



Ireland and the United Nations Convention on the Rights of a Child.

Submission to the Committee on the Rights of The Child, by the Steering Committee for United Nations International Decade for the People of African Descent in Ireland (UNIDPADI)

15 August 2022

Introduction

This submission is made to the Committee on the Rights of a Child by the Steering Committee of the United Nations International Decade for People of African Descent in Ireland (UNIDPADI), on behalf of the People of African Descent living in Ireland. This committee was formed in March 2019, following the Irish Government announcement and commencement of the process of implementing the United Nations International Decade for People of African Descent 2015-2024.

People of African Descent in Ireland

There are approximately 57,900 people living in Ireland who are identifiable as People of African descent.¹ The People of African descent have a long history of visiting Ireland, one of the earlier persons being Frederick Douglass, an African American self- freed ex-slave who came to campaign against slavery and colonialism. He stayed in Ireland for four months and in 1845 made several public speeches alongside Daniel O’Connell- the Irish emancipator.²

Earlier visitors and inhabitants of Ireland from People of African descent have been here since the founding of the Irish state. This includes their off springs, some of whom have constituted

¹ Ireland’s National Census of 2016; see also Minority Rights Group International, ‘World Directory of Minorities and Indigenous Peoples’ (Last updated in 2020) <<https://minorityrights.org/country/ireland/>>.

² The Irish Times, Fredrick Douglass and Ireland: In his Own Words: A compelling Account of a Historic Moment? <<https://www.irishtimes.com/culture/books/fredrick-douglass-and-ireland-in-his-own-words-a-compelling-account-of-a-historic-moment-1.3632025>>.



one of the most active groups of People of African descent in Ireland, which self identifies as Mixed-Race Irish.

Together with most Africans and all people of African descent who came to Ireland from 1960s onwards for education, business, work and asylum, the community of People of African origin has come to be known as the People of African Descent in Ireland.

In these submissions, the Steering Committee highlights that the Children of African Descent who are the off springs of the People of African Descent are one of the most vulnerable in Ireland. It outlines key socio-economic and human rights challenges which People and children of African Descent face in Ireland, that the Irish government needs to address, following its commitment to implement the United Nations International Decade for People of African Descent 2015-2024(The Decade).³ And as required by the Durban Declaration and Programme of Action, which seeks to ensure that racism is tackled in every aspect of life and within the Irish society, and that there is a strong anti-racist basis for multi and inter-culturalism.

African Descent People in Ireland and United Nations Decade for People of African Descent

Reflecting on the global history of mistreatment of people of Africa and African Descent community during Slavery and Colonialism through to contemporary times; the United Nations member states in the 2001 Durban United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, marked the year 2011 as the United Nations International Year for People of African Descent. Later in the United Nations International Decade for People African Descent 2015-2024, a need to focus on specific needs of People of African Descent in all countries where they live was emphasised.

The Decade called upon national governments to commit to address and remedy deficits in treatment of People of African Descent, which arise from past global history and current circumstances continued by structural and customary racial discriminatory practices. The United Nations required states to address this mistreatment and discrimination under the three themes of the international decade declaration: Justice, Recognition and Development for the People of African Descent.

³United Nations International Decade for People of African Descent 2015-2024 <<https://www.un.org/en/observances/decade-people-african-descent>> .



In Ireland, UNIDPAD specific activities started on 25th February 2019 when Government began engaging stakeholders and members of the African and African Descent Community to discuss the United Nations International Decade for People of African Descent (UNIDPAD) and its implementation in Ireland. This was followed with Irish government convening and leading a public consultation meeting with the African and African Descent Community and other stakeholders, on 3rd April 2019 at Department of Justice Meeting Hall. On 16th March 2019 in the public meeting held at the Teachers Club in Dublin, the African Descent Community present formed a Steering Committee to represent the African Community in discussions with Irish government on the implementation of the Decade and to mobilize the African community and public in Ireland to support the UNIDPAD. It is this committee that now makes these submissions.

The Steering Committee has since engaged the Irish Government through the Justice and Equality Department to adopt the program for the Decade and its implementation to address issues facing People of African Descent in Ireland as the UNIDPAD 2015-2024 requires. It also engages the African community in joint open public meetings in the counties, asking members to involve their city and county councils and other key public and private stakeholder to implement UNIDPAD. In December 2019 the Steering Committee made a presentation on behalf of the People of African Descent at the United Nations Committee on Elimination of Racial Discrimination at CERD's 2796th meeting, held on 10 December 2019 in Geneva where the Irish Government also reported on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Notably, signatories to the CERD commit to eliminate racial discrimination and to promote understanding among all races in their states and among nations.



A Key Request of UNIDPADI Steering Committee to the Committee on the Rights of a Child

UNIDPADI Steering Committee appeals that Children of African Descent should be highlighted and included among the most vulnerable groups in Ireland. Like the Traveller and Roma⁴ communities and children for whom inclusion strategies have been developed by the government of Ireland,⁵ the same should be developed for People of African Descent in Ireland. It is noted that whereas the Government of Ireland Committed to develop and implement new national strategies relating to Migrants, Travellers and Roma, Disabled Persons and LBTQI+ communities⁶, there is no commitment in respect to the People and Children of African Descent so the Committee requests for the inclusion of African Descendants.

Specific Issues affecting Children of African Descent in Ireland.

1. Education

a) Discrimination in admission criteria

State parties to the Convention on the Rights of the Child recognise childrens' right to education and undertake to progressively achieve this right based on equal opportunity, by making primary education compulsory and available free to all.⁷ However this is not the case in Ireland as institutional and perceived discrimination are evident in the State's Education System, policies and practices. For instance, the 'Past pupil' criterion under which 25% of vacancies in schools that are over subscribed are reserved for children and

⁴ Department of Justice and Equality, National Traveller and Roma Inclusion Strategy (2017-2021) <<https://justice.ie/en/JELR/National%20Traveller%20and%20Roma%20Inclusion%20Strategy.%202017-2021.pdf/Files/National%20Traveller%20and%20Roma%20Inclusion%20Strategy.%202017-2021.pdf>>.

⁵ UNIDPADI Steering Committee submissions to the National Anti Racism Committee for proposals to Ireland's Anti-racism Plan (2021). <<https://www.idpadireland.ie/reports/national/UNDIPAD%20Anti%20Racism%20Submission.pdf>>

⁶ Department of the Taoiseach, *Programme for Government: Our Shared Future* (2020) 66-67; See also Department of Children, Equality, Disability, Integration and Youth, *Minister O'Gorman Publishes Better Outcomes , Brighter Future Annual Report* (2022).

⁷ Article 28(1)(a) United Nations Convention on the Rights of a Child <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>.



grandchildren of past pupils of the schools⁸ is discriminatory⁹ and inherently unjust to Children of African Descent in as far as it offers preferential schooling to one group of children, and indicative of the State failing those denied of the benefit.¹⁰

The UNIDPADI Steering Committee notes that the past pupil criterion denies Children of African Descent opportunities for admission into schools, to enjoy their rights to education since majority of their parents are migrants and are less likely to be past pupils of the Irish schools. This creates a continued cycle of generational disadvantages to the Children of African Descent in Ireland.

The committee proposes an amendment to the Education (Admissions to Schools Act) 2018, to strike out the past pupil admission criterion.

b) Access to and participation of children in Education

As noted by the Irish Human Rights and Equality Commission (IHREC), there are significant inequalities and exclusion of Traveller and Roma children from early childhood education, due to the lack of specialised supports.¹¹ This is the same with Children of African Descent as none of the mainstream education strategies have actions for primary or post primary levels, that are directly aimed to increase their participation in Education.¹²

⁸ The Education (Admissions to Schools) Act 2018 <<https://www.irishstatutebook.ie/eli/2018/act/14/enacted/en/html>>.

⁹ Committee on the Rights of a Child, Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland (2016), 14.

¹⁰ Dr David Doyle, Associate Professor in Law Maynooth University cited by RTE 'Past Pupil Criteria 'dangerous' Committee hears' Updated on 8 February 2022. <<https://www.rte.ie/news/politics/2022/0208/1278577-education-committee/>>; see also Irish Human Rights and Equality Commission, Observations on the Education(Admission to Schools Bill) 2016(November 2016); see also Irish Human Rights and Equality Commission, Ireland and the International Covenant on Economic Social and Cultural Rights(2021), 15.

¹¹ Irish Human Rights and Equality Commission, Developing National Action Plan Against Racism: Submission to the Anti Racism Committee (2021), 36; see also Child Rights Alliance, Report Card 2022(February 2022), 96-99.

¹²Pavee Point, National Traveller Women's Forum, Galway Traveller Movement, Donegal Traveller Project and Minceir's Whiden, Submissions to 70th Pre-Sessional Working Group (7 March 2022- 11 March 2022) of the Committee on Economic Social and Cultural Rights(2021), 6-7.



The UNIDPADI Steering Committee recommends the provision of inclusive and non-discriminatory specialised supports for early childhood education, for all children in Ireland as this will benefit children of African Descent.

c) The Education Curriculum

There is need for an Education curriculum in Ireland, which is culturally diverse and addresses racist stereotypes through education about their history and culture.¹³ The UNIDPADI Steering committee notes that reference to African history is lacking in Ireland's education curriculum, and that there are negative representations of migrant African Communities in textbooks.¹⁴

Inadequate representation of Africa and Africans can be perpetuated by teachers based on their ignorance of Africa and Africans, and by textbooks and other reference materials used in schools.¹⁵ Since Irish Schools are becoming multicultural, there is a duty of care to ensure that each child is given fair and equal treatment. Therefore, Teachers should get cultural awareness seminars on handling children from other cultures. There is also need to proof-read teaching materials to ensure that they are culturally sensitive and do not treat places and people, especially children from minority cultures particularly Africa and Africans in stereotypical, derogatory and deficit modes¹⁶

Recommendations

The UNIDPADI Steering Committee recommends the revision of curriculum to include African studies and establishment of an expert committee that is mandated to assess and identify opportunities for African Studies to be taught, in a similar way as a national

¹³ Committee on Elimination of Racial Discrimination Conducting Observations (2019) para 23, and 24(b); see also UNIDPADI Submissions to the Anti Racism Committee (2021).

¹⁴ Irish Human Rights and Equality Commission, Developing a National Action Plan Against Racism: Submission to the Anti -Racism Committee(2021), 40; see also Commission Conversation on Racism and Racial Discrimination with Young People of African Descent in the Greater Dublin Area(31 March 2021).

¹⁵ UNIDPADI Steering Committee Submissions to the United Nations Committee on the Elimination of Racial Discrimination on Ireland's Combined fifth to ninth Periodic Reports(2019); see also UNIDPADI Steering Committee Submissions to the National Anti -Racism Committee for Proposals on Ireland's national Anti- Racism Plan(14 July 2021).

¹⁶ *Ibid*



council for curriculum and assessments audit of Traveller culture and history in the Irish curriculum has been done by the government of Ireland.¹⁷

Cultural competence trainings should be provided to and attended by teachers and front-line service providers to understand how to deal with children from diverse cultures like the African.

The government and Schools should join efforts with Africans and African allies in Ireland and the world over, to correct the historical and often racist perceptions and representations of Africa and Africans as required by United Nations International Decade for People of African Descent 2015-2024. This should be done by curriculum review and enacting education policies that require textbooks to have positive and balanced imagery of Africa and Africans, otherwise not be supplied in schools.¹⁸

Government should ensure that all teachers and staff members treat all children equally and particularly ensure equal treatment of children of African Descent and other children of new communities in Ireland. The government through teachers and staff members in schools should ensure a zero discrimination and zero racial bullying policy in schools.

Stereotypical perceptions and representation of Africa and Africans should be stamped out and not be extended to any child of African descent in schools. Considering how it affects adults in the community, it would be worse for children to receive that from peers, teachers or members of staff. Generally, the yardstick of building and judging children at schools should not be their colour of skin or stereotypical perceptions and representation of their continent and ethnicity or origin.¹⁹

2. Acquisition of citizenship/ nationality

¹⁷ Minister for Education and Skills, Written Answers, 10 March 2022(13452/22); see also National Council for Curriculum and Assessment, *Traveller Culture and History in the Curriculum: A curriculum Audit*(November 2019) <https://ncca.ie/media/4324/ncca_draftaudit_travellerculturehistory_0919.pdf>.

¹⁸ UNIDPADI Submissions to the National Anti -Racism Committee for Proposals on Ireland's national Anti-Racism Plan(14 July 2021).

¹⁹ Martin Luther King Jr



Ireland's laws on citizenship affect children's rights, especially the right to be registered immediately after birth and to acquire nationality.²⁰ This adversely impacts children of African descent who are born in Ireland, in light of the 27th Amendment of the Constitution, which scrapped the automatic right to citizenship for all children born in Ireland.²¹ The law gives unreasonably wide and vague discretion to the Minister of Justice to grant or deny citizenship by naturalisation to a child born in the State,²² which is not in the best interest of children²³ whose right to nationality is paramount.

Studies indicate that African families are 20 times more likely to be involved in childcare proceedings, (11.4% in Dublin alone).²⁴ As a result very many children of African descent or from African Families end up in state care. This affects their chances of succeeding in citizenship applications, as care institutions have no standing to make these applications on their behalf.²⁵

The UNIDPAD Steering Committee notes that since applications for citizenship for children must be made by parents, guardians or persons acting in loco parentis²⁶ there no is parental, guardianship or loco parentis relation between the Children in care and the respective institutions. This is to the disadvantage of children living in state care,²⁷ who include, or majority of whom are Children of African Descent in Ireland.

²⁰ Article 7 United Nations Convention on the Rights of a Child <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>.

²¹ Constitution of Ireland.

²² Section 15(b) Irish Nationality and Citizenship Act 1956 as amended by the Irish Nationality and Citizenship Act 2004.

²³ Article 3 United Nations Convention on the Rights of a Child <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>.

²⁴ Child Care Law Reporting Project <https://www.childlawproject.ie/wp-content/uploads/2015/11/CCLRP-Full-final-report_FINAL2.pdf>

²⁵ Section 15(3) Irish Nationality and Citizenship Act 1956 and Amended by the Irish Nationality and Citizenship Act 2004.

²⁶ Section 15(3) Irish Nationality and Citizenship Act 1956 and Amended by the Irish Nationality and Citizenship Act 2004

²⁷ Immigrant Council of Ireland, Submissions to the Migrant Workers Committee on the Rights of the Child Joint General Comment on the Human Rights of Children in the context on International Migration (2016), 9.



Notably, citizenship is important to a child's right to identity²⁸ and yet Ireland's legislative framework deprives some children of this right.²⁹

Recommendation

The UNIDPAI recommends that a child rights centered approach should be adopted in deciding Children's' applications for citizenship in the state.

The Minister for Justice's discretion on whether to grant citizenship by naturalisation or not to children born in the state, on grounds of 'good character'³⁰ should be lifted in the best interest of the child.³¹

Irish laws and policies on citizenship³² should be amended or reviewed to lift barriers to the acquisition of citizenship, or naturalisation of children born in Ireland. This would in turn lift the State's breach of its responsibility under the Convention on the Rights of a Child.³³

The State should address the underlying issues that result in Children of African Descent being taken into state care, such as parental disability in the form of mental health problems usually for African mothers living in Direct provision centres.³⁴ This would reduce the number of African Children taken into state care, with the resultant effect of lifting barriers presented by the law³⁵ to their citizenship applications.

²⁸ Article 7 United Nations Convention on the Rights of a Child <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>.

²⁹ 27TH Amendment to the Constitution of Ireland; see also Section 15(b) of the Irish Nationality and Citizenship Act 1956 as amended by The Irish Nationality and Citizenship Act 2004.

³⁰ Section 15(b) Irish Nationality and Citizenship Act 1956 and Amended by the Irish Nationality and Citizenship Act 2004.

³¹ Article 3 United Nations Convention on the Rights of a Child <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>.

³² 27th Amendment of the Constitution of Ireland; The Irish Nationalisation and Citizenship Act 1956 as amended by the Irish Nationalisation and Citizenship Act 2004.

³³ Article 7 United Nations Convention on the Rights of a Child <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>.

³⁴ Child Care Reporting , Child Law Project Final Report (2015) <https://www.childlawproject.ie/wp-content/uploads/2015/11/CCLRP-Full-final-report_FINAL2.pdf>.

³⁵ Section 15(3) Irish Nationality and Citizenship Act 1956 and Amended by the Irish Nationality and Citizenship Act 2004.



3. Experience of Racism and racial discrimination

The People of African descent, including Children are increasingly experiencing racial discrimination in Ireland.³⁶ The government has developed strategies for other highly discriminated groups like Travellers so it should do the same for people of African descent, particularly following its commitment under the UN Decade for People of African Descent that requires UN member States to provide redress and address the mistreatment and plight of People of African Descent.³⁷ This requires the State to recognize the fact that most of the injustices that people of African descent face stem from the unjust history of slavery, colonisation of the People of African Descent and the on-going exploitation of resources from the main origin of People of African descent, which is Africa. However, Ireland is ranked to have one of the highest rates of racism in Europe alongside Finland, Austria and Luxemburg.³⁸ This could be related to problems with integration of migrants,³⁹ including of People of African Descent in Ireland.

The children of African Descent experience racial bullying in schools. There are reports that children from 'visible minority' groups are bullied more than their peers and often experience racist spurs and physical violence, yet the greatest barrier to addressing this is the reluctance of authorities to acknowledge its existence and the belief that bullying occurs to all children.⁴⁰

Other studies focusing on People of African descent show that Ireland has one of the highest rates of racism in the workplace within the EU. Europe-wide report of September 2019 shows Ireland's rate for workplace racism is 33%, compared to an EU average of 22%. The study involved all 28 of the EU's member states. Ireland ranked worst alongside Austria, Finland and Luxembourg. The report looked at experiences of people from sub-Saharan Africa.

³⁶ Submissions of the UNIDPADI Steering Committee to the National Anti- Racism Committee (2021) (Emphasis added).

³⁷ United Nations International Decade for People of African Descent 2015-2024.

³⁸ Professor Michael O'Flaherty on behalf of EU Fundamental Rights Agency, Europe -Wide Report of September 2019.

³⁹ Professor Michael O'Flaherty on behalf of EU Fundamental Rights Agency, Europe -Wide Report of September 2019.

⁴⁰ Immigrant Council of Ireland, Submission to the Department of Children and Youth Affairs.



The Author of the report Professor Michael O'Flaherty on behalf of EU Fundamental Rights Agency notes that these statistics might point to a problem with integration. "We'd have to acknowledge that there must be some link between the problems we're discussing and weaknesses in our integration strategies". "We're not doing a good enough job to integrate newly-arriving migrants in our societies and that in turn feeds into all sorts of patterns of prejudice and discrimination which can lead to violence and other unacceptable behaviour". He added that racism seems to be worst in the workplace. "There's a job to be done in the workplace in terms of respect for cultural diversity," he said.

The report highlighted further that Ireland also ranked poorly across other racism markers, including on a general level of harassment experienced by those who took part since across Europe, 24% of sub-Saharan African people said they had experienced some form of harassment.

This discrimination faced by parents in accessing labour market relegates them either to unemployment or settling for low paying jobs thus inability to provide good and adequate standard of living to their children of African Descent.

Although the UNIDPADI Steering Committee appreciates that a National Action Plan Against Racism (NAPAR) was drawn in 2020⁴¹ it notes that its publication was delayed until April 2021.⁴² Its implementation needs to be prioritised to combat racism in the State.

Recommendation

The Steering committee advocates for participation of rights holders (People of African Descent) in the monitoring of the NAPAR and adds its voice to the Human rights and Equality Commission to recommend that Minority ethnic children should be facilitated to participate in monitoring the NAPAR and should be adequately resourced(by the government of Ireland) to

⁴¹ Department of Justice (2020) Action Plan Against Racism to be drawn up by a new Independent Ant- Racism Committee.

⁴² Anti -Racism Committee Interim Report to the Minister for Children, Equality, Disability, Integration and Youth(2020); see also Department of Children, Equality, Disability , Integration and Youth, *Towards a National Action Plan Against Racism Public Consultation for Ireland* (2021),<<https://www.gov.ie/en/consultation/017c9-towards-a-national-action-plan-against-racism-for-ireland-public-consultation-2021/#>>



do so, taking in to account the contributions of children , based on their lived experiences of the plans for implementation.⁴³

Implementation of the National Action Plan Against Racism should be prioritised by government of Ireland and all stake holders and duty bearers.

Indeed, People of African Descent in Ireland have made substantial effort to work on integration, but such efforts need to be met with government strategy addressing problems faced by People of African descent and ensuring their integration. The Irish government should enact such a strategy for people of African descent.

Racial Discrimination and prejudices are still prevalent. The Equality legislation acts 2000-2005 is designed to curb this prevalence however as with most equality legislations, a comparator is always necessary procedurally. Many times, a strict definition of race is implemented which makes applications under this legalisation redundant⁴⁴ and this should be addressed too.

4. Racial profiling

Racial profiling by An Garda Síochána is documented.⁴⁵ Specifically, young men, youth and children of African Descent are the most susceptible to being singled out by the Garda and are perceived as threats. They are usually dispersed without investigating whether they are demonstrating threatening or exhibiting intimidating behaviour.⁴⁶ For many years, community liaison officers did not know how to deal with young African immigrants particularly how they are perceived before the law.

Recommendation

Increase Garda trainings on diversity and inclusion as a fundamental principle to community engagement.

⁴³ Irish Human Rights and Equality Commission Submissions to the Ant-Racism Committee(2021). 7- 10.

⁴⁴ <https://www.irishtimes.com/news/politics/ireland-has-worrying-pattern-of-racism-head-of-eu-agency-warns-1.4032957>.

⁴⁵Irish Human Rights and Equality Commission, Submissions to the United Nations Committee on Elimination of Racial Discrimination on the Follow up Procedure to Ireland's Combined 5th and 6th Periodic Reports (2022), 13.

⁴⁶ UNIDPADI Steering Committee Submissions to the National Anti- Racism Committee (2021).



Community policing should be done to break prejudices and stereotypes against People of African Descent.

5. Hate crime and hate speech

Hate speech is prevalent in Ireland, with studies indicating 33% increase in hate crime, 330 reports of racism, 19 of which include assaults, 26 harassments and 111 reports of hate speech as of 2017.⁴⁷ Africans are prone targets of hate speech, with 20 % incidents occurring in public transport⁴⁸

Indeed, as the chief Commissioner of the Irish Human Rights and Equality Commission noted “it not the responsibility of victims to avoid being targets of hate Crime”.

However, there is currently no specific legislation in Ireland that requires a court to take a bias motivation into account when considering sentencing in a criminal case. A recent report from the Hate and Hostility Research Group in University of Limerick of Ireland found that the hate Element of a crime was filtered out of the Criminal Justice system and this shows that Ireland is behind other EU states in prosecuting hate speech or hate crime.

The Committee emphasises that hate crime, hate speech committed against People or parents of African Descent trickles down to adversely affect the Children of African Descent in Ireland, and threatens their security and future in the state, so it should be legislated against in more affirmative terms/ language.

Recommendations

The Steering Committee implores the Irish Government to ensure Ireland enacts a specific Hate Crime Legislative instrument (Legislation) to encourage the reporting and prosecution of the Racist incidents.

The Irish government should provide people of African Descent with effective protection and remedies through the competent national tribunals and other state institutions against any acts of racial discrimination.

⁴⁷ Figures gathered by the European Network Against Racism (ENAR) Ireland from 2017

⁴⁸ According to figures gathered by the Immigrant Council of Ireland



6. African children in state care

Many Children of African Descent are often taken into state care, thereby creating disconnect with their parents and families. This is illustrated by studies indicating that Africans families are one of those dominant in childcare courts⁴⁹ and that African families are 20 times more likely to be involved in childcare proceedings,⁵⁰ in which courts of law decide whether children remain with their parents or not.⁵¹ Children are often taken into state care due to cultural differences⁵² and mental health problems affecting parents (usually single mothers) who live in Direct Provision Centres.⁵³

Other reasons include domestic violence and neglect.⁵⁴ However, it is also acknowledged that cultural differences are responsible for the over representation of families from ethnic minorities in these child care proceeding, primarily because in those communities like the African, the authority of parents over children is emphasised through physical chastisement.⁵⁵ Whereas this is to a certain extent an acceptable mode of upbringing of children, it is objectionable in the Irish setting and legal framework⁵⁶ and forms the basis for taking African children into state care, for 'protection' from their own parents.

Culturally, raising children is communal among African parents, so it is acceptable to have one's biological child under watch of a relative or responsible adult in the community while the parents go to work or to markets. This is not the case in Ireland, where childcare norms require a parent's full time physical presence to supervise his or her own children, otherwise forms a basis for child neglect, a ground for which some Children of African Descent have been taken into state care.⁵⁷

⁴⁹ Child Care Law Reporting (2015), 28.

⁵⁰ Child Care Law Reporting (2013)20; see also Child Care Law Reporting (2015)

⁵¹ Child Care Law Reporting (2013),1.

⁵² Child Care Law Reporting (2014)

⁵³ Child Care Law Reporting (2015).

⁵⁴ Child Care Law Reporting (2015).

⁵⁵ Child Care Law Reporting (2015), 28.

⁵⁶ Child Care Law Reporting (2015), 28.

⁵⁷ Child Care Law Reporting (2013; see also Child Care Law Reporting (2015).



The UNIDPADI Steering Committee notes an apparent cultural shock amongst Parents of African Descent and Social workers, courts and other frontline service providers, who often find African parents in conflict with the Irish laws on children’s welfare. Whereas the committee appreciates that the State of Ireland seeks to protect children, to take them into state care without due consideration of their parent’s child rearing styles, especially in light of their cultural backgrounds is not in their best interest and denies them the right to parental care.⁵⁸

The Committee recommends that the government of Ireland should address underlying reasons for which Children of African Descent are taken into state care, including parental stress and disability due to mental problems, encountered due to the poor conditions of living in Direct Provision centres⁵⁹ where majority reside.

Cultural Competence of front-line service providers should be regularly conducted and facilitated by government of Ireland, to have clear understanding of the African cultural practices of child upbringing, which would inform decisions that affect Children of African Descent.

To realise cultural sensitivities that effectively address complexity of various cultural and traditional practices,⁶⁰ cultural mediators should be adopted to articulate the differences between African and Irish cultures in courts of law, especially in childcare proceedings.

7. Children in Direct provision centres

Many African People, parents stay in direct provision centres for many years, waiting for completion of their international protection applications.⁶¹ This affects their mental health and wellbeing, and adversely affects the upbringing of African children in the direct provision centre settings.⁶² This is more so considering the unfavourable living conditions in direct provision

⁵⁸ Article 7 United Nations Convention on the Rights of a Child.

⁵⁹ Child Care Law Reporting (2015).

⁶⁰ Child Care Law Reporting (2021), 59 and 60.

⁶¹ Doras, “Direct Provision” Available at <<http://doras.org/direct-provision/>> accessed on 10.06.2022.

⁶² Colletta Dalikeni Child Protection Social Workers and Asylum-Seeking Families in Ireland: Issues of Culture, Race, Power, Relations and Mistrust (Peter Lang, Oxford, 2022).



centres, characterised by poor health due to poor feeding and lifestyle, lack of opportunities for children to participate in extracurricular activities among others.

The Steering Committee recommends the abolition of direct provision centres in Ireland and provide alternative accommodation for applicants of international protection, which is suitable for and serves the best interest of children in line with the children's convention.⁶³

8. Domestication of the Convention on the Rights of the child

Despite recommendations to domesticate the Convention on the Rights of a Child,⁶⁴ Ireland has not incorporated the Convention into its domestic laws. Neither has it ratified the Second Optional Protocol⁶⁵ which articulates pertinent issues that affect children, including the sale of children, child prostitution and child pornography.⁶⁶ Whereas this is in line with Ireland's methodology on domestication of international treaties and covenants,⁶⁷ it is a major hinderance to the implementation of the Convention of the Rights of a child⁶⁸ in the State, and to advocacy efforts to hold the State accountable under it.

Recommendation

The UNIDPADI Steering committee implores the government of Ireland to incorporate the convention⁶⁹ and Second Optional protocol⁷⁰ in its laws and enable their implementation in the State.

⁶³ Article 3 of the United Nations Convention on the Rights of a Child.

⁶⁴ Committee on the Rights of a child, Concluding Observations on the Combined third and Fourth Periodic Reports of Ireland, CRC/C/IRL/CO/3-4(2016), Para 9.

⁶⁵ Committee on the Rights of the Child, Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland; CRC/C/IRL/CO/3-4(2016) para 77.

⁶⁶ Optional Protocol on the Sale of Children, Child Prostitution, Child Pornography.

⁶⁷ Section 29.6 of the Constitution of Ireland which requires that the Oireachtas determines the adoption of international treaties or covenants into domestic laws, otherwise courts of law will be reluctant to apply them.

⁶⁸ United Nations Convention on the rights of the child

⁶⁹ United Nations Convention on the rights of the child

⁷⁰ Optional Protocol on the Sale of Children, Child Prostitution, Child Pornography.



9. UN Decade of People of African Descent

The Steering Committee appreciates that the Irish government commenced the implementation of the UN Decade for People of African descent 2015-2024 and is funding the Decade activities in the State. However, it is noted that it commenced late as the consultation processes with People of African Descent only began in March 2019. Whereas the Decade activities are progressing, and several thematic subcommittees have been constituted, including the Children, Youth and Parents, the activities which would directly serve the best interests of Children of African Descent in Ireland are hindered by the fact that the Decade plan and activities have not been officially launched by Government of Ireland to date.

Recommendation

The government should further advance the Decade agenda by formally launching the Decade and its plan of action in the State. To allocate more resources to implement the Decade whose thematic areas include Recognition, Justice and Development for the People of African Descent.