or having to give an account of their own culture, they can develop a culture-blindness – often not thinking of themselves in terms of having a ‘culture’ at all.

Where young children are concerned, we know that prejudices develop, cultural norms are internalised and identities are built remarkably early in life. Adults who work with very young children need to be mindful of the language they use and their behaviour, attitudes, prejudices and to have examined their own personal identities, all of which shape the way they approach their work. They must also be sensitive to the development of attitudes in children’s minds. All the children in their care will be influenced (not just minority children) – whether or not there are minority group children in the group. All children are educated within a cultural context and the process of socialisation concerns all children.

Siraj-Blatchford asserts that the development of prejudices:  
*"concern the early socialisation of both the oppressed and the oppressors"*<sup>5</sup>

One area of human difference which does not involve majority or minority groups is gender – as it involves two ‘equal’ groups in terms of size. However, sexism is, and will continue to be, an everyday issue in the lives of all children and therefore the ‘majority’ in this case could be said to be people of both genders, i.e. everyone. Gender stereotyping is detrimental to children of both sexes in terms of the kinds of skills that are encouraged and fostered, and in terms of acceptance and expectations concerning emotional development. At times affirmative action is required on the part of adults working with young children, to overcome gender biased tendencies, involving changes in language and attitudes, providing activities and toys that are not gender specific, and encouraging all children to participate in all types of activities available.

<sup>5</sup>: Siraj-Blatchford, Iram (1996) in Nutbrown, C (ed) *Respectful Educators – Capable Learners: Young Children’s Rights and Early Education*. London: Paul Chapman p.23

## Racism and the Majority Population

Mass media has the potential to reach millions and is often guilty of presenting negative images of members of minority groups as a problem or as inferior. This has important implications for majority communities that may have little or no first-hand experience of minorities. Communities that have no (or very few) Black people, for example, can easily form a negative or stereotyped view of this minority group where the media is their only source of information. The same may be said of the Traveller community.

Current controversies such as in the Primary school in Galway, where settled parents removed their children from a school where Traveller children attended, clearly illustrate that often responsibility for a problem is rooted in the attitudes and behaviours of the majority population and does not belong to the minority group in question who suffer the impact of those attitudes or behaviours. Another example of this phenomenon is where the implementation of strategies to accommodate Travellers are hindered by administrative mountains created by the settled community. Racism is an issue of concern for the majority population and should never be considered irrelevant on the basis of a perception that a problem does not apply to a particular group, institution or community, or does not exist at all. The above-mentioned Galway school controversy illustrates how and why diversity education is essential in a school with minority ethnic children in attendance. Diversity education is as relevant and necessary in an ‘all majority’ school as much as in a single schoolroom with (for example) one Black child, or one special needs child or a Traveller child. It is majority individuals who need to unlearn their prejudices and adults need to set about developing policies and working regimes that minimise the possibility of bias or discrimination at an institutional level.

One research study in 1999 suggests that only a minority of Irish providers of early education services felt that it was important or relevant to provide a culturally diverse range of materials<sup>6</sup>. It is possible that levels of awareness have now improved, given the variety of minority groups now requiring these services in Ireland.

The notion that diversity as an issue only has relevance in contexts where minority groups or individuals are involved is a common misconception. Respecting diversity is the responsibility of everyone, and will be relevant in every 'early years' childcare or educational setting, including those with a seemingly homogenous group.

## The Minority Experience

In Ireland today there are a number of minority groups whose first language is not English, including Irish speakers and recent immigrants. There are also a number of indigenous minority groups such as Travellers. Many such minorities identify strongly with their ethnic origins. One devastating consequence of living a 'minority' experience is the denial of personal identity in order to avoid racism. This may involve a child's language, name, where he or she lives, the family structure, a parent's sexual orientation, religious practices, or even the way he or she dresses.

Members of minorities are often perceived as inferior or less able, and, living in a society with institutional systems designed for the majority, often experience 'institutional' racism. This assumption – that one size fits all – reflects a notion of superiority, which holds a very narrow view of dominant cultural values and expectations as 'normal'. The further mistaken assumption underlying the notion of 'superiority' is that the dominant structures can translate to fit with everyday routines of minority

groups. Teachers are often heard to say, for example, that Traveller children are disruptive in class, and that they must think of the other children who they feel will lose out if time is spent with the Traveller child. Their solution is to meet the needs of the majority, perceiving the problem to be the responsibility of the Traveller child (and his or her family) who is unable to benefit from the school system. In other words it is up to the child to fit the school rather than the other way around. The fact that this approach results in denial of services and perpetuates an education system that fails minority ethnic children is often not readily perceived or accepted. To be racist, a system does not have to be designed with this end in mind, it may be racist in effect by failing to provide equitable opportunities for some children to participate and learn, expecting them instead to cope with a system that suits the majority. Many teachers do not view meeting the special needs of a minority child as part of their role, or cannot think imaginatively as to how their methods could be adapted in such a way as to suit a minority child.

There is a startling dearth of information about the 'home language' of families in Ireland. The assumption that we all speak the one 'majority' language at home has blinded us to the need to seek information as to what languages are spoken in Irish homes. Without this information we cannot touch first base in terms of making information about services accessible to minority language families. It is important – especially where children are concerned – to demonstrate respect in relation to home languages, accents, dialogues and personal names – all of which are important factors in the development of personal and group identity. The issues for children learning English as a second language, for bilingual educational settings, Naíonraí, etc. deserve particular consideration. Children for whom English is not their home language need special support by staff in early education settings to access the curriculum. Staff can learn vocabulary from the child's home language and support

6: Hennessy, E and Delaney, P (1999) Using the Early Childhood Environment Rating Scale in Ireland: Do Parents and Service Providers Share its Values? *Early Years: An International Journal of Research and Development* Vol.19 No.2.

children's struggle to express themselves in English and to communicate in general; this may require additional training.

## Superiority

One problem with the view of diversity as a minority problem that has little relevance to the majority group is the notion of superiority. Undoubtedly rooted in colonial history, this notion of superiority is fundamental to the oppressive aspect of belonging to the majority group – even in electoral terms, the winning side. The expectation that a Black or Asian child should assimilate into the Irish culture implicitly assumes the superiority of that culture, effectively making Black or Asian language, tradition, norms or values inferior. Majority children lose out by not unlearning this notion of superiority.

Diversity issues are relevant to the majority population because responsibility for the development and implementation of social policy generally involves majority individuals, with little consultation or representation of minority views. We must teach majority children to unlearn attitudes of superiority, this will require a commitment and an awareness of the diversity issues that is not there at present amongst our educators. To a large extent the process is about 'unlearning' as much as learning – on the part of adult educators as much as children – and training is urgently required.

There is clearly no one homogenous 'Black' group, and culture and ethnicity involve aspects of identity that are complex and are about more than colour. Some minority groups are more visibly or audibly distinct than others – skin colour, facial features, eye shape, physical ability, language or accent and even clothes and jewellery contribute to the perception and

definition of such groups as 'the other'. Groups which can be more easily identified as unfamiliar are an easy prey for prejudice, hostility and discrimination. Children notice such individual differences and need to have them acknowledged and talked about, if they are to avoid a 'do-it-yourself' approach to make sense of how and why the world is divided up and the significance of such divisions. This is how stereotyped notions become perpetuated and why myths need to be challenged.

## Parents

Parents and other family members are crucial allies for all staff in implementing equality. Parents are critical influences on children outside of the childcare setting, and the involvement, commitment and support of parents at the level of day-to-day practice is absolutely fundamental to the success of implementing equality policies. Minority as well as majority parents along with staff should be involved in drawing up written policies for educational settings concerning diversity and equality. Parents will need to be encouraged and facilitated in this process. Adequate time should be allocated for this process in order to build on a knowledge and understanding of the issues. It is important for new families to be introduced to equality policies, that their support and commitment is sought, and their views taken on board in a continual review of such policies. Opportunities for discussion of diversity issues need to be organised, facilitated and encouraged. Assumptions made about religion or diet, for example, can be mistaken or unconsciously racist. It is important therefore that individual parents should be consulted directly as to exactly how they want their child's culture and individuality supported in the childcare setting.

## Education

The Irish educational system historically served as a melting pot where difference was reduced with minority children becoming assimilated, 'standardised' or 'homogenised Irish'. A shift in thinking is now evident and educational approaches are being realigned with current politico-legal thinking on minority rights, which may be said to be largely attributable to the work of activist non-governmental organisations<sup>7</sup>. This process involves re-examining ideology and political and educational policies as well as the use of terminology, in order to accommodate and respect human difference.

In the past, the assimilationist perspective, which viewed the dominant culture as superior, and took dominant Western childrearing practices and traditions as given or presumed to be best, further presuming them to be universally acceptable and universally approved. Assimilationism promotes absorption of minorities into the dominant culture in the belief that the socialisation of all in a shared value system is the way forward – making minorities as invisible as possible. One of the worst example outcomes of this perspective is the view concerning children with a learning disability: as they cannot be expected to attain anywhere near regular achievement levels within the educational system, there is little point in investing resources in their education at all. This is an example of unexamined racist policies where the majority, who do not have the experience of being a recipient of the services available or experience the unavailability of needed services, fail to see an alternative or appreciate the impact on the minority individual, or the seriousness of the outcomes of such policies.

The increasing diversity in Irish society is a major issue currently under debate at all levels of education – including pre-school level, and this

<sup>7</sup>: See for example the Report on the Task Force for the Traveller Community. Dublin: The Stationery Office (1995).

presents many challenges for social policy makers as well as challenges for those involved in education.

## Diversity in Early Education Settings

Diversity arises as an issue in terms of educational philosophy, child-rearing traditions and practices and the expectations of parents and carers, choice of curricular activities, culture-specific choice of food for children, matters relating to gender, etc. – the list is endless. Children need to feel a sense of belonging which can be difficult if they are surrounded by images that reflect a group identity or a culture that is not their own and they may feel further alienated where the spoken language is not their home language.

Adults confront the issue of diversity when, for example, a child, parent or staff member makes a remark that reveals a racist or sexist belief or discriminatory attitude. Policy decisions that result in exclusion or alienation may be made, and often educators feel ill-equipped to deal with incidents that demand a level of sensitivity, knowledge or awareness of rights, values or beliefs that has not yet been acquired. There is a common but unfounded assumption that diversity issues are not relevant in a setting that does not have any Black minority ethnic children attending. Incidents arise on an everyday basis in early education settings in Ireland regardless of whether ethnic minority children are in attendance at that setting or not. In a schoolroom (or pre-school) where there are no Black, Traveller, Jewish, disabled, etc. children in attendance, people still have attitudes and prejudices that need to be explored. Underneath the surface there will be notions in the minds of even very young children concerning jobs, gender, poverty, conflict, health, language, religion,

skin colour, etc. about these groups, some such notions will be negative and potentially harmful.

In approaching decisions about the development of childcare provision, for example, we need to carefully assess ways of creating the most equitable system of provision, and one that reflects the growing diversity in Irish society. In terms of participation, providers of childcare services will need to be encouraged to think about the more vulnerable groups such as disadvantaged families, or the particular needs of minority ethnic children, Traveller children, children of lone parents, or children for whom English is not their first language, for example.

Children pick up notions about Black or ethnic minority people from radio and television, from books and magazines, from parents and family members, from teachers, from neighbours and communities. Children who have no first hand experience, depend totally on these sources of information if they are to develop an opinion or have an image of such groups. There is evidence also, that children who do have first hand experience, for example a Black child in their class in school, may be quite capable of having a positive and close friendly relationship with that child, but at the same time hold a negative view of the group to which that child belongs<sup>8</sup>. The internalisation of racist notions is clearly complex and not fully understood. Denial on the part of teachers that a problem exists on the basis that a particular child has successfully integrated into the class does not necessarily hold.

The multicultural approach to education that was commonly favoured by teachers is founded on the idea that by presenting images and information about other cultures in school, children will come to adopt a non-racist attitude towards these cultures or individuals. Thus racism will

8: Gaine, C (1995) *Still No Problem Here*. Staffordshire: Trentham Books

become diminished as a result of this 'process of osmosis'<sup>9</sup>. There are problems with this approach, especially with very young children for whom trying to eat with chopsticks may be fun, but ineffective in that the intended purpose of the activity may be quite lost on them. This 'tourist' approach, with its focus on tokens from unfamiliar cultures, often fails to examine present-day meaningful aspects of culture and may fail to engender any real respect. A further problem with this approach is that a mere glimpse at other cultures does not deal with the racism that may exist within one's own culture or outlook. We must remember that culture is about more than matters learned within one's lifetime – it is something that develops over centuries.

In contrast to the multicultural approach, the intercultural and anti-bias approaches do challenge beliefs and myths, and include an examination of the majority position. These approaches clearly view diversity as a majority issue, challenging the majority community to examine their own beliefs, values, attitudes and prejudices and to deal with, rather than be blind to, difference.

Education must engage with the myths surrounding culture difference and racism, and challenge these beliefs in a systematic way. The 'all people are equal' notion that is often held up behind official denial of the problem may do little to address or challenge the original premise that we are all equal. An equitable approach must treat people differently, according to need, rather than the same.

Early years practitioners should work to develop positive self-identity for all children, and encourage and support all children to value and respect all cultures and ethnic groups. Carers should have equal expectations of all children, free of stereotyping and labelling, in terms of development and

9: *ibid*

formal learning. Where assumptions that reveal prejudiced expectations of children from a minority group are shown to exist, anti-racist training should be recommended and implemented, in order to avoid long-term consequences for those children. Children of colour may internalise racist messages of inferiority; and white children, if not given positive information and taught to respect other cultures, languages and traditions, may develop disrespectful and negative attitudes and will always have internalised an attitude of superiority that needs to be unlearned as an active process.

All early years programmes need to be examined and equality-proofed in order that all children attending a setting can identify with and feel a sense of belonging with that setting; families should likewise feel comfortable that their cultural identity is given due recognition. Some settings may offer a service that has built-in bias by virtue of the fact that diversity issues are ignored in the belief that these issues are not relevant or needed. Programmes should show an awareness and sensitivity to all ethnic and other minority groups within the local community and not just to those attending the particular setting.

Practitioners working with minority children should be required to show how they are making efforts to meet their needs and to learn about and affirm their home culture, traditions and language. Special dietary requirements of families (for whatever reason: health, religious belief, etc.) should be respected and honoured as part of service provision.

Recruitment of individuals from similar backgrounds as the children attending is encouraged in order to facilitate an understanding of the home life and culture of these children. This would be important in the case of Traveller children and children from particularly disadvantaged

local communities as well as children from minority ethnic groups. The Expert Working Group Report similarly asserts that "ethnic and cultural diversity should be reflected within the staff that work in childcare services"<sup>10</sup>. This principle was also recommended by the European Commission Network on Childcare, Target 36 of which states, "Services should adopt employment procedures which emphasise the importance of recruiting employees who reflect the ethnic diversity of the local community"<sup>11</sup>.

## Diversity in Schools

Gaine (1995)<sup>12</sup> outlines the strength of resistance amongst teachers to accepting this role, and argues that this denial may be explained by the fact that adults have not yet examined their own assumptions and preconceptions and therefore may not pick up on things children say, which go unnoticed. Teachers may avoid overt discussion for fear of encouraging a situation to develop that is sensitive or involves conflict, and that they may feel ill-equipped to handle. The easier option is to leave such discussions well enough alone, save anxiety all 'round, and perhaps argue that it is not their place to address these issues.

As part of this denial, teachers may say that they have never heard children expressing racist attitudes. Gaine argues that teachers are usually telling the truth in making this assertion, the reason that they never hear overt racism is that these are the kind of discussions which – like bullying – do not happen in the classroom but between classes. *"Particularly in white schools, it does not tend to arise as a public issue in chemistry or typing"*.

10: Dept. of Justice, Equality & Law Reform (1999): *National Childcare Strategy: Report of the Partnership 2000 Expert Working Group on Childcare*. Dublin: The Stationery Office

11: European Commission Network on Childcare: *Quality Targets in Services for Young Children (1996) Children's Rights Our Responsibilities*

12: *Ibid*

School is the backdrop against which many children act out the important things in their lives: friendships, crises, group values, conflicts.

*"The important things happen between lessons and we teachers are seldom privy to this world."*

In relation to schoolchildren, Gaine concludes:

*"almost all pupils, in almost all parts of the country have considerable levels of confusion, misunderstanding, learned misinformation and ignorance about 'race'. Many have high levels of prejudice and hostility ... No one will ever challenge the states of mind of the pupils unless schools do"*<sup>13</sup>

All children attending early education settings will, in their future lives, encounter minority ethnic groups, Travellers, individuals who are disabled, etc. They will also encounter sexism, homophobia or racism as realities in their later lives.

All of us engaged in the care/education sector need to address the thinking, images and behaviour that leads to racism, if we are to create an anti-bias environment for children. Prejudice is learned and reinforced, although not explicitly taught, before becoming racism. There are forms of racism that are beyond awareness, and people of the predominant culture or majority often 'carry on regardless' in the comfortable assumption that there is no problem. Perhaps some think that they are above such concerns, and there is evidence that some feel that issues relating to diversity only have relevance to those who are from, or are involved, with minority groups. The consequences of this kind of thinking will not affect majority people and so these kinds of assumptions are self-reinforcing. Where more overt forms of racism are concerned, this reinforcement process can thrive within a self-contained environment where people often believe or presume that because they agree with each other, they must be right.

13: *Ibid* p14

Exposure to difference is not enough. Majority beliefs must be challenged. Prejudices must be examined. Awareness about diversity issues becomes crucially important, mere exposure to diverse groups and glimpses of diverse cultures allows the other seven-eighths of the iceberg that becomes racism to remain concealed.

Written policies for services, including admissions policies, equal opportunities recruitment policies, or written statements for parents as to the particular philosophy or ethos followed within that service should all be equality-proofed for discrimination. This includes unintentional discrimination, such as failing to make information about the service available or accessible to non-English speaking parents or parents with literacy difficulties.

Any service seeking to justify exclusion on the basis of inadequate training or resources must show that they have explored ways to address these inadequacies before such exclusionary policies are deemed acceptable.

The role of educators in challenging racism, prejudice, discrimination and stereotypes must be recognised as a more proactive one: we must provide information, both historical and present-day, to challenge contradictions, and we must provide a space to examine ideas, values and terminology. We must also look at ourselves as part of this process and examine our own values, beliefs, attitudes and prejudices.

Diversity is a universal issue and diversity education is even more relevant in a seemingly homogeneous context. Diversity education is more than education about immigrants, about ethnicity, or about culture – above all it is education of the majority.

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## REFUGEE AND ASYLUM SEEKING CHILDREN IN IRELAND

# A Rights Based Approach<sup>1</sup>

*James Stapleton<sup>2</sup>, Policy Officer, Irish Refugee Council and Dr. Bryan Fanning, Department of Social Policy and Social Work, University College*

### Introduction

Throughout human history children have always migrated. Their reasons have included the need to escape persecution and other human rights violations. Until 1992 the number of asylum seekers arriving in Ireland was minimal. In the space of a few short years the numbers of application for asylum have increased significantly; from 34 in 1992 to almost 11,000 in 2000. The number of children amongst these is not known precisely although one study of the Dublin region found that 24% were children.<sup>3</sup>

*1: We would like to thank Ms Jacqueline Monahan, former Human Rights Officer OSCE Kosovo, who contributed, as a research assistant, to this chapter.*

*2: The views expressed herein are those of the authors, and do not purport to represent the views of the Irish Refugee Council.*

*3: Faughnan and Woods (2000), p19*

The numbers of separated children arriving in Ireland, unaccompanied by adult family members or guardians, are available<sup>4</sup> and show a considerable increase: from 20 in 1998 to 730 for the first 7 months of 2001.

This increase mirrors the overall trend in the number of asylum seekers arriving in Ireland. By July 2001 some 231 of these children had been reunited with family members.

This chapter examines the needs of refugee and asylum-seeking children in Ireland from a rights-based perspective. It considers the development of children's rights in international law and within an Irish context. In particular, there is a focus on the gaps between obligations upon the Irish State towards refugee and asylum-seeking children and current practices. The chapter looks at a range of factors which affect child development and well-being from a 'whole-child' perspective. Children who arrive in Ireland have a range of needs resulting from the circumstances which led to their migration. For example, in war zones they may be victims, survivors or forced perpetrators of violence. In addition to pre-migratory stress factors, a range of post-migratory stress factors impact on the well-being of children. These include those which emanate from inadequate support and from exclusionary State policies.

## The Development of Childrens Rights

### Rights under International Law

An emphasis on children's rights under international law can be traced to Article 25 of the Universal Declaration of Human Rights (UDHR), adopted by the United Nations in 1948, which proclaims that childhood is entitled to special care and assistance and that all children shall enjoy the same

*4: The Separated Children in Europe Programme defines separated children as 'children under 18 years of age who are outside their country of origin and separated from both parents, or their previous legal/customary care giver'. See Save the Children (1999)*

social protection. Articles 22 and 25 of the UDHR affirms that *all* individuals have the right to an adequate standard of living, including clothing, housing, medical care and necessary social services. These rights were further affirmed along with rights to seek asylum under the 1951 UN Convention relating to the Status of Refugees, ratified by the Irish State in 1956.<sup>5</sup>

Subsequently, specific reference to the social, economic and cultural rights of refugee and asylum-seeking children was set out within the text of the 1959 Declaration of the Rights of the Child. The International Covenant on Civil and Political Rights (ICCPR), adopted in 1966, also includes statements about children's rights (Article 24). The Covenant proclaims that children are entitled to special care, assistance and protection on the basis of their status as minors. No distinction is made between the rights of refugees, asylum seekers and citizens of signatory countries under the terms of these Conventions.

## The UN Convention on the Rights of the Child (1989)

These Conventions can be seen as the building blocks of the UN Convention on the Rights of the Child (CRC), which was signed in 1989. The CRC was ratified by Ireland in 1992, and is the most widely ratified of all the UN Conventions. It obliges States to address the needs of all children within their jurisdiction.

The purpose of the convention is to enshrine children's rights (as individuals, as well as part of a family) within a single convention. It reaffirms and expands upon the rights and freedoms addressed and outlined in previous Conventions. The guiding principles of the Convention are that:

- *all children should be entitled to basic rights without discrimination*

5: Article 14(1) affirms the right to seek and enjoy asylum from persecution in other countries the 1951 Geneva Convention defined such a status and detailed some of the rights and obligations refugees should enjoy.

(Article 2);

- *the best interests of children should be a primary consideration in all actions concerning children (whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies) (Article 3(1));*
- *children have the inherent right to life, and states must ensure as far as possible their survival and development (Article 6);*
- *the views of children must be given due weight in accordance with their age and maturity (Article 12(1)).*

The Convention contains a number of important social rights for all children in Irish society including refugees and asylum seekers. The duty upon signatory States to ensure the equal rights of all children to social security, health care and education allows no distinction between children who are citizens and those, such as asylum seekers, who are non-citizens. Such rights are set out in the following articles of the Convention:

- *Article 24 – a right to the highest attainable standard of health and to have access to health and medical services (with particular emphasis on primary health care);*
- *Article 26 – a right to benefit from social security;*
- *Article 27 – a right to an adequate standard of living (with a duty on the State to assist parents, where necessary, in fulfilling this right);*
- *Article 28(1) – a right to education and access to appropriate secondary education;*
- *Article 31 – a right to participate in leisure, recreational and cultural activities.*

While the Convention emphasises the individual rights of children, it also recognises the need to support the systems in which children develop, in particular the family, and signatory States are obliged (Article 18) to use

'their best effort' to assist parents in the upbringing and development of their children.

## The National Children's Strategy (2000)

In November 2000, the Irish government launched a National Children's Strategy (NCS). Two of the guiding principles of the CRC, which are further endorsed by the NCS, are that all children should be entitled to basic rights without discrimination and that the best interests of the child should be a primary consideration in all actions concerning children. The NCS set out a number of operational principles aimed at addressing Ireland's obligations under the CRC. These emphasised an approach to furthering children's rights which was:<sup>6</sup>

- **Child centred:** the best interests of the child shall be a primary consideration;
- **Family oriented:** the family generally affords the best environment for raising children and external intervention should be to support and empower families within the community;
- **Equitable:** all children should have equality of opportunity in relation to access, participation in and derive benefit from the services delivered and have the necessary levels of quality support to achieve this;
- **Inclusive:** the diversity of children's experiences and lifestyles must be recognised and given expression;
- **Action oriented:** service delivery needs to be clearly focused on achieving specified results to agreed standards in a targeted and cost effective manner;
- **Integrated:** measures should be taken in partnership, within and between relevant players, be it the State, the voluntary/community sector and families; services for children should be delivered in a co-ordinated, coherent and effective manner through integrated needs analysis, policy

6: *The National Children's Strategy: Our Children – Their Lives (2000)*, p10

planning and service delivery.

The NCS offers a mechanism for evaluating responses to refugee and asylum-seeking children. It "*has an important role to play in ensuring that a culture of respect for children's rights develops within Irish responses to asylum seekers and other ethnic minority groups. All policies and programmes which emanate from the Strategy should have a clear remit for asylum-seeking children*"<sup>7</sup>. Such a remit is particularly important given the profound gap which exists between the commitments in principle to children's rights as set out in the CRC and the existing policies and responses to asylum-seeking children in Ireland.

## The Needs of Asylum-seeking Children

### The Whole Child Perspective

The NCS (2001) employed the concept of a 'whole child perspective' as a mechanism for conceptualising the needs of children. This approach includes physical and mental well-being, emotional and behavioural well-being, cognitive development, educational attainment and the capacity to develop social relationships. These factors can be seen, in turn, to translate into specific areas of need experienced by children. As such the concept of the 'whole child' can be employed to forge an explicit link between good practice in understanding and responding to the needs of children and requirements under the CRC to acknowledge and address the rights of children.

The following headings are used in the NCS, some of which clearly relate to the CRC and to the goals of social inclusion policies, to map out the needs of children from a 'whole child perspective'.

7: *Fanning, Veale and O'Connor (2001)*, p11

- **Physical and Mental Well-being:** Is seen to necessitate an adequate nutritious diet, access to appropriate accommodation, access to health services and other support and advice services.
- **Emotional and Behavioural Well-being:** This includes an emphasis upon the needs of children to cope with stress and emotional development.

Article 24 of the CRC accords children the right to the highest attainable standard of health and medical services, with a particular emphasis on primary health care. Article 26 accords children the right to benefit from social security, which, in keeping with Article 27, should be sufficient to guarantee an adequate standard of living. Article 27 imposes a duty on the State to assist parents, where necessary, to fulfil this right.

- **Identity:** This concerns the ability of children to develop and to feel accepted by their family and by the wider society. It includes the need for affirmation of their own gender and culture.
- **Intellectual Capacity:** This covers all areas of cognitive development and access to appropriate education to meet their needs.
- **Spiritual and Moral Well-being:** This covers the validation and promotion of the spiritual dimension to the lives of children. It asserts that children will have needs on the basis of their membership of a religious community.

Article 6 of the CRC asserts children the inherent right to life, and States must ensure as far as possible their survival and development. Article 24 accords children a right to education and access to appropriate secondary education. Article 13 requires States to respect the right of the child to freedom of thought, conscience and religion.

- **Social Presentation:** This refers to processes of socialisation which enable children to interact and communicate with others in society. By definition,

such processes necessitate the removal of legal and administrative barriers to the participation of asylum-seeking children in Irish society.

- **Self-care:** This covers the need to develop appropriate skills at appropriate ages which enable children to become more independent as they grow older so that they are able to eventually manage their own domestic and working lives.
- **Family Relationships:** This emphasises the need to experience a stable family life. Here the relationship between the rights of children and other family members can be noted.
- **Social and Peer Relationships:** This notes that children require both formal and informal opportunities to play and socialise with their peers. There is an emphasis on participating in the community outside the family circle in sporting and cultural activities.

These needs suggest the necessity of addressing barriers to equal rights and entitlements to adults and children which promote economic and social marginalisation. Article 18 requires States to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall insure the development of facilities and services for the care of children. Article 31 sets out a right for children to benefit from leisure, recreational and cultural activities. This right can be related to needs arising from child specific forms of social exclusion and child poverty.

The 'whole child perspective' suggests the rights of children can only be secured where there is a comprehensive focus upon all the needs of children and upon the barriers to development and participation in society which they experience. It depicts areas of need experienced by all children including refugees and asylum seekers. It offers a basis for addressing the requirement under Article 3(1) of the Convention on the Rights of the Child that the best interests of children should be the primary concern of decision-making.

## Psychological Issues

Children arriving in Ireland may have experienced pre-migratory trauma. Such traumas range from feelings of dislocation to bereavement and the effects of human rights abuses, including child specific forms of human rights abuse. Begley et al (1999) argue, in an examination of the psychological needs of asylum seekers, that a crucial dynamic exists between the pre-migratory and post-migratory needs of asylum seekers. Such needs are as members of families and also in their own right.

Begley et al note that, on arrival in host countries, asylum seekers may experience post-migratory traumas which exacerbate pre-migratory traumas. These include, in the case of adults, not being allowed to work, stress associated with their applications for asylum, racism, loneliness, isolation and depression resulting from their experiences in the host country. This has been borne out by research in the United States which found that parental stress resulting from health and financial worries was found to compound pre-migratory trauma<sup>8</sup>. Moreover, this research also found that parental distress impacted negatively upon the emotional functioning of children.<sup>9</sup>

## Pre-Migratory Factors

There are several child specific human rights abuses, including child labour, rape, trafficking, forced military conscription and female genital mutilation (FGM)<sup>10</sup> or female circumcision. Of these, the last two are relatively common occurrences that negatively impact on the development of children and may be a reason for children fleeing their countries and claiming asylum in Ireland.

The experience of armed conflict, forced displacement and human rights

abuses such as female genital mutilation, could have a huge impact on any asylum-seeking individual. Nonetheless, there are several reasons that make the need for addressing the issue of children differently than adults: children are physically and psychologically developing and are thus more vulnerable.<sup>11</sup>

Machel<sup>12</sup> reports that children who have experienced traumatic or other events in times of armed conflict may cease playing and laughing, lose their appetites and withdraw from contact.<sup>13</sup> She writes that "*although many symptoms of distress have universal characteristics, the ways in which people express, embody and give meaning to their distress are largely dependent on social, cultural and political contexts and are based on different belief systems*". Children who do not have family and community support systems and protection may have a greater need than other refugee and asylum-seeking children for re-establishing normality. Education, for example, gives form and definition to children's lives and according to Machel "*lost education and vocational skills take years to replace, making the overall task of post-war recovery even more difficult*".

## Post-Migratory Factors

Rosemary Walsh<sup>14</sup>, a clinical psychologist working in Ireland with refugees and asylum seekers, argues that children exposed to adverse post-migratory experiences may be subject to anxiety, phobias, post-traumatic stress reactions, depression, low self-esteem, adjustment difficulties and may suffer nightmares, sleep problems and psychosomatic complaints such as headaches, and pain. Walsh claims that in her experience "*homesickness, missing siblings and grandparents, worrying about missing fathers, coping with racism in school and disliking the Irish climate are the prominent...complaints*" of refugee and asylum-seeking children.

8: McCallin (1991) cited in Fanning, Veale and O'Connor (2001), p21

9: See UNHCR (1994), p.43, for a similar position.

10: FGM refers to the removal or reduction of the female genitalia and is estimated to affect between 100 and 140 million girls and women. See World Health Organisation, Female Genital Mutilation Fact Sheet No. 241 June 2000. Available at [www.who.int/inf-fs/en/fact241.html](http://www.who.int/inf-fs/en/fact241.html)

11: Op cit UNHCR (1994)

12: Machel (1996)

13: More than 300,000 children are fighting as soldiers throughout the world. See Coalition to Stop the Use of Child Soldiers, *Child-Soldiers: An Overview*. Available at [www.child-soldiers.org/](http://www.child-soldiers.org/)

14: Op cit Walsh (2000)

Safety at home and the restoration of the daily routine play a crucial role in the development of a child's mental health and development.<sup>15</sup>

The trauma faced by many children is undoubtedly aggravated by the uncertainty of excessively slow asylum procedures. Children who have started school do not know if they will still be there one or more years after making friends in a new country. As a result of all of this, asylum seekers are not able to get on with their life and start afresh now that they are in Ireland.<sup>16</sup>

In an examination of educational provisions for refugee children in Ireland, Nolan advises that the first weeks and months in school are undoubtedly the most difficult for refugee children. She describes a range of difficulties in coping and adjusting as experienced by Bosnian refugee children here in Ireland. These include feelings of vulnerability and isolation, underestimation by parents and others of the children's difficulties in coping and language difficulties. She notes that children whose education had been disrupted in their countries of origin or who were not fluent in English were particularly vulnerable, particularly those *"at the upper end of primary school, many of whom lack basic literacy and numeracy skills"*.<sup>17</sup>

Schools and teachers need to be flexible and responsive to refugee and asylum-seeking children, and should provide each child with any necessary language or other support. *"Without intensive intervention, it is unlikely that they will achieve their full potential"*.<sup>18</sup> When joining local schools, they will require induction courses into the new education system, and additional support to meet their particular linguistic and psychosocial needs. In order to prevent stereotyping and racism, an appropriate compulsory human rights module (including a substantial anti-racist element) should be put in place at both primary and secondary level in all

15: Op cit Dutch Refugee Council (1997), p9.

16: Irish Refugee Council (2001)

17: Nolan (2001), p259

18: Ibid

schools throughout the State.

However, the existing educational support offered by the State to refugee and asylum-seeking children is both inadequate and inflexible. Schools are not required to provide mother tongue support for immigrant children. This can impede their integration within education and within Irish society more generally. Language support is based on the number of non-English speaking students in the school or area and not on the needs of individual students. For example, a school with 14 asylum-seeking students with a high standard of English will receive the same level of State support as one with a similar number of students who may be neither literate in their mother tongue nor English.

Cultural and language supports empower minorities to participate fully in the educational system without having to surrender their own cultural distinctiveness. The absence of such support in the past has had detrimental consequences for refugee children.

Here in Ireland, the dispersal of Vietnamese refugees during the 1980s was not accompanied by any measures to provide educational support for the children. The Vietnamese children were placed in mainstream classes, in up to 96 schools by 1987, with no special support for them or their teachers.<sup>19</sup> The Vietnamese children suffered disproportionate education failure. The majority were between thirteen and sixteen years of age on leaving primary education. Many subsequently dropped out of school. The failure of the dispersal policy was marked by a pattern of secondary migration whereby most Vietnamese refugees moved to the Dublin area so as to be able to provide each other with mutual support.

19: Nolan (1997) p.95

## Rights and Reality

### Inadequate Reception Policies

Soon after the UN Convention (1951) was ratified by the Irish Republic, in 1956, more than five hundred Hungarians were granted refugee status and accommodated in a former army barracks at Knocknalisheen in Co. Clare. Some months later the Hungarians made complaints that the huts in the camp were cold, damp and unhealthy and that, as a result many women and children had become ill.<sup>20</sup> A disparaging report by the Department of Defence on conditions in the camp compared them to those in an internment camp.<sup>21</sup> The Red Cross also complained about the unsuitability of conditions for expectant mothers and children.<sup>22</sup> In the ensuing months the frustrations of the refugees deepened as no changes were made to the administration of the camp, and relations with the camp administrators remained poor. This culminated in a hunger strike on 29 April 1957 by most of the adults in the camp.<sup>23</sup>

A number of reports on the conditions experienced by some groups of asylum seekers resemble those produced a half a century earlier. A study of child poverty amongst asylum seekers in Ireland found evidence of malnutrition amongst expectant mothers, ill-health related to diet amongst babies and weight loss amongst children.<sup>24</sup> Similar findings emerged from a study of the maternity needs of refugee women in Dublin.<sup>25</sup> These findings are particularly disturbing when considered alongside those of a study published in the *Irish Medical Journal* earlier this year<sup>26</sup>, which noted significantly higher mortality rates for asylum-seeking and refugee mothers than amongst infants born to indigenous Irish mothers.

Research in other countries has identified the sorts of long-term

20: *Irish Independent* 11 January 1957

21: Memorandum 4.12.56 from Department of Defence to Department of an Taoiseach. DIT(1957) file ref S11007 (Dublin: National Archives)

22: DIT(1957) file ref S11007 (Dublin: National Archives)

23: *Irish Times*, 30 April 1957

24: Fanning, Veale and O'Connor (2001)

25: Kennedy and Murphy-Lawless (2001)

26: Lalchandani, MacQuillar, & Sheil (2001)

confinement to communal accommodation experienced by asylum seekers in Ireland as cause of health problems.<sup>27</sup> These findings have been borne out by recent research in Ireland.<sup>28</sup> Furthermore, there are indications that asylum seekers experience barriers in accessing health care. Almost half the respondents in a study of asylum seekers in Tralee experienced difficulties accessing health services.<sup>29</sup>

The similarities between the problems experienced by the refugees in the 1950s and by those in present day Ireland can be explained, in considerable part by restrictive policies, aimed at containing and controlling refugees. This has been at the expense of an emphasis upon their rights under international law or best practice.<sup>30</sup> The reception standards in Ireland, in particular accommodation, did not and do not address the special educational, medical, psychological, recreational and other needs of children, in accordance with relevant international human rights law, UNHCR guidelines and UNHCR Executive Committee Conclusions.<sup>31</sup> Then, as now, restrictive policies were shaped by political perceptions that the arrival of refugees constituted a crisis.<sup>32</sup> In particular, recent policies, which reduced the welfare rights of asylum seekers, were motivated by political goals of discouraging the use of the right to seek asylum.<sup>33</sup>

Concerns have been expressed about the appropriateness of the criteria employed by the Reception and Integration Agency (RIA) to choose 'suitable accommodation' for asylum seekers. In effect, the introduction of direct provision, which removed entitlements to rent allowances, has led to a reliance on forms of accommodation which are ill suited to the needs of families or vulnerable people. These include the use of hostels and hotels as long-stay reception centres. The quality of accommodation used in the dispersal programme is inconsistent but is generally poor according

27: *Dutch Refugee Council* (1997), p7

28: Fanning, Veale and O'Connor (2001), p33

29: Collins (2001)

30: See the UNHCR Guidelines on Protection and Care of Refugee Children, and UNHCR Executive Committee Conclusions No. 47, No. 59, and No. 84. See also Articles 3, 7, 22, 24 and 27 of the Convention on the Rights of the Child 1989.

31: See the UNHCR Guidelines on Protection and Care of Refugee Children, and UNHCR Executive Committee Conclusions No. 47, No. 59, and No. 84. See also Articles 3, 7, 22, 24 and 27 of the Convention on the Rights of the Child 1989.

32: See Fanning (2001), p96

33: Fanning, Loyal, and Staunton (2000), p22

to best international practice criteria.<sup>34</sup> In some cases asylum seekers may have access to cooking facilities. In other cases they may have no control at all over their diet.<sup>35</sup> Some centres make some provision for the needs of babies but many do not.<sup>36</sup> Such variations in amenities and services point to the need for the ongoing evaluation of provision against international best practice standards for reception centres.

In most reception centres children have no play or study facilities. They are often confined to staying indoors for excessive periods of time, an unhealthy situation for any child. The inadequacy of accommodation facilities greatly restricts their interaction with local children, is a cause of conflict within reception centres and contributes to stress amongst children and adults.<sup>37</sup> The policies which result in such conditions are arguably in breach of articles 28(1) and 31 of the CRC.<sup>38</sup>

## Asylum-seeking Children and Welfare Discrimination

From April 2000, under direct provision, newly arrived asylum seekers ceased to be entitled to full rates of supplementary assistance as a result of an administrative decision by the Minister of Justice, Equality and Law Reform. Since the introduction of direct provision many asylum seekers have lost their entitlement to rent allowances and thus, in many cases, have been compelled to live in various forms of temporary accommodation on a long-term basis. Adults on direct provision receive a cash benefit of just €19.05 per week in addition to accommodation and meals. Children ordinarily received just €9.52 per week<sup>39</sup> plus child benefit. This puts them in households below the 20% poverty line. Fanning, Veale and O'Connor, in their study of child poverty among asylum seekers in Ireland, argue that the welfare discriminations experienced by asylum-seeking children on 'direct provision' are unambiguously contrary to Ireland's obligations

34: See ECRE guidelines in Fanning and MacEinri (1999)

35: Stapleton (2001), p4-5

36: Fanning, Veale and O'Connor (2001), p35-38

37: Op cit Stapleton (2001), p11-12

38: The right to education, and the right to participate in leisure, recreational and cultural activities respectively.

39: Fanning, Veale and O'Connor (2001), p24

40: Op cit Fanning, Veale and O'Connor (2001), p67

under the CRC. Clearly, direct provision has contributed to extreme child poverty and deprivation.<sup>40</sup>

Some commentators have expressed concern that the introduction of lesser benefit entitlements for asylum seekers is unconstitutional, although this has yet to be tested in the courts.<sup>41</sup> Free Legal Advice Centres (FLAC) has argued that under Section 180(1) of the Social Welfare (Consolidation) Act 1993 Health Boards are responsible for assessing entitlement to supplementary welfare allowance (SWA) on the basis of the needs of the person. By contrast the introduction of direct provision, on the basis of an administrative circular rather than on the basis of statute, suggests an emphasis upon the needs or convenience of the State rather than the person, which is contrary to the Act.<sup>42</sup>

## Impact of Lack of Parental Rights

Asylum-seeking children live in households where adults are generally prohibited from undertaking State funded language training or employment training. In particular, the Refugee Language Support Unit (RLSU) has developed a scheme of intensive language support of approximately nineteen hours training per person per week which is delivered through the Vocational Educational Committees (VEC) for those with refugee status and leave to remain. A two tiered system of language support has come into being whereby asylum seekers are excluded from this scheme but may be able to access a lesser amount of support (normally four hours per week) through VEC funded classes organised by the voluntary sector. The inadequacy of such levels of support led to the establishment of the RLSU in the first place. The detrimental impact of parental exclusion from adequate language support on the education of asylum-seeking children has been noted in the Adult Education White Paper (2000).

41: FLAC (2001)

42: Ibid

Fanning, Veale and O'Connor (2001) argue that present policies of excluding asylum seekers from appropriate State-funded English language training contribute to the social and educational exclusion of children.<sup>43</sup>

Additionally, there is little or no childcare provided which may further prohibit those with child-rearing responsibilities from attending.

Similarly, asylum-seeking children can face extreme marginalisation within Irish society as a result of lack of parental access to paid employment and, in some cases, lesser rights to welfare. The absence of a right to work for most asylum seekers and their exclusion from State-funded employment training, even in the case of those who benefited from a once-off decision by the government to allow them to work, are causes of asylum seeker social exclusion.<sup>44</sup>

## Exclusion from the Remit of Social Inclusion Policies

The exclusions experienced by asylum seekers within Irish society are largely the result of having lesser rights and entitlements to Irish citizens. Many of the barriers they face to participation in Irish society have been put in place by the State. In effect they are deemed to be outside of society whilst living within Irish communities.<sup>45</sup>

Fanning, Veale and O'Connor argue that asylum-seeking children should be identified as a priority group within all policies and programmes aimed at addressing child poverty and social exclusion in Irish society. Asylum-seeking children are more likely to be living in poverty than other groups in Irish society. Social exclusion resulting from lesser rights to employment and welfare may be augmented by other obstacles such as racism or language barriers.<sup>46</sup>

43: *Op cit Fanning, Veale and O'Connor (2001), p58*

44: *Fanning B, Loyal S and Staunton C (2000), p33*

45: *Fanning (2001a), p3*

46: *Op cit Fanning B, Loyal S and Staunton C (2000), p33*

47: *Fanning (2001a), p3*

These obstacles point to a need to expand existing definitions of social inclusion to take into account the specific barriers encountered by asylum seekers, refugees and black and ethnic minority immigrants.<sup>47</sup> It follows that the goals of social inclusion policies should be expanded to be inclusive of asylum seeker children and other groups.

## Conclusion

This chapter has emphasised the importance of a rights-based approach in addressing the needs of refugee and asylum-seeking children who, due to the experience of armed conflict or flight from persecution, may require extra support from the State. Ireland's response to the needs of asylum-seeking children, as of yet, does not meet its obligations under international law and falls short of existing national policies which relate to the needs of children in Irish society. However, the development of a National Children's Strategy (NCS) offers an opportunity to redress the shortcomings of existing practices which affect asylum-seeking children. The core principle of the NCS and the UN Convention on the Rights of the Child (1989), upon which the NCS is based, of acting in the best interest of the child offers a basis for developing and evaluating policies which meet the needs of refugee and asylum-seeking children.

The 'whole child perspective' employed in the NCS emphasises ways in which the principle of the best interest of the child can be related to the factors that affect child well-being. These needs, in turn, can be related to specific rights under the CRC. As such, international law confers rights which should and can be translated into action in a way which considers the 'whole child'. This is not happening. Rights relating to health, education, housing and social welfare are not respected. The institutions of the State do not at present consider the best interests of the asylum-seeking child to be a primary consideration in decision making. The challenge for statutory bodies with a responsibility to address the needs of children and other organisations representing the well-being of children is to pursue a rights-based agenda of change.

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# A Holistic Perspective

## THE TRAVELLER CHILD

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### Introduction

The Traveller child should be viewed within the context of his/her world. The quality of life of Traveller children is influenced by a wide variety of factors, including their status within society and the restricted range of opportunities available to Travellers in Irish society. It is necessary to understand the Traveller child within an historical, cultural and political context, rather than in isolation. We must take account of Traveller attitudes, values, and the structures within the Traveller community, as well as considering 'settled' attitudes and values. Only then will we be in a position to appreciate how policy develops to influence the provision of

services, which in turn will impact directly on the lives of Travellers and their children.

In order to profile the many factors that affect Traveller children, we must attempt to consider the perspective from inside their own culture and their particular identity as well as in terms of the impact of the wider 'dominant' culture in society. Almost immediately the dearth of accurate statistical and demographic information available about Travellers (who number more than 27,000) becomes obvious. Particularly obvious is the almost total lack of information about Traveller children. At the outset it should be emphasised, therefore, that research to provide basic information about Traveller childhood in Ireland is needed as a matter of urgency.

*"Substantial progress has been made for the education of Travellers in recent years...But there has been virtual inertia in assessing the effectiveness of services, improving overall administrative structures, providing high quality specialised teacher training and engaging in research."*<sup>1</sup>

Traveller children represent a minority within a minority and suffer all the ill effects of inadequate accommodation, poor living standards and discrimination that the community as a whole experiences. From the limited, though out of date information, which exists, we know that Traveller children are especially vulnerable to ill health and poor physical development. Access to pre-school services is very inadequate, and recent statistics show that some 4,300 Traveller children (or 90%) of the primary school age group are currently attending school. As few as 1,500 children participate in second level education<sup>2</sup>, revealing that many are not continuing their education into second level, let alone beyond. Participation is about much more than attendance, however, and these children need acknowledgment, understanding and support to access a curriculum,

*1: Irish Association of Teachers in Special Education (2001): Education for a Pluralist Society: The Direction of Intercultural Education, Dublin: IATSE, Drumcondra Education Centre.*

*2: Department of Education and Science Press Release, 20th September 2000.*

which was developed from a majority perspective. Current teacher training programmes do not adequately prepare teachers for this role. The reality for a lively, bright Traveller child, who enters the formal dominant society through school at age 4, can be an experience that is detrimental to the continuing development of self-esteem and pride in Traveller culture.

Outside the school context, Traveller children have grossly inadequate and unsafe spaces to play, and experiences of accident and injury are commonplace. These factors combined, amount to considerable experience of disadvantage early in life. Irish society still has a long way to go in embracing the Traveller child in its service provision as 'dominant' attitudes prevail at both personal and institutional levels. While undoubtedly there have been improvements at policy and at local levels, ongoing gaps are evident in translating policy into effective change which will affect the everyday lives of the Traveller child through quality and culturally appropriate service provision.

It is necessary to examine the perceptions of Travellers, and the thinking and changes in thinking that have underpinned policy developments over the years, which in turn have determined the provision of services for the Traveller community. A brief chronology of policy development is outlined below which offers insight into how the life of the Traveller child has been and continues to be influenced by decisions made at policy level. These decisions have resulted in service provision that has been misdirected or misinformed and consequently often fail to meet children's needs in daily life.

## Who are the Travellers?

*"Being a Traveller is the feeling of belonging to a group of people. Knowing through thick or thin they are there for you having the support of family systems. Having an identity." Michael McDonagh<sup>3</sup>*

3: DTEDG & Speirs, D. (1991): *Pavee Pictures. Dublin Travellers Education and Development Group*. p. 28.

Travellers can be traced back before the 12th Century through mention in the law, and through analysis of their language, Cant. Travellers are a small, indigenous minority ethnic group with a nomadic tradition. They identify themselves as a distinct community and are seen by others as 'different'. They share common cultural characteristics and traditions, which are evident in the organisation of family, social and economic life. Travellers have a long shared history, a distinct language and oral tradition, and a distinctive family-based structure. Living in extended family groups is a key feature of Traveller identity and community, and sets them apart from the settled population. The practice of Nomadism has been a defining characteristic of the Traveller tradition and varied in the past from occasional to regular journeying. Today Nomadism manifests itself in a variety of forms. Travellers may choose to travel during the summer when their children are out of school in order to ensure access to education or for family events. Travelling is currently restricted by the lack of available transient halting spaces. Settled society generally fails to view Nomadism as a valid way of life and therefore unnecessary to resource.

*"It is important to realise that when Travellers choose to move into a house, it should not be perceived as an endorsement of settlement or of the settled way of life, but rather time out from the hazards that constituted life on the road." Martin Collins<sup>4</sup>*

Travellers' distinctive lifestyle, language and economy, and the fact that they marry within their own community, all help to preserve this separate culture. Travellers have a right to their separate cultural lifestyle and wish to retain their identity as a minority ethnic group, although they often face much opposition and pressure to conform to the settled lifestyle. In general, Travellers experience low social status and marginalisation or

4: Personal communication: Martin Collins, Pavee Point.

exclusion, precluding or preventing them from participating as equals in society. The widespread hostility of settled people toward Travellers is based on stereotypes and prejudice that in turn gives rise to discrimination and racism, affecting Travellers in all aspects of their lives.

Children are raised within Traveller culture, and that culture traditionally included children as part of the economic and social unit rather than viewing childhood as a distinct period of dependence, with economic and social costs. Often Traveller cultural values relating to children and young people come into conflict with 'majority' values, particularly in relation to the formal system of education, which generally requires a Traveller child to adapt to the system as it exists, rather than requiring the system to meet the particular needs of this minority group.

#### *Ethnicity and Identity*

The elements that make up Traveller culture define them as a distinct ethnic group. The acceptance of this assertion regarding the distinct ethnicity<sup>5</sup> of Travellers has not been a straightforward process for the settled 'majority' community, and has been a struggle for Travellers and Traveller organisations in Ireland. Ethnicity is about how people define themselves and mark themselves off as different from others, and is becoming more recognised as an issue in policy and policy-making than it has been in the past. Official recognition of Irish Travellers as a distinct ethnic group is now legally documented following a Central London County Court judgment in August 2000. 'Membership of the Travelling Community' is now named as one of nine grounds for discrimination identified in the Equal Status Act, 2000.

Ethnicity focuses attention on the importance of identity and cultural difference, and is defined "*as a symbolic meaning system, a way for*

5: See definition of 'ethnicity' at 6.

*'people' to organise social reality in terms of their cultural similarities and difference"*<sup>6</sup> (Tovey 1989, 8). Young children need to have their personal and group identity supported in a way that is culturally appropriate; this is no less true for Traveller children. Lacking role models within professions (i.e. nurses, teachers, etc.) from a background similar to their own does nothing to reinforce a positive self-concept in young children. The failure to achieve in the school context is undoubtedly linked to a feeling that they don't belong, coupled with the difficulties they experience in accessing the curriculum. Culturally inappropriate methods of assessment often fail to do justice to children's competencies. Expectations of under-achievement are often self-fulfilling and undoubtedly play a part too.

Children need to be encouraged to be proud of their identities and secure in their own culture and to have a positive acceptance of 'other' cultures. Depending on the social status of the group to which a child belongs, s/he may develop a feeling of inferiority or superiority. In the case of the former a problem often arises where children feel a need to conceal or deny their identity. A child from the dominant section of society, however, can internalise notions of superiority at a young age. Where there is a general belief that one group is more superior to another, there exists a core ideology of racism.

#### *Demography*

There are approximately 4,898 Traveller families or an estimated 27,000 Travellers in Ireland today; one quarter of these live in Dublin. About 15,000 Irish Travellers live in Britain and 10,000 Travellers of Irish descent are living in the U.S. It is notable that over 50% of the Traveller population is under 15 years of age, 40% are under 10 years of age, and relatively few people are in the older age categories.<sup>7</sup>

6: Mc Cann, May, Ó Siocháin Séamas, Ruane Joseph (1994): *Irish Travellers Culture and Ethnicity*. Antrim: W & G Baird Ltd. p.111

7: According to the most recent figures available: *Economic and Social Research Institute Report* (1986).

### *Accommodation*

*The Report of the Task Force on the Travelling Community (1995)* recommended that 3,100 accommodation units be provided by the year 2000 this included 2,200 units on halting sites. Only 127 halting site units have been provided during this period, refurbishment of old units continues to be carried out. There are currently approximately 1,200 Traveller families living on the roadside<sup>8</sup> with no basic facilities (such as water, sanitation and electricity); this has serious implications for general health and child development.

### *Health Status*

There is little up-to-date information available on the health status of Travellers. The 1987 Health Research Board (HRB) Study highlighted a number of health issues. Infant mortality rates amongst the Traveller community were nearly 3 times the national average. Traveller life expectancy was equivalent to the life expectancy that settled people had in the 1940s. Age distribution amongst Travellers is notably skewed: only 5% of Travellers are 50 years old or older, and only 1% of Travellers are 65 years or over compared to 11% of the settled population.

Recent figures from the Irish Sudden Infant Death Association show that the SIDS rate among Traveller families in 1999 was 12 times the national figure (8.8 v 0.7 per 1,000 live births). The HRB 1987 study showed that the SIDS rate for Travellers was 6 times that of the settled community. This means that while overall the numbers of SIDS cases are diminishing, the gap between the Traveller and settled community is widening. This suggests that information awareness campaigns about identified risk factors may be less effective in reaching Travellers as a target group. The Traveller Health Unit and Primary Health Programme at Pavee Point have produced an educational video on child health as an accessible source of information for

8: Department of the Environment and Local Government (1999).

Traveller parents; it includes information about reducing risks of cot death and asthma, and improving immunisation rates and child development generally. The video will be useful for Traveller families, health professionals, and in health education settings in Traveller organisations.

### *Data Collection*

It should be noted that accurate and current data on ethnic groups in Ireland is not available. Data gathering systems fail to identify Travellers or other minority ethnic groups and information is consequently buried amongst the 'unknowns', giving poor data quality and analysis. Ethnic monitoring of basic data sets such as the National Census of population is required in order to plan for culturally appropriate services for the Traveller community. Provision of services is hampered without precise and detailed data on the Traveller population. A proposal, supported by the Pavee Point Travellers' Centre, to include an ethnic question in the 2001 National Census was unfortunately rejected by Government. Such data is a key tool in mainstreaming equality measures. *The Programme for Prosperity and Fairness (PPF)* also recommends the development of "... a system for the collection and dissemination of disaggregated data for women and in relation to health, education and training for Travellers."<sup>9</sup>

## **Background: Policy Development**

*"We're taking control of our lives in a way that we never did before. And it will be a long time before that will have an impact on a political level. But, on a personal level that feels good – that sense of acknowledging your own self worth."* Rosaleen McDonagh<sup>10</sup>

The last 40 years have seen significant changes in the level of consultative representation or involvement of Travellers and Traveller representatives in the process of policy development. *The first Report of the Commission on*

9: Dept of the Taoiseach (1999): Programme for Prosperity and Fairness. Dublin: The Stationery Office

10: Pavee Point (2000): Pavee Beoir, Different But Equal (Video) Dublin: Pavee Point

*Itinerancy* (1963) had no direct Traveller involvement but some representation. Of the 23 people who drafted the *Report of the Travelling People Review Body* (1983) 2 Travellers were nominated from the National Council for Travellers. The most recent *Report of the Task Force On The Travelling Community* (1995) involved 6 Traveller representatives and representatives from Traveller organisations. There is a growing recognition of the need and right of Travellers to adequate representation as a minority group, with the acceptance of Travellers as agents in their own self-determination. Challenges do remain to ensure representation is properly supported and resourced and that tokenism is avoided.

#### *Perceptions of Travellers and Policy Development*

In order to understand the direction of policy development and provision of services that have impacted on the Traveller community over the past 40 years, one needs to appreciate the thinking and analysis behind these issues both at individual and at institutional levels. The manner in which the settled community (or 'majority') perceives Travellers essentially determines the direction that policy will take and consequently the rationale for service provision. Whether Travellers are seen as 'social misfits and drop-outs', or as 'a sub-culture of poverty' or (more desirably) as a 'minority ethnic group' will determine analysis of the issues involved. Policy development will directly reflect a particular interpretation of the root cause of the problems involved, which results from an understanding of who the Travellers are.

There have been 3 major reports on Travellers over the years that have informed policy-making in relation to the Traveller community:

- *Report of the Commission on Itinerancy (1963)*
- *Report of the Travelling People Review Body (1983)*
- *Report of the Task Force on the Travelling Community (1995)*

#### *Report of the Commission on Itinerancy (1963)*

The major objective of the *Commission on Itinerancy* was to outline a comprehensive settlement programme for the Traveller (*Itinerant, or 'person of no fixed place of abode and habitually wandered from place to place'*) community.

*"While it is appreciated that difficulties and objections will be met in the early years from many members of the settled population, it is not considered that there is any alternative to a positive drive for housing itinerants if a permanent solution of the problem of itinerancy based on absorption and integration is to be achieved"*<sup>11</sup>

The objective was to assimilate Travellers into settled society through providing *"dwellings as soon as possible for all itinerant families who desire to settle...the example given by those who successfully settle should encourage the remainder to leave the road"*

The purpose of education was viewed in a similar way: *"It is urgently necessary both as a means of providing opportunities for a better way of life arrangement and of promoting their absorption into the settled community..."*

There was no recognition of cultural difference or ethnicity: *"neither do they constitute a separate ethnic group"*<sup>12</sup> and the development of policy continued to focus on rehabilitation and assimilation. Essentially, the Traveller community was required to conform to the norms of the majority culture.

#### *Report of the Travelling People Review Body (1983)*

20 years later there was virtually no evidence of assimilation of Travellers into the settled way of life. This Review Body made a considerable shift in

<sup>11</sup>: *Commission on Itinerancy (1963): Report of the Commission On Itinerancy. Dublin: The Stationery Office. p. 62.*

<sup>12</sup>: *ibid p. 37*

thinking in relation to the Traveller community, and this is strikingly reflected in the terminology used. The Review Body rejected the term 'itinerant' in favour of 'Traveller' and, although any statement on the issue of ethnicity was avoided, a valuable definition of Travellers was formulated:

*"They are an identifiable group of people. Identified both by themselves and by other members of the community (referred to for convenience as the "settled community") as people with their own distinctive lifestyle, traditionally of a nomadic nature but not now habitual wanderers. They have needs, wants and values which are different in some way from those of the settled community."*

The Review Body Report failed to recognise the ethnic status of Travellers and maintained an analysis on the Traveller community that reflected disadvantage and poverty. It continued to initiate reintegration policies but replaced the concept of 'absorption' with that of 'integration' acknowledging some recognition of the "traditions peculiar to the Traveller way of Life"<sup>13</sup> albeit with a focus on adaptation and individual choice rather than collective rights.

#### *The Report of the Task Force on the Travelling Community (1995)*

The main outcome from the Report of the Task Force on the Travelling Community was to target the distinct needs of Travellers in relation to discrimination, accommodation, health, education and training and the Traveller economy in a culturally appropriate manner. The report acknowledged and recommended that the distinct culture and identity of Travellers should be recognised and taken into account. It suggested that the issue was crucial to finding real and appropriate solutions to the problems faced by the Traveller community. It presented a challenge to the settled community and especially to policy makers and those responsible

13: Review Body (1883): Report of The Travelling People Review Body. Dublin: The Stationery Office. p. 6.

for the implementation of the policies to ensure that the policies pursued were likely to have positive outcomes that were respectful of Traveller culture. This report acknowledged and defined culture as follows:

*"Everybody has a culture. It is the package of customs, traditions, symbols, values, phrases and other forms of communication by which we can belong to a community. The belonging is in understanding the meanings of these culture forms and in sharing values and identity. Culture is the way we learn to think, behave and do things".*

This acknowledgement is very important in the development of current policy thinking for Travellers unlike the previous 2 reports. The obstacles towards progress include the challenge to ensure that thinking at local level is informed by the *Report of the Task Force on the Travelling Community* and doesn't remain encapsulated by the earlier Report of the Travelling People Review Body (1983) or the *Report of the Commission on Itinerancy* (1963).

#### *Policy Effects on Children*

The 3 Reports on the Traveller community 1963, 1983 and 1995 were informed by the prevailing thinking, perceptions and understanding of the Travellers, their culture and traditions. The policies that emanated from the analysis and recommendations had and continue to have a direct effect on Traveller children, their quality of life and overall development.

The rationale behind the 1963 and 1983 reports indicated that intervention was necessary for the sake of the Traveller (itinerant) child, legitimised by the view of the Traveller lifestyle as inherently detrimental to children (Helleiner, 1998).<sup>14</sup> Recognition of Nomadism as a valid way of life was never actually considered, being seen only as detrimental to the child's physical well being and as a barrier in accessing school.

14: Helleiner, (1998): Contested Childhood: The Discourse and Politics of Minority Childhood in Ireland. *Childhood* 5 (3): 303-24.

Settlement was viewed as a legitimate way to educate Traveller children out of their way of life. The needs of children were viewed in terms of normative models of childhood, although culturally inappropriate and more inventive forms of service provision compatible with the nomadic life of families and children were not considered.

The earlier reports describe parents as having great affection for their children, however, also described them as inadequate in terms of socialisation of their children. Although no official policy to remove Traveller children into care existed, calls to 'take their children from [their families]' on the part of politicians have been documented<sup>15</sup> – a sentiment which continued to be heard up to the 70s. Many Traveller parents were understandably nervous of statutory services as a result of this attitude, avoiding seeking assistance for fear of losing their child(ren) into care. However, despite having constitutional protection as parents (like any other parents), many Traveller children did end up in care.

The most recent and most comprehensive report to address Traveller issues, *The Report of the Task Force on the Travelling Community* (1995), has brought a new analysis to official policy-making. Unlike previous reports, the analysis here offers recognition of the cultural integrity of the Traveller community. The focus on integration and assimilation has been replaced with an alternative focus on inclusion and recognition of identity, equal status and rights for Travellers in a diverse Irish society.

The recognition of the inadequacy of services for Traveller children in terms of health and education remains visible and cannot be ignored in the face of very challenging health statistics and school attendance figures. *The Report of the Task Force on the Travelling Community* (1995) specifically names culture and discrimination as barriers to Traveller

participation, however, it offers few alternatives for culturally appropriate services, particularly concerning the education system. Services and systems still fall short of meeting the needs of Traveller children, which include difficulties relating to equality of access, participation and outcome.

Some evidence of anti-nomadic preferences remains within the *Report of the Task Force on the Travelling Community* (1995). This results in a continuing denial of culturally appropriate services for Traveller children particularly in relation to accommodation and education. Recent initiatives by Traveller organisations in partnership with the health boards in the area of primary health care and the Traveller community have been far-reaching and innovative. The recommendations in relation to policy changes are very welcome and critically important for the inclusion of the Traveller child. However, change is slow in terms of direct service provision on the ground, and more importantly in relation to attitudes and practices.

## The Traveller Child

As we have seen in the above outline of Traveller relations with the majority community, Travellers are affected by the prevailing societal biases that inform policies. Traveller children do not live in a vacuum and are affected by the hostility from the majority community and the services they access. Below we look at Traveller childhood past and present, how discrimination manifests itself, how it affects the life of the child, service provision and the challenges for the future.

*The Family: The Centre of Traveller Culture*

*"All that happens in the lives of Travellers from birth to death, all big family gatherings, the christening, the marriage and funerals, are of huge*

15: Helleiner, (2000): *Irish Travellers: Racism and the Politics of Culture*. London: University of Toronto Press.

*importance because these are the events that mark different stages of our lives from beginning to end.*"<sup>16</sup> Michael Mc Donagh

The extended family is as important as the immediate family within the Traveller community. Travellers gather in large groups to support and show respect to family members in times of celebration and grief. Travellers enjoy extended family groupings, which include the immediate family unit, grandparents, uncles and aunts, and first, second, and third cousins. Working within the extended family is vital and the key to Traveller identity, and it is important to note that family identity takes priority over individual identity. A Traveller name immediately identifies 'the Traveller' within a family grouping. Large families are common although they are decreasing in size in recent years. Children, and in particular infants, hold a special place within the family unit.

#### *Traveller Childhood: The Past*

Traditionally Traveller children have been fully part of adult society speaking freely and frankly within adult company. Common space for work, home and children was not segregated and gender roles were clearly defined. From the earliest age children were integrated into the family work unit, learning skills by apprenticeship in homemaking, childminding and the economic domains, such as bartering, call back begging, trading, etc. Boys worked with men, girls with women. Parental control was strict but lessened for boys as they moved into mid-childhood and interacted more frequently in the wider society. However, it increased for girls who were restricted by household chores and childminding duties. Girls were also carefully chaperoned once they entered adolescence. Rough play in children was tolerated, and play activities not seen as particularly relevant. These life skills and practices were part of the preparation needed for survival and for managing vital relations with the

16: Michael Mc Donagh: *Travellers Citizens of Ireland*, p.30

dominant society. Children were highly valued and loved. When necessary, childcare was always supplied by the extended family circle. Traveller children were needed and essential to the family's survival and operation, often appearing mature beyond their years to a settled person's novice eye.

Apprenticeship-based education was seen as having a far superior value for Travellers than the formal education system. The acquisition of essential skills supported the positive identity of children. In the past Travellers saw value in the formal education system in terms of transmitting literacy skill, the sacraments (Holy Communion and Confirmation) and as necessary to keep social services happy. However, the downside is an educational system that could effectively damage the self-worth of the Traveller child.

#### *Traveller Childhood: The Present*

Not unlike the settled community, Traveller childhood has changed. However, many Traveller parents still maintain many of their traditional principles although modified. Traveller family size is the most significant change in recent years – while remaining high in relation to the settled community – Traveller families now average around 3.5 children per family. Children are still very much active participants, confident and mature in adult company. Apprenticeship home education skills are still vital and valued, however, Traveller children are accessing school more frequently with some remaining into the early stages of the second level system. Girls are less restricted by childminding duties, yet continue to be monitored in early adolescence. Many Traveller women are now accessing training courses or employment, mainly in the voluntary sector, which often includes a childcare facility. Therefore, Traveller girls have less regular responsibility of caring for the younger children.

Racism and discrimination are frequent in young Travellers' lives, as evidenced in focus groups held with young Travellers (2000)<sup>17</sup>. With increased contact with the settled community, young Travellers report heightened experiences of hostility, particularly within the education system and local community settings. As a result some young Travellers deny or rework their identity in the face of new levels of discrimination and racism.

#### *Travellers and Racism*

Racism involves oppression based on a power imbalance between groups, on the basis of skin colour, cultural difference or imagined physical difference. In recent years there has been a growing public acknowledgement that racism is a problem in Irish society, many seeing it as a new issue. In fact, it is not new to Ireland. Black and other minority ethnic groups have experienced racism for generations, and these groups include the Traveller community.

The widespread negative stereotype of Travellers, and the notion that their way of life is implicitly inferior, are used to legitimate discrimination against Travellers. Incidents are common such as resident associations organising themselves against the provision of Traveller accommodation, the daily incidents of refusal to serve Travellers, the pressure to deny their identity to secure employment, or the fear that Travellers have of losing their job as a consequence of their true identity coming to light.

Racism is also evident at an institutional level although it is not as visible or obvious. The fact that the majority of public services are designed by settled people for settled people mean that health, education and social welfare services often fail to meet the particular needs of Travellers as well as other minority groups. If the needs of minority groups are not included

17: *Pavee Point*

at the planning stage of these services, however unintentionally, the result is that these groups are effectively precluded. The effect of this less visible type of racism can be devastating and manifests itself, for example, in terms of unfavourable health outcomes relative to settled people. Institutional racism involves policies, procedures or practices that lead, intentionally or unintentionally, to less favourable outcomes for minority ethnic groups and is typified in our unexamined public services.

#### *Education*

*"...a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group to enjoy his or her own culture, to profess or practise his or her own religion or to use his or her own language."*<sup>18</sup>

Travellers' experience of the education system in general has been very poor. It has improved but continues to be unsatisfactory and this is well documented. Resources have been increased recently to encourage greater access and participation levels. However, the Traveller child faces specific, continuous and overarching barriers within the system. Access continues to be problematic, as exemplified in a recent Galway case.<sup>19</sup> The curriculum implemented is one that originates in and belongs to the dominant culture, and has little or no recognition or validation of Traveller culture within that curriculum. Ongoing discriminatory practices and low expectations of Traveller children by staff at all levels, and classmates who unknowingly carry through such bias, is the reality for most Traveller children. It has to be acknowledged that many enlightened teachers have struggled to affirm and assist children within the system – sometimes with negative consequences for themselves within the staffing group. However, Traveller children still do not achieve quality outcomes from the system. The question is – why?

18: *UN Convention on the Rights of the Child, Article 30.*

19: *McDonagh, Michelle (2001): Irish Times, September 11th, 2001.*

All children enjoy and respond to positive affirmation and a Traveller child is no exception to this rule. However, the educational system, from training through to practice, does little to facilitate the educator to recognise or validate Traveller culture. The system is now beginning to recognise the need to challenge racist or discriminatory practices or attitudes within training modules and this is very welcome. The consequence of leaving educators ill-equipped to educate children from differing ethnic backgrounds, with different learning styles or different value systems is irresponsible of the Department of Education and Science. The importance of the need to address these areas within pre-service and in-service training for educators cannot be over emphasised. Material resources alone will not achieve results for a child who is trying to learn in an environment in which they may not feel they belong, unless there is attitudinal change from society and individuals where the child is interacting on a daily basis. Current lack of recognition of Traveller culture and continued alienation of children simply cannot continue. We can no longer insist that the child fits the service; we must ensure instead that the ways of the service fit the needs of *all* children.

## Challenges for the Future

There are many challenges for Irish society at national, regional and local levels to ensure that Traveller children have equality of access, participation and outcomes in order that they have opportunities to achieve their full potential. Recognition of their ethnicity and distinct cultural identity is a prerequisite to the Traveller child being fully respected and included in the wider society. The development of services that are truly intercultural and anti-discriminatory is also essential. The dearth of research and disaggregated data on the Traveller child is evidenced in this article and requires action in order to provide a clear analysis and appropriate service provision to the community. Research on the needs

and rights of the Traveller child is vital, particularly in the current climate of change at national level within the early childhood care and education sector. Traveller organisations need to be resourced in order for them to represent the needs of the Traveller child at local, regional and national levels. Pavee Point continues to work with relevant government departments to further this aim.

In conclusion, it has to be recognised that minority groups have not been cowed by the majority definition of their place and role in the world. They have resisted their subordination overtly and covertly in the routine of everyday life and in liberation struggles. This is an indication of the deep roots of cultural identity. It suggests that cultural diversity rather than domination by one group should be seen as the 'norm'. The challenge is for society as a whole to find imaginative ways to be inclusive which, in effect, means becoming intercultural.<sup>20</sup>

20: Murray, C & O'Doherty, A (2001) *Éist: Respecting Diversity in Early Childhood Care, Education and Training*. Dublin: Pavee Point.

# Educate together

*Paul Rowe, Chairperson EducateTogether*

Although there have always been rich veins of cultural and religious diversity in Ireland, lodes of different hues that have regularly erupted on the surface with significant contributions in all walks of life, it is only the past few years that this diversity has been recognised as an inescapable fact requiring changes in legislation, planning and state provision.

The end of emigration, the return of emigrants well versed in the ways of other cultures often with non-national partners and children of mixed nationality; the general increase in prosperity; the Good Friday Agreement; the inescapable evidence of shameful treatment of the travelling community; the cheap availability of foreign travel; the accelerating embrace of internet communications and the start of significant inflows of non-national people all have combined to create a society that is diversifying rapidly and in ways that have previously not been

encountered. There are so many factors fuelling this diversification that even if a few of these should be removed – say for instance by a temporary economic downturn - the momentum is such that this diversification is inevitable and irreversible.

The ramifications for a modern European state, emerging from a recent colonial legacy are profound.

Traditionally in Europe, particularly in countries with histories of empire and colonisation, the pressures of diversity have either been exploited or regarded in a negative way – even by those who have advocated reform. The demands of diversity are regarded as ‘a problem to be solved’ or ‘a potential danger to society if handled inappropriately’. In many cases, societies have had to learn to accommodate and tolerate diversity after long histories of appalling treatment of minorities. In too many countries, minority communities were placed under such pressure that they congregated in ghettos for their own protection. Racial and national minorities were faced with legal and professional restrictions; they were exploited as cheap labour and subjected to contempt, fear and often violence by majorities. In most of these societies, despite a variety of legislative advances including adoption of progressive laws, racist, sectarian and undemocratic attitudes have become engrained in the institutional fabric and are practiced often unconsciously inside the organisational culture. In today’s world, these societies are now facing the huge task of redressing these institutionalised and cultural attitudes and policies.

In Ireland, an ex-colony now elevated to a member of the European superpower, history has dealt a very different hand of cards. If Irish independence had been achieved in the 1790s, there would be no doubt that our national aspirations would have joined those of the rest of Europe and have included the growth of an empire. It is a great advantage derived from the misfortune of our history that our state emerged in the century

of national liberation, human rights and democracy rather than that of empire and capital. As a result our institutions and culture have not had to find justifications for wars of conquest and the enslavement of subject peoples. The fact that as a people and culture, we are immersed in the experience of victims of such policies, offers a powerful foundation from which to address these issues in a new and positive way.

In practice we are struggling to avail of this opportunity. To those who are working in the field of human rights in Ireland, there would appear to be a constant battle against a political and administrative establishment that seems determined to repeat the mistakes of other nations rather than learning how to avoid them. The recent decisions to bar asylum seekers from work to support themselves and contribute to society appear to be a case in point. The measure possibly could not be better designed if it had been intended to induce resentment amongst the disadvantaged in our society who themselves receive scant support from the state. We also have to deal with the insecurity and defensiveness that is an inseparable attribute of countries emerging from a colonial past who are rightly determined to reassert an identity that has been subjugated, sneered at and suppressed over centuries. However, eighty years after the formation of the state, we are moving to confront and deal with a legacy of rigid definitions of national identity and inappropriate and sometimes authoritarian policies towards religion, the Irish language, education and children.

Our state's policies towards the rights of children, and in particular the rights of families and children interfacing with the education system graphically illustrates these factors. History will show that the state abdicated its responsibilities for the provision of education services from the very first years of its existence and allowed the religious authorities both catholic and protestant to take responsibility for the planning and provision of schools.

As we now realise, this included a wide range of additional special purpose educational institutions. This policy was later cemented in the Constitution, that limited the obligation of the state to "providing for" education and supporting private initiatives in this field rather than committing it to the direct provision of state education. It was also clearly institutionalised in the clause – now thankfully removed - establishing a special position in the state and its laws for one particular church.

The ramifications of this abdication of responsibility for education have been very painful for minorities, whether religious minorities or the disabled, deaf and blind or the unwanted vulnerable children whose tragic stories are due to be told and retold in the upcoming proceedings of the Laffoy Tribunal. The consequences for the rights of children and parents of an authoritarian private regime in education, setting and enforcing its own ethical standards and often capable of resisting the efforts of state officials to investigate and act are an unacceptable episode of our history that cannot be condoned or justified by glib references to the 'standards of the times'. The most telling evidence of the attitude of the state and its Education Inspectorate is that this body inspected numbers of children to calculate entitlement to grants and the delivery of academic standards and discipline in class by the teaching profession, but held that the ethical policies of the school (including the rules concerning corporal punishment when this was still permitted) was not subject to their jurisdiction or control.

Another example is the reluctance of the state or any political party to legislate in this area. It is quite extraordinary that education is the last major Irish government department to have its powers underpinned by comprehensive legislation. The Education Act (1998) and the Education Welfare Act (2000) are the first Education Acts passed by the modern Irish state.

They have only come into power 80 years after its formation and it is only now that those in education have a legislative framework, which defines their rights and obligations and those of the Department of Education and Science.

Despite the fact that the Education Act is derived from the limitations in the Constitution towards "provision for" rather than direct provision and its support for private (religious) initiative, the act is proving to be a powerful instrument whereby rights in the system can be enforced for children and parents. The preamble of the Act obliges the state to support diversity of provision in a system that has been almost homogeneous and this is beginning to facilitate the development of schools that break the mould of the hierarchical structures of the past.

It often comes as a surprise to many Irish parents to be told that of the 3,181 national (primary) schools in the state; only around 120 are state owned. This is despite the fact that the state provides the vast majority of the funding for these schools and has – in most cases – paid 85% of the building costs associated with them. This is genuinely a privately owned but publicly funded system. The next statistic however comes as no surprise. 99.1% of these schools are religious schools. 93% catholic, 6% protestant, one Jewish and now two Muslim. However, the legal position of these schools under the Education Act is new. The Board of Management of all schools is now legally obliged to uphold the ethos of their patrons. In other words, the control of religious ethos, which was hitherto maintained by the rights of private property and religious personnel, are now carried out by lay people and is enforceable by a simple application to a court.

The impact of the Education Welfare Act is also interesting. This act gives the state considerable powers to enforce the attendance of a child at a

particular school. It also effectively raises the standards required for a parent to home educate so high that this – coupled with the economic pressures on new families that require the salaries of both parents– makes this option unfeasible for the vast majority.

What emerges is a particularly difficult environment for the ethical rights of parents and children. The state is actively re-enforcing and supporting a monopoly of private religious provision of education and at the same time arming itself with powers to compel attendance and to restrict home education. In effect, despite the fine phrases in the preamble of the Education Act, the state has placed itself in the position where it is compelling the parents of a child who are of a minority ethical persuasion to send their offspring to a school that is legally obliged to uphold a religious ethos that conflicts the child's and the family's conscience.

Denominational schools provide religious instruction in a particular faith within the main school programme and at best compel children of those who dissent to visibly "opt out" of the most overt forms of this instruction. This is an option that has been established in the constitution and is often referred to in the state's defence. However, it is important to point out that since the "integrated" New Curriculum of 1971 (the one that has been introduced in 2000 is called the "Revised" Curriculum), it has been accepted that the inculcation of religious ethos should permeate the whole school programme and in practice the attempt to "opt out" only refers to specific classes such as Communion and Confirmation. The child of a minority family effectively has to learn in an environment permeated with the culture, beliefs and "characteristic spirit" of a religion that his or her parents may consider to be at variance with their own beliefs and culture.

When a child opts out of religious instruction classes they then have to expose

them selves to the full rigour of the social pressure of their peers. They stand out in just as visible a way as those from different racial or ethnic backgrounds. In fact that act of "opting out" in many cases is more isolating and dangerous because by doing so the child specifically declares that he or she "does not belong" and is outside the majority community of the school.

Parents and children who have been placed in such a position have widely differing experiences and it is important to recognise the efforts of many conscientious teachers in this system who have sought to mollify this situation. However, it is more than unacceptable that we should place our youngest and most vulnerable in such a situation. It is a place that few of us would wish to be in with its obvious potential for intimidation, isolation, ostracism and many forms of bullying.

What is much more worrying is the fact that there are clearly a large and inevitably uncounted number of children who decide not to place themselves in this position and are supported in this by their parents who feel that they are offered no alternative. The message that either of these responses sends to children is stark. It is of a system that has no respect for them as a person, a system that seeks conformity rather than cherishes the value of their identity. It sows the seeds of alienation and if education is to be defined as a process whereby the infinite potential of the human spirit is empowered and drawn out, it must be condemned not only as a violation of the rights of children but also as profoundly uneducational.

This message is not only sent to those children who have an overt minority identity but also to every child in the system every child that is exploring their own identity, every family that is uncomfortable with majority views and every teacher in the process. It is also vital to acknowledge that this

situation is increasingly recognised as unacceptable to those involved in the management and patronage of religious schools. The responsibility for maintaining this monopoly of provision with no parental choice or respect of difference lies fairly and squarely with the state.

The standard response of government when confronted with these issues is to reply that the family can either home educate or can combine with others of like mind to establish a school that conforms to their ethical preferences. The first option simply is not available to the majority of new parents. The second response has been taken up by a small but increasingly confident group of parents in Ireland and has stimulated the development of the multi-denominational school sector in Ireland and the growth of Educate Together as the national body advocating and supporting such schools.

The Educate Together model of school ethos and governance originated in 1975 in Dalkey and the first school set up was the Dalkey School Project that opened its doors in 1977. Now in 2002 there are 21 such schools and six more are planned to open this September. All are national (primary) schools operating under the regulations of the Department of Education and Science and teach the same curriculum and receive the same grants as all other national schools in the system. The Educate Together schools have been set up by groups of volunteers who have shown enormous commitment to the rights agenda in Irish education.

It is a lasting disgrace that this commitment has so often been met with administrative and political indifference and resistance and that the groups opening such schools have received so little state support. Up until 1998, these groups of parents had to fundraise to buy the sites and pay 15% of the building costs of such schools. Even today, the organisation

seeking to build a national network of schools, which embody commitments that should have rightly been the core values of a state education system for all its citizens, receives a state grant of less than €35,000 per annum for its entire national programme.

The fundamental characteristic of an Educate Together school that they are built from the very first on an absolute commitment to respect the identity of the child whatever that identity might be. This commitment is made in the form of a legally defined ethos. This is a legal document, enforceable in the courts. As a result, it is no empty mission or vision statement that can look good but has no real power. The following is the central part of this ethos definition. It is taken from the Educate Together Charter and commits schools to be:

**Multi-denominational** i.e. all children having equal rights of access to the school, and children of all social, cultural and religious backgrounds being equally respected,  
**Co-educational** and committed to encouraging all children to explore their full range of abilities and opportunities,  
**Child centred** in their approach to education,  
**Democratically run** with active participation by parents in the daily life of the school, whilst positively affirming professional role of the teachers.

In the Educate Together sector, it is this definition of ethos that the Board of Management is legally obliged to follow. As a result, the school guarantees a positively supportive environment for the identity of all children and also guarantees that this support continues through all the structures of the school and is extended to parents and teachers.

The schools offer an integrated programme of *religious education* for all

children in the school. This programme is to teach children *about* the religious faith systems of the world, to encourage them to respect their own and others identities, their society and environment and to adopt the fundamental moral axiom of treating others how one would like to be treated oneself. As part of this programme, the schools typically observe a number of faith festivals during the year and do so as an educational resource. Highlights would be the celebration of Christmas, Hanukkah, Divali, Celtic Festivals, Easter and the Chinese New Year. These celebrations are integrated into all aspects of the curriculum, art, music, dance, history, geography etc. and often include participation by parents and leaders of the featured religious community.

At the same time, the school's positive attitude to religious identities is underscored by their commitment to allow any group of parents who so wish to use the facilities of the school outside the main school programme for *religious instruction* classes. In this way, only those parents and children who wish to do so attends such classes, they are an "opt in" feature and no child is placed in a situation where they feel forced to participate.

The definition of the term multi-denominational has also been refined to include "all faiths and none". The vision statement of the organisation was defined in 2000 to be "Learn Together to Live Together" and its mission statement includes the central sentence "No Child is an Outsider". A direct consequence of this ethos is a deep commitment to respect for diversity and difference and to regard such diversity as a wonderful educational resource, which should be cherished and delighted in. It follows from this that these schools embody the fundamental truth that diversity enriches a society that welcomes and respects it.

The success of this model of a common delivery of a religious education

programme with support for optional religious instruction classes is central to the success of the schools. It is now increasingly being recognised to provide an educational environment that is highly beneficial to children who will be growing up in a society that will be radically more diverse than the one that nurtured their parents.

Interestingly those who are seriously interested in the religious formation of their children are increasingly looking upon the model with favour. The fact that it places the responsibility for religious formation on the family and the religious institution and then provides an environment in which children of different faiths learn in an atmosphere of respect is now being regarded as offering significant advantages. Children are taught to have confidence and comfort with their identity from their earliest experience of school. They interact consciously with other faiths and with the fact that others think differently from them. As a result they are far more likely to take this confidence with them in later life – a working life that will be global in scope and involve multiple interactions with people of different cultures and faiths.

Readers will note that this commitment to multi-denominationalism has been widened to include "all children having equal rights of access" and "all social, cultural and religious backgrounds ". This has wide implications for the school's enrolment policy, attitude towards fundraising practices and to the inclusion and integration of children of all abilities. As a result, the schools have been early adopters of multiple intelligences teaching practices, have strictly voluntary and anonymous fundraising and a first come first served enrolment policy. They are also legally bound to make serious efforts to provide for children with special needs within the school.

The legal commitment to co-educationalism and to ensuring the fullest

support for children of either gender to develop their full potential is also significant. Obviously it would be difficult to call a school an Educate Together institution if it separated girls and boys. But Educate Together is marked out from other institutions by being constitutionally bound to this principle and obligates itself to grapple with its full ramifications.

The schools develop conscious policies to counter gender stereotyping within the school and work in conjunction with the community of parents to address the peer pressure aspects that are central to any such programme. Co-educationalism cannot be merely dealt with by simply putting girls and boys together in the same classroom and teaching them the same programme. They are being educated in a society and a time, in which huge reserves of habit and culture militate against the rights of women, in which these reserves are finally being rolled back and in which young men are increasingly seeking a different and more equal and appropriate place. The Educate Together ethos obliges a school to involve itself in this process as an educational community.

To commit an educational organisation to the principle of child-centredness is no longer controversial in primary education in Ireland. In fact this principle underpins the Curriculum of 1971. However, it is difficult to understand how child-centredness can be truly implemented in an environment that does not flow from respect for the ethical identity of the child and its family. Because it is a legal commitment, it obligates the school to organise its educational programme according to the developmental needs of the children in its care. As is the case of all legal commitments the beauty is in the fact that this must be able to be verified. Far too often, where principles are aspirations without legal form they become unenforceable, empty and debased in the process.

However, this commitment comes into its own when it is applied to the secondary system. Educate Together is currently planning to open its first secondary school. It can only do so if its legal obligation to child-centredness (or student centredness) can be satisfied. This brings it into stark contradiction with the means of assessment, the characteristic spirit, the rules regulations and justice system, the teaching methods and even the training of teachers at this level of education in Ireland. In fact, it maybe the case that the greatest historical contribution that the Educate Together ethos will make to Irish education, will be in the root and branch reform of the secondary system.

This will inevitably involve its transformation from a points based system to a system that is designed to serve the rights and developmental needs of all students. Educate Together is advancing plans for a student centred secondary school, run under all state regulations, offering the full secondary curriculum. These plans place an Educate Together secondary school as part of an integrated system from pre-school to university; run under a consistent educational theory and ethos; which is modular with multiple entry points and wide participation from third level, community and parents. The fundamental objective of these plans is to practically embody in a successful secondary school whose function is to empower the rights, skills and knowledge of students.

Because Educate Together schools have all been established by groups of volunteers, it is no accident that they are committed to democratic forms of management. In practice, the schools offer unparalleled opportunities for parental involvement in the running of the school and its educational activities. At the highest level, it is expressed in the legal form of Educate Together itself, which is a company limited by guarantee, subject to a Memo and Articles and is run under the rigours of the Companies Act. The

members (who are the incorporated patrons and boards of management of schools operating under its charter) have rights of supervision and control over its board of directors and office holders. These are carried out through Annual General Meetings and Extraordinary General Meetings. At school level, all the powers of the patron (usually a Bishop in the denominational system) are carried out by a similar company limited by guarantee whose members consist of parents, teachers, ex-parents, prospective parents and general supporters of Educate Together in the area. These powers are also subject to stringent democratic review and control.

As a result, the involvement of parents in the day-to-day running of the school takes place in a legal structure that clearly defines the boundaries; the rights and responsibilities of all concerned and specifically support the professional role of the teaching staff. This creates an environment in which parents, staff and students feel great ownership of the process and that their contributions are welcomed and respected. The involvement of parents in the educational process as partners with the professional effort of the teachers is widely recognised as a major benefit to education. The Department of Education and Science has even issued a circular on the subject and created a national body designated to represent the views of parents. However, the Educate Together model places this involvement at the heart of the process of a school and provides it with legal protection.

The commitment to democratic management also has implications for the pupils and students. The legal definition is for the schools to be democratically run and specifically mentions parents and teachers but does not limit the commitment to these two groups. As a result there is an increasing trend in the schools at primary level to develop student councils and to ensure that these councils play a central role in defining the rights and responsibilities. The impact on the self-esteem, confidence and spirit

of children who see themselves as genuine and valued stakeholders in the process with real decision-making powers does not need to be elaborated.

Even with this somewhat cursory review of the operating principles and structure of the Educate Together model of school governance and the social context in which it is flourishing, it would appear to those of us working within it that it addresses a series of fundamental and objective issues within the contemporary education system in Ireland.

It is first and foremost a rights-based model, with built in legal structure, transparency and democratic review. As a result, it is in tune with the standards now expected by the general public.

It fundamentally addresses the needs of a society that is rapidly diversifying by providing a model for state education that is genuinely inclusive of all.

It addresses the imbalance in the education system. The deployment of a national network of such schools would bring the whole national school system into balance, where all those who were uncomfortable with denominational provision could avail of education under this ethos and all those who wished for denominational education would be free to avail of it in schools that were not under pressure from children and families that had no alternative.

It would clear the state of the accusation that it is maintaining a monopoly situation in which families are being compelled to send their children to schools whose ethos contradicts their conscience.

It strengthens the child-centred principle in education that has proven to

be an outstanding success in Irish primary education and whose adoption throughout the whole system is increasingly demanded by parents.

It answers the rising calls for reform of the secondary system which are emanating from third level institutions, the general public and from within the secondary system itself.

It commits schools to play their part in the ongoing redefinition of gender roles in society.

It provides a tested and secure environment for the creative involvement of parents in the educational process.

Despite all these advantages, despite all these factors that are clearly in the national public interest and that conform to prudent public policy in education for the modernisation of our society, the Department of Education and Science and the government still resists the rapid development of a national network of such schools.

Whilst professing respect for the right of parents to avail of such education, the Department will not itself provide if such a school is not available in a locality.

Groups of parents have to organise to establish a school themselves. What approaches the realms of the absurd, is that they not only have to organise the school management and provide independently verifiable lists to prove viability of demand, they also have to provide the building in which this school can start operation.

This is akin to the Department of Social Welfare acknowledging the rights

of a person to welfare benefit, but stating that it will not be paid unless they combine with others to manage and run the dole office and moreover source a building in which it can operate!

The absurdity is compounded by the fact that once the school successfully opens in temporary accommodation it automatically qualifies to be added to a list for new buildings.

The lists of buildings in which Educate Together schools have been compelled to open are simultaneously lists of honour and shame. Honour to the extraordinary efforts of the parents and teachers concerned and shame on the state that so little valued the rights of its children that it allowed such things to happen.

Spare film sets, football clubs, sports halls, community centres, scout dens, private houses, dormitories, spare nursing home wards, out of season holiday accommodation, disused factories, space in NGO buildings, converted stables are just some of the more recent examples. The private nature of the school system is illustrated by the very small number of the 21 Educate Together schools that opened in spare educational buildings even at a time when the overall number of children attending schools was in decline.

Behind this list is a more challenging one. It is the list of associations who – from no fault of their own – have not been able to source accommodation and as a result were unable to open schools, behind this list again are the hundreds of parents and children who have been denied education that respects their conscience as a result.

This system of school opening – especially the way in which the state

continues to qualify the right of access to a school that respects a family's conscience to its ability to access property is a national disgrace and will almost inevitably land the state at the receiving end of another set of comprehensive legal challenges. It is very unlikely to restrain the further development of the Educate Together schools who this year have become the fastest growing sector in Irish education.

# Children with Disabilities

*John Dolan Chief Executive Officer, Disability Federation of Ireland*

The large jar had jam written across it. On getting closer I realised something was written underneath. "Label jars not people" For our purposes we might say label jars not children. We have many labels for children; good, bad, gifted, disabled, special, homeless, disturbed, etc.

Seeing a child with a disability as having one need area in their life, i.e. the amelioration of the effects of the disability, can lead to a profound short selling of the rights of that child with his or her range of strengths and weaknesses, potential and limitations. Yet we can't treat disability as if it does not exist or as if it were straightforward and one dimensional. If anything it is a never ending process of balance and re balance.

What is certain is that each generation attempts to support children and meet their needs as best they can. Yet when we look back we might be tempted to feel that the ways of yesteryear were unenlightened or backward. This is the outcome where we bring our expectations and understanding of current society to bear on the markedly different situation one hundred and fifty, or even fifty, years ago in Ireland.

The middle of the 19th century saw the establishment of residential schools for children who were blind and those who were deaf. Soon afterwards residential facilities started to develop for people with mental handicap. Others found their way into workhouses or the country wide network of mental hospitals. From our current position our reaction might be highly critical of what looks like a segregationist approach and the direct opposite of what we espouse today.

We have good reason to be critical of separate systems because once they start there develops an impetus to keep going in that direction and hence further and further away from the notion of a community that holds to itself the responsibility and the ability to care for and to support its own as equal citizens.

In June 2000 Government announced the policy of mainstreaming in relation to services for people with disabilities. This policy works from the assumption that the starting point in providing services and supports to disabled people should be the same as for everyone else. Instead of excluding a facility that is available to the general public because it is not designed to respond to the needs of some people that service or facility is challenged to respond appropriately i.e. become accessible. Public transport services are a case in point at present.

We can have a response to mainstreaming which is supportive and enthusiastic on the basis that it is the right and sensible way to go. But it's not as simple as that.

When we go back to the practice of separate provision it is important to see it within the context of the time. In the latter half of the 19th century following the Famine the residential schools for deaf and blind children were first and foremost places of asylum. The same is true for children with other disabilities. By the middle of the 20th century Ireland was battling with tuberculosis and polio with both disabilities giving birth to a number of voluntary organisations, Rehabilitation Institution (TB), Central Remedial Clinic, Cork Polio and General aftercare Association and the Polio Fellowship of Ireland. These formed the first wave of voluntary organisations that were lay run and community (non residential) focussed. Prior to that non state support came mainly from religious congregations or organisations with a strong religious ethos. From the 50's on there has been a huge growth of voluntary disability organisations with a focus on keeping the child or adult with a disability involved in the community through participation in their family.

Prior to the establishment of Western Care in the late 60's intellectually disabled children born to parents in Co. Mayo went into care and there were basically four options one in Louth, two in Dublin and one in Cork. Coinciding with the social and economic development that started in the 60's there commenced the parent driven movement to have services provided locally whereby the child could continue to be a part of the family. Similarly adults with disabilities and others were also forming organisations to campaign for full inclusion of disabled people across all areas, education, training, employment, access, transport, housing, sport, etc.

Over the same time health care has hugely improved and now many babies are being born and survive who otherwise would have died. This brings new challenges to us all as the boundaries get pushed further out.

Separate provision or as it was usually referred to special provision left society in general off the hook. We could all continue to live in, and develop, a society where people with differing needs or people who required different responses to their needs were not involved. Not alone have we now to factor into our every day week a consideration of how to appropriately respond to children with disabilities (mainstreaming) but we have to be conscious of other issues at the same time. Firstly the range and extent of disabilities in a mainstreaming environment, and secondly the impact on the family unit, i.e. siblings and parents.

In the 19th century the range of conditions seemed to be few and the language used direct; blind, deaf, deaf and dumb, crippled, imbecile. By the middle of the 20th century we were grappling with epidemics of T.B. and polio which spurred the development of lay community based organisations. Also there soon followed organisations dedicated to supporting people with specific conditions such as cerebral palsy and spina bifida. This trend to develop organisations supporting people and families dealing with a specific disability continues to this day. It will continue based on the commitment of people to respond to their own needs within a community context and the ever increasing capacity of health services and medical research. While society is challenged to fully and equally include children so too are the growing number of disability related organisations challenged to operate in a supportive and inclusive way.

There is already a shift away from the idea of a service providing organisation seeing itself as the provider of all services from the cradle to

the grave without any meaningful recourse, or challenge, to the broader community. While voluntary disability organisations will continue to be at the centre of support and service provision they will do so more and more as supporters of and guarantors of mainstreaming and community responsibility. As this shift is taking place there is a complimentary shift in the way in which organisations with a remit to support children outside of a specific disability context see their work develop. No longer is it a valid starting point to construct the issue of supporting children on the basis that there are children with disabilities and there are other children. The Government policy of mainstreaming has also acknowledged that such a starting point is not acceptable. All organisations must work hand in glove with each other to give children with disabilities and disabling conditions the support they need and the support their families need to develop within the community.

Secondly it is also an inappropriate starting place to presume that we must solely or exclusively focus on the child with the disability. His or her brothers or sisters must also be considered. It cannot be assumed that their development may not be hindered if too much responsibility is thrust upon them or if they consider that they too are not at the heart of their parent's consideration, love and affection. Likewise, parents need encouragement, emotional support and a range of practical supports.

We also have to consider issues which arise where a parent has a disability. A range of issues may arise here from lack of income to social exclusion. Parents with disabilities need adequate income and support structures so that they can be fully involved in the growth and development of their family. Often children and young people find themselves having to take on adult care responsibilities either for a sibling or a parent with a disability.

In recent years Ireland has experienced continuous economic growth, yet people with disabilities are still living in poverty. So too are their families and carers. Research shows that in 1997 72% of all households headed by an ill/disabled person were living at or below the 60% poverty line.

Anecdotal evidence over the years suggests to me that the onset of a disability within a family, whether the person affected is a parent or child, can sometimes be the trigger, or have the potential, for an unravelling of relationships particularly between the parents. When the female partner becomes disabled there may be a greater likelihood of the male partner becoming alienated from the relationship.

More and more families are now based around one parent. This is a challenging situation in the best of circumstances. How is that parent and family to be supported where he or she is, or becomes, disabled or where a child is disabled?

In recent years I have had a number of conversations with adults that were disabled as children where the subject of childhood came up. One man set out how at the age of seven or eight he cried his way through a six month admission in an orthopaedic hospital back in the 50's. He was almost 200 miles distant from his family. In the same conversation he spoke of his admiration for his parents and the description of his father taking him twice daily on the bar of his bicycle and helping him in and out of the classroom.

A young woman who at 20 secured a place in an old persons home on the understanding that her family would not visit there as they were travellers. She spoke of her feelings of guilt and compromise around her mother who would have shared the traveller attitude of always keeping the family

together and consequently regretted ever leaving her daughter go into care as a child.

In a conversation recently with a retired man we realised we both knew a woman who had spent her childhood in a residential institution in Dublin. I was amazed when he said she was from Donegal. I eventually accepted that we were indeed talking about the same person because to me she was from Dublin. He had not met her for years, but told me about a visit he made to her mother's house when he was working in Donegal. The mother broke down in tears at the realisation that someone who was a stranger to her had way more contact with her young daughter.

On the 9th December 1952 the Medical Superintendent of a Dublin hospital wrote to the mother of a young boy who was then a patient. He wrote as follows:

*"I am glad to tell you, with reference to the enquiry in your letter to the Matron, that xxx has made a good improvement since his admission. As I told you before, he will require a fairly long period of hospital treatment, but we are more than contented with his rate of progress. I do not think you need bother yourself to come and see him. He is quite happy, but if you would like to send him building blocks, as you suggest, or any other toy, I am sure he will be very glad to have them. Usually we are pretty well supplied with toys at Christmas, but, no doubt, he will like to get something from you personally. If you do manage to get to Dublin there will be no difficulty about you seeing him. In the meantime I do not think you should worry as he has now good movement in both his legs and his right arm, back and neck muscles are also improved."*

That boy, now a man facing sixty, keeps that letter always close to him as

he does a photograph of his first Holy Communion. He doesn't recall the other four boys and two girls, just the name of the priest and that he was then in Cherry Orchard Hospital in Dublin.

A few years ago I chaired a meeting that was considering respite care for children with disabilities. A mother towards the back of the room spoke of the impact on her family, and outlined how she and her husband took turns each night getting up at regular intervals to turn their infant son in his bed. They both had their day's work ahead of them – her husband went out to work while she cared for their three children. She was describing the sense that her family were on their own in dealing with the situation. She said that although her son subsequently dies, she was happy and content that he had been cared for within the family. Sitting directly in front of me were two parents and three of their children, two of whom had a terminal condition. Their experience was one of having to go from one agency to another, one scheme to another, trying to get any support possible.

These were parents who only wanted to carry out fully their responsibilities and duties to all their children. They badly needed supports and services to relate to them as a family unit. We are not there yet.

For many adults with disabilities and for many older parents the past is the continual memory of lost family life for both children and parents. There are no simple clear answers other than for us all to struggle together to ensure that children have the support which they need to grow up with their parents. It is not good enough not to have institutions any more. It is about all of us as a society ensuring that we work hard together to put in place the practical supports that are needed on a daily basis to support families.

# Unaccompanied Minor Asylum Seekers in Ireland

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During the last decade, there has been an unprecedented increase in the number of people seeking asylum in Ireland. In 1992, 37 people applied for refugee status in the country; by the end of 2000, the number had risen to 10,900. Ireland has traditionally been more noted for its out-migration than for the in-migration of non-nationals, with the result that the first substantial legislation relating to refugees and asylum seekers was not implemented until the enactment in 2000 of the 1996 Refugee Act (as amended). In the last few years, concern has grown about a particular group within the asylum process. These are unaccompanied minors or separated children, i.e. children or young people who under the age of 18, are not in the care of a parent or guardian, and who apply for asylum. Their situation in Ireland requires special attention at the present time. On the one hand, a comprehensive body of rights exists that relates to their situation, while on the other, asylum applications from separated children

are a new phenomenon in Ireland and some of the policies concerning their entitlements are still evolving.

This article discusses the situation of unaccompanied minors, outlining some of the reasons why children and young people may become separated from their families and forced to apply for asylum in other countries. It reviews international conventions relating to their rights and domestic policies on the issue. The entitlements of unaccompanied minors while awaiting a decision on their applications are then outlined, and some of the problems that they may encounter on their arrival in Ireland are described. In conclusion, some of the areas that need to be addressed in order to ensure that the rights of unaccompanied minors are upheld are briefly discussed.

## Who are Unaccompanied Minors and why do they look for Asylum?

Under the terms of the 1951 Geneva Convention, of which Ireland became a signatory in 1956, a refugee is defined as a person who has fled his or her country and is unwilling or unable to return because of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

In Ireland, Article 1(1) of the 1996 Refugee Act (as amended) has extended the term "membership of a particular social group" to include membership of a trade union and membership of a group of persons whose defining characteristic is their belonging to the male or female sex or having a particular sexual orientation. An asylum seeker is a person who has applied to be granted refugee status. As a signatory of the Geneva Convention, Ireland is obliged to examine each application for asylum that is lodged here. Anyone who is waiting for a decision to be made about her/his

application is therefore legally allowed to reside in the country.

According to the UNHCR, an unaccompanied minor is a person who is under the age of 18 or the legal age of majority, is separated from both parents and is not with and being cared for by a guardian or other adult who, by law or custom, is responsible for him or her.

Their situation has started to attract notice both in Ireland and throughout the EU, partly because it is becoming more and more common for young children to present themselves to immigration officials as unaccompanied asylum seekers, but also because of the circumstances that lead to their seeking refugee status. According to the Separated Children in Europe Programme, unaccompanied minors may be seeking asylum as a result of fear of persecution or lack of protection arising from human rights violations, armed conflict or disturbances in their own country. They may be the victims of trafficking for sexual or other exploitation, or they may have travelled to Europe to escape conditions of serious deprivation.<sup>21</sup>

A Barnardos report on refugee and asylum-seeking children<sup>22</sup> states that many of them will have left behind difficult and sometimes traumatic situations, which places them in a particularly vulnerable position. Children can easily become separated from their parents in situations of conflict or flight. The UNHCR<sup>23</sup> notes that boys and girls who are on their own make easy targets for recruitment into armed groups, as combatants, porters, spies, or servants. In addition, they can be at high risk of exploitation, physical and sexual abuse, and even death. According to a 1997 report by the UNHCR, unaccompanied or separated minors are one of the groups most at risk within the populations affected by an emergency. Children and adolescents are in need of care and protection that they are not able to provide for themselves, as a result of which they may suffer from long-

21: <http://www.Unaccompaniedminors/definition/children.first.html>

22: Barnardos, *Meeting the Needs of Refugee and Asylum Seeking Children in Ireland*, (2000:14), Policy Briefing 5, Dublin 2000.

23: UNHCR, *Report of the UNHCR: Question Relating to Refugees, Returnees and Displaced Persons and Humanitarian Questions*, A/53/325, Paragraph 6, August 26, 1998.

term effects if their physical and developmental needs are not met: Few threats to a minor's well-being and long-term development equal that of being involuntarily separated from his or her parents and family. Immediate care and protection is needed, with consideration for the **minor's long-term prospects**.<sup>24</sup>

The Danish Refugee Council<sup>25</sup> notes that their abrupt separation from their families and homes can leave minors confused about their identity and lacking in self-esteem. In addition, the fact that many of them come from societies that are experiencing civil disturbances means that they may have been exposed to traumatic experiences that include fighting, shelling and bombing, displacement, and living in refugee camps. Such experiences can have profound consequences for their psychological development.

## The Rights of Unaccompanied Minors

Specific mention has been made of the rights of unaccompanied minors in various international conventions and resolutions, in recognition of their particular vulnerability. Foremost among these is the UN Convention on the Rights of the Child (CRC). The CRC, which was ratified by Ireland in 1992, contains several articles that refer, both directly and indirectly, to unaccompanied minors. In particular, Article 22(1) states that:

States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other human rights or humanitarian instruments to which the said States are Parties.

24: UNHCR, *Report of the UN High Commissioner for Refugees, Question Relating to Refugees, Returnee and Displaced Persons and Humanitarian Questions: Assistance to Unaccompanied Refugee Minors*, A/52/273, August 1997.

25: Danish Refugee Council, *Unaccompanied Children in the Danish Asylum Process*, 2000, Danish Refugee Council, Copenhagen, <<http://www.english.drc.dk/reading/publications/unacc/kap3/index.pb> >

Other references made to unaccompanied minors include Article 22 (2), which states that:

in cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason.

In addition, Article 20(1) refers to the duty of the State to provide special protection and assistance to children who are deprived of their family environment, and Article 39 places an obligation on the State to facilitate the physical and psychological recovery and social integration of child victims.

Also at an international level, the 1997 Council of Europe Resolution on unaccompanied minors who are nationals of third countries (97/C/221/03) treats of the position of separated children. The resolution establishes guidelines for the treatment of these minors, covering such areas as the conditions for their reception, stay and return. Among other provisions, Article 3 sets out the minimum guarantees to which all unaccompanied minors should be entitled, including their right to necessary protection and basic care, their right to family reunification, to legal guardianship or representation, and to education and medical treatment. Article 4 covers the issue of asylum application procedures, including the accommodation of unaccompanied minors throughout the process and the way in which interviews should be conducted and applications assessed. Article 5 sets out provisions concerning the return of unaccompanied minors to their country of origin.

Further policy measures are contained in the Statement of Good Practice (SGP) produced by the Separated Children In Europe Programme, which

aims to ensure that the rights of unaccompanied minors are respected at all stages of the asylum process. The SGP contains specific provisions relating to registration and documentation, family reunification and care placements. The Programme is a joint initiative of the Save the Children Alliance and the UNHCR, and involves 27 countries across Europe.

## Domestic Legislation and Policies Relating to Unaccompanied Minors

According to the Office of the Refugee Applications Commissioner, a total of 300 unaccompanied minors applied for asylum in Ireland in 2000. Of this number, 201 were male and 99 were female. In the first seven months of 2001, 425 applications were made by unaccompanied minors, 261 of whom were male and 164 of whom were female. In 2000, the main countries of origin were Nigeria (155 applicants), Romania (28 applicants), and Sierra Leone (20 applicants). They remained the primary countries of origin in the first seven months of 2001. Other countries of origin include Algeria, Cameroon, and the Democratic Republic of Congo.

Total of Unaccompanied Minors applying for Asylum in Ireland

	2000	2001(until 31/7/01)
<b>Male</b>	201	261
<b>Female</b>	99	164
<b>Total</b>	300	425

Source: Office of the Refugee Applications Commissioner

The only Irish legislation concerning unaccompanied minors, their rights and the treatment they should receive is contained in sections 8(5) and 18 of the 1996 Refugee Act (as amended). Section 8(5)(a) states that if an immigration officer or authorised officer believes that a person under 18 years of age who is not in the custody of another person has arrived at the

frontiers or in the State, s/he should inform the relevant health board as soon as possible. The minor will then be looked after according to the provisions set out in the 1991 Child Care Act. Section 8(5)(b) states that if the health board believes that the child needs to apply for refugee status, it should appoint someone who can make the application on behalf of the child. The health board is responsible for all costs, excluding legal ones, of any application that is made. Section 18 covers the issue of family reunification for people who have been granted refugee status. Refugees are allowed to apply to the Minister for permission for a member of his or her family to enter and reside in Ireland. The Minister may also grant permission to a dependent member of the refugee's family to enter and reside in the country. In the case of an unaccompanied minor who is not married, "dependent members" may refer to his or her parents.

The 1991 National Child Care Act contains several provisions that are applicable to unaccompanied minors in Ireland, including:

- Article 3(2)(a), which states that the health boards are responsible for identifying children who are not receiving adequate care and protection.
- Article 4(1), which states that if a child who resides or is found in the area of a health board requires care or protection that s/he is unlikely to receive unless s/he is taken into care, it is the duty of the health board to take him or her into its care, and
- Article 26, under which a guardian ad litem service was established that provides for the appointment of a legal guardian to represent the interests of such children in court and to act as an independent voice in the care proceedings.

Every young person who is referred to the health board as an unaccompanied minor is seen on the day of referral by a social worker, who carries out an immediate needs assessment that covers topics such as

diet and accommodation. The social worker's first priority is to establish if the minor has family members who are already in the country. If so, steps are immediately taken to facilitate reunification. If the minor is alone, s/he is placed in designated accommodation. The health board then decides whether or not to proceed with making an asylum application on behalf of the minor. The Office of the Refugee Applications Commissioner has introduced a number of child-specific features for the processing of applications from unaccompanied minors, including the requirement that minors may only be interviewed in the presence of a health board representative.

Further references to unaccompanied minors are made in the National Children's Strategy, which proposes that unaccompanied children seeking refugee status will be treated in accordance with best international practice,<sup>26</sup> including the provision of a designated social worker and guardian-ad-litem. As part of Objective K<sup>27</sup>, the Strategy recommends that the special needs of non-English-speaking children should be recognised and that additional resources should be introduced that will enable them to participate more fully in mainstream school classes and activities.

## The Entitlements of Unaccompanied Minors

As outlined above, efforts are being made to ensure that unaccompanied minors are given due consideration throughout the asylum process. However, as a result of the fact that until recently very few unaccompanied minors applied for asylum in Ireland, policies relating to their entitlements have tended to be introduced on a somewhat ad hoc basis. For example, there tends to be some confusion about their entitlement to access the educational system: asylum seekers in general are only allowed to participate in educational courses run by voluntary organisations, but unaccompanied minors have more extensive rights because they are under 18 years of age. The following is a general outline

26: Irish Government, *The National Children's Strategy: Our Children – Their Lives*, 2000:71, Dublin: The Stationery Office.

27: "Children will be educated and supported to value social and cultural diversity so that all children including Travellers and other marginalised groups achieve their full potential." *Ibid*, 2000:70.

of their entitlements while awaiting a decision on their applications:

**Accommodation:** Unaccompanied minors may be placed in any of the following: foster care, hostels, residential units, B&Bs, or hotels. Any placements of unaccompanied minors made by the health boards are decided according to the age and needs of the individual. In the case of unaccompanied minors aged up to 12 years, attempts are made to place them with foster parents. Older teenagers may be placed with a foster carer or in supported lodging. At present, there is no residential unit specifically for unaccompanied minor asylum seekers, with the result that some are housed in existing residential units. One example of such accommodation is Sutton Castle in Dublin, which is dedicated solely to unaccompanied minors. The Clann Housing Agency is planning to open two residential units for unaccompanied minors in early 2002, one of which will provide emergency accommodation and the other which will offer medium-to long-term care.

Minors may also be housed in B&Bs or hostels that are occupied by adult asylum seekers. Various levels of support are available in these venues, ranging from the availability of cooking facilities for self-catering to the provision of three meals per day. Several unaccompanied minors have applied to live with families with whom they have established connections. Each of these cases has been assessed on an individual basis by the health boards before any decisions have been reached. The health boards do not support asylum seekers under 18 who live in private rented accommodation, except in very exceptional circumstances. So far, the policy of dispersing asylum seekers to locations outside Dublin has not been applied to unaccompanied minors. The small number who do apply for asylum at a point of arrival outside Dublin are looked after by the relevant health board in the area.

**Income support:** Unaccompanied minors receive either direct provision or supplementary welfare allowance, depending on where they are living. To date, those who are living in Sutton Castle receive direct provision, which comprises three meals a day and an allowance of €19.05 a week. It is envisaged that this model of support will become more common in the future<sup>28</sup>. Unaccompanied minors living in B&B or hostel accommodation where meals are not provided receive a supplementary welfare allowance of €106.66 a week, to cover expenses for food, clothing, travel, etc. Those who are in full-time education are entitled to receive Child Benefit. In addition, they may be entitled to such benefits as travel subsidies and the Back-to-School Clothing and Footwear Allowance. Their eligibility for these benefits is decided on the basis of individual needs assessments, which are carried out by Community Welfare Officers.

**Medical Services:** All unaccompanied minors are entitled to free access to medical care and free medication, should they require it. They are issued with a medical card application form by their social worker and, if necessary, given assistance with filling it in. They are then assigned to a GP in the area where they are staying, who completes the form. The medical card will usually arrive within three to four weeks of the form being submitted. Voluntary health screening is available for all asylum seekers. People who are over 16 years of age are legally able to give their consent for medical screening, should they wish to avail of the service. In the case of unaccompanied minors who are under age 16 and who request or require screening, the health board must apply to the court to gain permission for the screening to take place. Testing for TB and Hepatitis B is offered to all asylum applicants, but is not compulsory. At present, unaccompanied minors are referred to the existing Area Medical Officer Service if necessary, but it has been proposed that a separate service be established to deal solely with minors.

*28: Information on some of the problems that may arise for people living on direct provision is contained in Beyond the Pale: Asylum Seeking Children and Social Exclusion in Ireland, Irish Refugee Council, 2001.*

There are no specific services for pregnant unaccompanied minors or young mothers who are under age 18. They are referred to existing services by the social work team, in addition to which their individual accommodation needs are assessed and they are assigned a specific social worker. If they are thought to be in need of additional support, they can be referred to public health nurses and family support workers.

**Psychology Service:** Unaccompanied minors in need of counselling and psychological services may be referred to the Psychology Service for Refugees and Asylum Seekers, which comes under the aegis of the Northern Area Health Board. It was initially established in response to the anticipated needs of Bosnian programme refugees, but its remit has since been extended to cover referrals of refugees and asylum seekers made by the Northern, East Coast and South-Western Health Boards. Among the services provided by the Psychology Service are a counselling and clinical psychology service and therapy and counselling for refugees and asylum seekers. One post has been specifically designated to provide services for unaccompanied minors.

**Education:** As is the case for Irish children, unaccompanied minors are entitled to attend primary and post-primary schools up to age 18. Applications for enrolment in schools can be made by the minors themselves, by project workers, or by third parties. According to a letter dated 27 September, 2001 concerning third-country nationals' access to PLCs, VTOS and Youthreach programmes<sup>29</sup>, anyone who applied for asylum in the State after 26th July, 1999, is not eligible for free PLC tuition. Exceptions are made in the case of asylum seekers who have been granted "leave to remain" or who are the parent of an Irish-born child. Unaccompanied minors aged between 15 and 18 who have not completed upper secondary education and whose circumstances mean that school is

*29: Letter to Chief Executive Officers of VECs, Principals of PLC colleges and National Co-ordinators from Assistant Principal Peter Kelly, Further Education Section, Department of Education and Science, 21/9/01*

not a viable option for them may be eligible for admission to Youthreach. As is the case for other asylum seekers, unaccompanied minors are not entitled to receive student maintenance grants. In addition, they are not eligible for free tuition in third level colleges. All asylum seekers, including unaccompanied minors, are entitled to attend the educational courses that are provided on a voluntary basis by various organisations.

## The Problems that Unaccompanied Minors may face on their arrival in Ireland

It has been noted that although not all unaccompanied minors have experienced extreme traumatic situations or traumatic bereavement, many of them have been forced to enter prematurely into independent life:

In psychological terms, all experience loss to a greater or lesser degree, loss not only of family and friends but also of a defined identity, of a belonging; all experience culture shock and post-migratory stressors associated with new language, different lifestyles and customs.<sup>30</sup>

Other common problems with which unaccompanied minors are forced to cope include racism and associated hostility, the risks of marginalisation, and insecurity and anxiety within the asylum process. Rylands<sup>31</sup> notes that it is extremely important to be concerned with the psychological health of unaccompanied minors, especially given the evidence from our own culture of the risks associated with the lack of parental structures to guide and support young people. She outlines the two main ways in which unaccompanied minors may be particularly vulnerable:

In their external world (ie, thoughts and emotions), they can be at risk of exploitation or negative influence

In their internal world, they are at risk of being overwhelmed by anxiety and loss

*30: Taken from a presentation delivered by Dr. Jennifer Rylands, Senior Clinical Psychologist with Psychology Service for Refugees and Asylum Seekers to the Conference on the Reception of Unaccompanied Minor Asylum Seekers, Dublin, June 6th, 2001.*

*31: ibid*

Culture shock can pose a big problem for unaccompanied minors. The term is used to describe the disorientation and distress people feel when they are placed in unfamiliar surroundings. It can particularly affect refugees and asylum seekers whose general way of life is very different to that of the host community into which they arrive. Typical reactions of unaccompanied minors who have experienced trauma and separation include depression, mood swings, increased levels of aggression and psychosomatic symptoms. Other symptoms of psychological difficulties are flashbacks, hyper arousal, physical symptoms, and anxiety<sup>32</sup> reactions .

Further problems may arise in cases where unaccompanied minors adopt a feigned identity throughout the asylum application process. The effects of assuming a different identity were documented in a study carried out by the Danish Red Cross<sup>33</sup> , which focused on 27 young people who admitted to having a feigned identity. They had taken on an identity in which important personal characteristics had been changed, in an effort to receive permission to stay in Denmark. As a result, they felt unable to reveal the truth about their backgrounds to anyone. The authors noted that living under an assumed identity would hinder the development of a well-integrated personality in the long term, thereby placing the minors under even greater strains. Although no studies have been carried out into this issue with unaccompanied minors in Ireland, it is possible that some are living under similar strains, in an attempt to ensure that they are granted refugee status.

In a report published by the Irish Refugee Council in 1999<sup>34</sup> , a group of unaccompanied minors discussed some of the problems that they had encountered since arriving in Ireland. Among the issues that arose was racism, with some respondents stating that they had experienced racist verbal abuse since their arrival in the country. The minors also expressed

confusion about their entitlements and about the role of the various bodies and organisations with which they had been in contact. They felt that it was unnecessarily difficult to access education, but all believed that education was essential and that they required extra support in this area. Most of them did not practise any sport or participate in any leisure activities provided by schools: they stated that the main obstacles to their integration were a lack of information and language difficulties. Among the positive aspects of their life in Ireland listed by the unaccompanied minors were the invaluable support they received from individuals and some social workers and the support that those who were attending school had received from schools and teachers.

A study carried out in 2001<sup>35</sup> , which was based on interviews carried out with 28 unaccompanied minors, noted some of the post-migratory problems to which minors are particularly susceptible. These include fears of being sent home, separation from their families and worries about their families, boredom, loneliness, and poverty. Among other findings, the study highlighted how some minors had restricted access to emotional support and advice as a result of their situation. It was suggested that activities such as attending church, going to school and using sports facilities could facilitate social integration and the development of support networks, which would address some of the main problems that minors can face. In addition, it was recommended that a register of volunteer families who could befriend and support unaccompanied minors be developed. As Rylands (op. cit.) points out, attempts must be made to help minors with ordinary psychosocial needs, in order to ensure that normal needs are not pathologised and vulnerabilities are not over-emphasised.

32: Irish Commission for Justice and Peace, *Asylum Seeker/Refugee Information Pack*, Refugee Project, 2000

33: Further details are contained in the Danish Refugee Council report, *op.cit.*

34: MacNeice, S and Almirall, L 1999, *Separated Children Seeking Asylum in Ireland: A Report on Legal and Social Conditions*, Dublin: Irish Refugee Council.

35: Rea, A *Psychosocial Needs, Social Support and Estimates of Psychological Distress among Unaccompanied Refugee Minors In Ireland*, Research Project for Doctorate in Clinical Psychology (unpublished), Queen's University Belfast, 2001

## Conclusions

Although attempts have been made to cope with the sudden increase in the number of unaccompanied minor asylum seekers, some of the measures introduced to date are less than satisfactory. For example, the present system has resulted in cases of minors being housed in accommodation that they have to share with adults and where there is no round-the-clock support for them. The issue of accommodation was raised by several respondents in the 1999 Irish Refugee Council study (op. cit), who stated that they were not consulted about their living arrangements and that they were not comfortable sharing their rooms with adults whom they did not know. Another major area of concern is the issue of access to information. Rea's study (op. cit) indicates that minors often find it difficult to discover exactly what they are entitled to. Minors should be fully informed about their entitlements to income supports, education, and free healthcare and medication, because they may find it difficult to access such information on their own. The production of an information booklet on entitlements which could be distributed to minors as soon as an asylum application is lodged on their behalf would help to address this situation.

Specific supports should be introduced immediately for pregnant unaccompanied minors and for young mothers, who are in an extremely vulnerable position. In addition to health and psychological problems they may have to face, they may be coming from cultures in which the extended family plays a big role throughout pregnancy. A dedicated service that is sensitive to the different cultural backgrounds of pregnant minors or young mothers and that provides them with health and social supports needs to be established as soon as possible.

Unaccompanied minors may find themselves very isolated from

mainstream Irish society, especially if they are not native English speakers and are not enrolled in educational courses. To date, some minors have found it difficult to source educational courses on their own. Both voluntary groups and statutory organisations can play an important role by informing minors about the various options available to them, establishing contact between them and the relevant educational bodies, and providing them with support and advice throughout the course. The provision of support and encouragement can be critical for ensuring that minors continue with courses, as problems may arise within the educational system. According to a study carried out with Irish transition year pupils<sup>36</sup>, many students found it difficult to understand the reasons why people become refugees in the first place, coupled with which there was a belief that refugees somehow have a choice to leave their country. Several of the pupils also expressed fears that Ireland would lose its culture if it became more multicultural. The findings of the study are particularly important in light of the fact that an increasing number of unaccompanied minors are entering the educational system and may be confronted by such beliefs on a daily basis.

As highlighted above, the ordinary needs of minors who are removed from their usual family and community networks must be considered. According to the Danish Refugee Council (op.cit), the presence of supportive adults can have a crucial influence on how children experience threatening situations. The organisation believes that the appointment of a guardian to each unaccompanied minor helps the child to deal with the responsibility and possible stress that results from involvement in the asylum application procedure. One example of good practice is that employed in the Netherlands: according to the Dutch civil code, the civil courts must assign a guardian to unaccompanied children who are under 17-and-a-half years old. A representative of the private humanitarian

36: Keogh, A, "Talking About the Other: A View of How Secondary School Pupils Construct Opinions about Refugees and Asylum Seekers," in *Cultivating Pluralism: Psychological, Social and Cultural Perspectives on a Changing Ireland*, eds. MacLachlan, M and O'Connell, M (2000) Dublin: Oak Tree Press.

organisation de Opbouw is appointed to the role. The job of guardian includes the following tasks: providing the child with general guidance and helping him/her integrate into Dutch society; establishing links with relevant organisations; providing advice on the minor's education; and providing financial support for the minor.

Although there are no plans to introduce a similar system in Ireland, the establishment of a voluntary mentoring system for unaccompanied minors could help to tackle some of the difficulties that they face as a result of being removed from their families and communities. In addition, it could help minors to play a more active part in Irish society.

A mentoring system could take the following forms:

Encouraging families who live in the area where the minors are living to take an interest in their lives and to offer them advice, where needed. Any interested individuals could present themselves to local voluntary/statutory organisations and be put in contact with an unaccompanied minor, after they have been screened by the relevant statutory bodies.

Encouraging their Irish peers to help unaccompanied minors within the educational system, providing them with information about schools and about Irish culture.

In order to ensure that the rights of unaccompanied minors as set out in the UN Convention on the Rights of the Child and the National Children's Strategy are respected, changes in current reception and integration policies need to be implemented. A key departure point would be increased consultation with minors on matters concerning their daily lives and the needs that they may have. Such consultation is necessary both to ensure that their rights as children are upheld and to facilitate their inclusion into Irish society. It is reasonable to assume that a certain number

of unaccompanied minors will be granted refugee status or leave to remain in the country. Addressing their concerns from the outset would help to diminish the risk of their becoming a marginalised group and make it easier for them to begin a new life in Ireland.





## Notes