

IRELAND

THE IMPACT OF COVID-19 ON CHILDREN’S RIGHTS IN IRELAND

Louise FORDE

1. INTRODUCTION

On 12 March 2020, the Irish Government announced a national lockdown in response to the spread of the COVID-19 virus in Ireland. The first case had been confirmed in Ireland on 29 February, and Ireland took the decision to follow other nations in imposing severe restrictions on movement, in an attempt to curb the spread of the pandemic. This move had an immediate and significant impact on children. Schools, childcare providers and youth groups closed with little warning, and many aspects of children’s lives – particularly their education and their social lives – moved online.

At the time of writing, in March 2021 – one year later, and amid continuing restrictions – it is timely to reflect on how COVID-19, and the decisions taken by the Government to respond to it, are impacting on the rights of children in Ireland. It is increasingly clear that children are being severely impacted by the changes in their circumstances, by the restrictions imposed in order to tackle the crisis, and also by the virus itself. Ireland is not alone in this: children and young people across the globe are experiencing significant changes in their daily lives.¹ The consequences of COVID-19 for children have been far-reaching; many aspects of daily life have been disrupted, and children who are already marginalised or vulnerable have experienced particularly adverse consequences.

This chapter aims to provide an overview of the impact of COVID-19, and of key actions taken by the Government to respond to the pandemic, on the rights of children in Ireland. It begins by providing contextual information about children’s rights in Ireland in March 2020. It then goes on to consider the impacts that can be identified, at this point, on the rights of children in the year since measures were first introduced by the Irish Government to address the spread of the virus. While it will be some time before the full impact on the rights of children can be fully measured and assessed, the insights gleaned over the last 12 months provide ample opportunities to reflect on the protection of children’s rights in Ireland, and on some of the challenges ahead in ensuring that children’s rights are fully respected and realised.

2. CHILDREN’S RIGHTS IN IRELAND

Ireland has been party to the UN Convention on the Rights of the Child (UNCRC) since it ratified the instrument in 1992 and, in the years since then, significant changes have come about

¹ See, e.g. C. BRANQUINHO ET AL., “‘Hey, we also have something to say’: A qualitative study of Portuguese adolescents’ and young people’s experiences under COVID-19” (2020) 48 *J Community Psychol.* 2740–2752 DOI: 10.1002/jcop.22453.

to the way in which children's rights are protected in Irish law. Ireland's progress in implementing the UNCRC in Irish law has been examined three times, thus far, by the UN Committee on the Rights of Child and, at the time of writing, Ireland is preparing to have its progress examined once more. A significant amount of progress has taken place, in the last ten years, in incorporating the provisions of the Convention into Irish law and policy.²

Arguably the most important domestic development in relation to the protection of children's rights has been the addition of the new Article 42A to the Irish Constitution, which 'recognises and affirms the natural and imprescriptible rights of all children' and requires courts to take children's views into account, and to make the best interests of the child 'the paramount consideration' in specified types of court proceedings. Beyond this, major changes to legislation impacting various aspects of children's lives have been introduced, with increasing attention being given to incorporating some UNCRC provisions (primarily Articles 3 and 12) into Irish law.³ Further changes have occurred in the policy sphere, where children's rights principles have been included in policy frameworks such as *Brighter Outcomes, Better Futures*⁴ and a *National Strategy on Children and Young People's Participation in Decision-Making 2015–2020*,⁵ among others.⁶ The establishment of the Department of Children and Youth Affairs (DCYA) as a Government department with representation at Cabinet level, in 2011, has been significant in helping to bring about these reforms and changes, as well as a greater focus to children's rights at a national level.

At the beginning of 2020, then, a significant amount of progress had been made in advancing children's rights in Ireland, and work was continuing to bring about much-needed reform in other areas of the law, including the review of the statutory framework relating to children in the care of the State. In other areas, particularly relating to poverty, homelessness and migrant children, significant progress was still needed.⁷ However, the arrival of COVID-19 in Ireland, and changes taking place at Government level following the formation of a new Government in May 2020, have altered this landscape. One of the most significant organisational changes, from the perspective of children, has been the restructuring of the Government departments with primary responsibility for children and young people. The Department of Children and Youth Affairs has now become the Department of Children, Equality, Disability, Integration and Youth (DCEDIY); this change has transferred Government responsibility for disability, equality, human rights, integration and reception to the new department.

It is in this changed landscape that the impact of COVID-19 on children's lives has taken place. This has altered the situation for children's rights in a number of ways, and children have been affected profoundly by some of the measures taken in response to the emergency. It is

² L. FORDE and U. KILKELLY, 'Incorporating the CRC in Ireland' in U. KILKELLY, L. LUNDY and B. BYRNE (eds.), *Incorporating the UN Convention on the Rights of the Child in National Law*, Intersentia, forthcoming (June 2021).

³ Ibid.

⁴ Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (Department of Children and Youth Affairs, 2014).

⁵ Department of Children and Youth Affairs, *National Strategy on Children and Young People's Participation in Decision-Making 2015–2020* (Department of Children and Youth Affairs, 2015).

⁶ L. FORDE and U. KILKELLY, above n. 2.

⁷ Children's Rights Alliance, *Report Card 2020* (Children's Rights Alliance, 2020).

worth noting at the outset that international human rights law, in particular Article 12(2)(c) of the International Covenant on Economic, Social and Cultural Rights, requires States to prevent, treat and control epidemics and other diseases; however, measures introduced to achieve this aim can negatively impact on other human rights.⁸ The consequences of the pandemic itself, and of the measures taken by governments to try to control and suppress the spread of the virus, are having, and will continue to have, significant implications for the protection and realisation of children's rights. This is likely to be a problem for governments globally in the coming years.⁹ The Committee on the Rights of the Child has issued a warning about the 'grave physical, emotional and psychological effect of the COVID-19 pandemic on children', and has reminded States of their obligations in relation to the protection of the rights of children.¹⁰ These include an obligation, under Article 3 of the UNCRC, to ensure that COVID-related decision-making reflects the principle of the best interests of the child.¹¹

The remainder of this chapter explores the impact of COVID-19 on children's rights in Ireland, and considers some of the implications of key Government decisions for the protection and realisation of children's rights.

2.1 HEALTH

Article 24 of the UNCRC recognises the right of the child to the 'highest attainable standard of health'. The current global health crisis has obvious implications for Article 24 and, as a result, priority should be given to the physical and mental health impacts of COVID-19 on children's health and well-being. This section considers some of the impacts of COVID-19 on the physical and mental health of young people in Ireland.

2.1.1 Physical Health

While public focus has primarily been on the impact of COVID-19 on adults, and especially the serious health risks involved for older people and those with underlying conditions or existing vulnerabilities, it is not the case that children are not affected by COVID-19. In November 2020, UNICEF published a report suggesting that children's health may be more directly impacted than was previously understood, noting that, while children tended to have milder symptoms as compared to adults, some children did experience severe symptoms, and some have died as a result of contracting the virus.¹² New and emerging evidence is also raising additional concerns about the impact of COVID-19 on children's health.

Recently, the potential health impacts on children have increasingly been highlighted. Studies have noted that increases in depressive symptoms and generalised anxiety among

⁸ S. JOSEPH, 'International Human Rights Law and the Response to the Covid-19 Pandemic' (2020) 11 *Journal of International Humanitarian Legal Studies* 249–269.

⁹ UNICEF, *Averting a Lost Generation* (UNICEF, November 2020).

¹⁰ UN Committee on the Rights of the Child, 'Committee on the Rights of the Child Warns of the Grave Physical, Emotional and Psychological Effect of the COVID-19 Pandemic on Children and Calls on States to Protect the Rights of Children' (8 April 2020), available at: <www.ohchr.org>, last accessed 15.03.2021.

¹¹ *Ibid.*

¹² UNICEF, above n. 9, at p. 4.

pregnant and breastfeeding women during the pandemic have the potential to impact negatively on infant health and development.¹³ In early March 2021, two further issues related to children's health were raised in the media. The first related to four stillbirths that had occurred in Ireland, in which a rare COVID-19-related inflammation of the placenta had been a 'significant factor'.¹⁴ In addition, emerging evidence from a British study raised concerns about the consequences of 'long COVID' on children's health.¹⁵ Each of these issues clearly have serious implications for children's rights to life, and to the highest attainable standard of health. While the health risks posed by COVID-19 to children have appeared to be relatively minimal, new concerns such as these mean that, in future decisions, the potential impacts on children's health will have to be given careful consideration by the Government.

A particular issue which impacts on children's rights to the highest attainable standard of health relates to delays in seeking access to appropriate health services because of COVID-19. Reports highlight that a reluctance to attend hospitals because of 'pandemic fear', and issues with accessing adequate GP care, have led to situations of delay in seeking care for children experiencing non-COVID health issues; in some of these cases, this has led to serious health difficulties for children.¹⁶ According to the provisional vaccine roll-out plan in March 2021 (although this is subject to change), children under the age of 18 are at the bottom of the list to receive a vaccine (if vaccines are shown to be safe and effective in this group).

Marginalised groups may experience disproportionate health impacts. Concerns have been raised, for example, about the Traveller community's vulnerability to COVID-19.¹⁷ A particular issue relates to the adequacy of accommodation for Travellers.¹⁸ Although supports and resources have been put in place for Travellers,¹⁹ it has been suggested that implementation of these measures by local authorities has been 'mixed'.²⁰

Making sure that priority is given to ensuring that children can enjoy their right to the highest attainable standard of health is challenging, in the context of a pandemic. However, the barriers presented to children's enjoyment of this right by issues related to COVID-19, access to non-COVID-related healthcare, and the impact of discrimination on children's health are all deserving of attention.

2.1.2 Mental Health

¹³ M. CEULEMANS ET AL., 'Mental Health Status of Pregnant and Breastfeeding Women during the COVID-19 Pandemic – A Multinational Cross-sectional Study' (2021) *Acta Obstet Gynecol Scand.* 1–11.

¹⁴ P. CULLEN, 'Four Stillbirths among Women with Covid-19 Prompt HSE Alert', *The Irish Times*, 4 March 2021.

¹⁵ N. GROVER, 'Long Covid in Children: New Data is Cause for Concern, Scientists Say', *The Irish Times*, 3 March 2021.

¹⁶ B. D. POWER, R.F. POWER, J. TWOMEY, Z. AFRIDI and O.M. NEYLON, 'Pandemic: Presentation of Non-Covid Cases – Delay in Emergencies in Children' (2020) *Journal of Paediatrics and Child Health* DOI:10.1111/jpc.15059.

¹⁷ Irish Human Rights and Equality Commission, *Comments on Ireland's 17th National Report on the Implementation of the European Social Charter* (Irish Human Rights and Equality Commission, June 2020).

¹⁸ Irish Human Rights and Equality Commission, *Submission to the Joint Committee on Key Issues affecting the Traveller Community* (Irish Human Rights and Equality Commission, February 2021).

¹⁹ Department of Housing, Planning and Local Government, *Circular issued 18 March 2020*.

²⁰ Irish Human Rights and Equality Commission, above, n. 17, at p. 16.

The impact of COVID-19 on children’s well-being, and in particular on their mental health, has been enormous. While anxiety and depression have also been common experiences for adults during the pandemic,²¹ children have been particularly impacted. Children who reported their experiences during the pandemic spoke of the fear and worry they felt, including fears about dying, about relatives dying, or about needing medical treatment.²² The need to consider the requirements of children who have experienced bereavement during the pandemic has also been highlighted.²³

Young people aged 15 to 24 were consulted during the summer of 2020 on their experiences, and the resulting report documented the significant impact of COVID-19 on young people’s mental health and general well-being.²⁴ Young people who responded to this survey reported a range of negative impacts, including boredom, isolation, lack of routine and engagement in sports and social activities, anxiety, depression and hopelessness.²⁵ A systematic review of studies on the impact of the pandemic on the mental health of children found that, while anxiety and depression were prevalent, other mental health difficulties, including psychological distress and behavioural difficulties, were also issues for some young people.²⁶ Although the extent of disruption to services is not known, there is also some evidence that young people have experienced delays in accessing mental health services such as counselling due to the pandemic.²⁷

There is now an increased urgency for the Government to prioritise the provision of child and adolescent mental health services – which has previously been noted as a particular issue for children’s rights in Ireland – in light of the still-unknown impact of the pandemic.²⁸ In its budget for 2021, the Government committed to spending an additional €38 million on mental health services.²⁹ While this initial allocation of resources is a very welcome step, sustained attention on children’s mental health and well-being is essential to ensure that children’s rights are fully respected in this regard.

2.2 EDUCATION

²¹ P. HYLAND ET AL., ‘Anxiety and Depression in the Republic of Ireland during the COVID-19 Pandemic’ (2020) 142 *Acta Psychiatrica Scandinavica* 249–256 DOI: 10.1111/acps.13219.

²² Centre for Children’s Rights and Terre des Hommes, *#CovidUnder19 – Children’s Rights during Coronavirus: Children’s Views and Experiences* (December 2020), available at: <<https://www.qub.ac.uk/research-centres/CentreforChildrensRights/CCRFilestore/Fileupload,1008874,en.pdf>>, last accessed 15.03.2021; see, further, P. FLEMING and J. O’HARA, *Impact on Family Life During Covid-19 Pandemic* (Barnardos, May 2020).

²³ P. FLEMING and J. O’HARA, above n. 22.

²⁴ Department of Children and Youth Affairs and SpunOut, *How’s Your Head? Young Voices During Covid-19: Report of a National Consultation with Young People on Mental Health and Well-Being* (Department of Children and Youth Affairs and SpunOut, October 2020).

²⁵ *Ibid.*

²⁶ F. NEARCHOU ET AL., ‘Exploring the Impact of COVID-19 on Mental Health Outcomes in Children and Adolescents: A Systematic Review’ (2020) 17 *Int. J. Environ. Res. Public Health* 8479 doi:10.3390/ijerph17228479.

²⁷ *How’s Your Head?*, above n. 24, at p. 18; Health and Information Quality Authority, *Report of a Children’s Residential Centre – South* (14 and 15 July 2020), available at: <www.hiqa.ie>, last accessed 15.03.2021, at p. 10.

²⁸ Children’s Rights Alliance, *Report Card 2021* (Children’s Rights Alliance, 2021), at p. 12.

²⁹ *Ibid.*, at p. 103.

The changes brought about globally to children’s engagement with education as a result of the pandemic and unpredictable national lockdowns has been one of the most obvious ways in which children’s lives have been affected.³⁰ Children’s rights to education are set out in Articles 28 and 29 of the UNCRC and, in addition, the Irish Constitution guarantees children the right to free primary education. The impact of school closures, in particular, on children’s educational rights needs careful consideration.

2.2.1 *Early Childhood Care and Education*

Before considering the impact of school closures on children in primary and post-primary education, it is worth noting that the early childhood sector has also been impacted by measures introduced to combat COVID-19. This has had particular implications for the rights of young children under the UNCRC, including their rights to education and to development. The early learning and childcare sector has been closed during periods of national lockdown; however, measures have been taken to provide childcare to children of essential front line workers, and to children considered vulnerable, including those experiencing poverty.

The decision to close the childcare sector for all but a limited number of children in the early days of the pandemic in Ireland was taken in light of the public health emergency, and should be viewed in this context. Nevertheless, the lack of childcare support was found, in May 2020, to have been the cause of additional stress for many families, with particular issues being experienced by those balancing family responsibilities with working from home.³¹ This issue can also impact on other areas of children’s lives, and affect their enjoyment of their rights. A study of childhood poverty in 2020 found that households that do not use childcare have higher average rates of income poverty, indicating that improvements are still needed in State provision of childcare.³² These issues mean that ensuring the effective reopening of the sector as soon as it is safe to do so, and the avoidance of further closures, are both crucial in considering how children’s rights are protected, as the pandemic continues.

While efforts have been made by Government to mitigate the impact on young children and their families, and to allow for the reopening of this sector, restrictions on accessing childcare services early in 2021 have meant that negative impacts on children’s rights have continued. Early in the year, the resumption of the Early Childhood Care and Education (ECCE) Programme was postponed until 5 March 2021; in this time, these services were only available to children whose parent(s) worked in an essential service, or to vulnerable children.³³ Children who are considered to be vulnerable include those who experience family poverty, those with complex support needs, children living in households where there is domestic violence, or those whose families were significantly adversely affected by either ill-health or bereavement.³⁴ In addition, guidance was developed by the Health Service Executive (HSE) for childcare settings,

³⁰ #CovidUnder19, above n. 22.

³¹ P. FLEMING and J. O’HARA, above n. 22, at pp. 4–5.

³² D. BYRNE and M. TREATOR, *Income, Poverty and Deprivation amongst Children: A Statistical Baseline Analysis* (Department of Children and Youth Affairs, 2020), p. 63.

³³ Department of Children, Equality, Disability, Integration and Youth, *FAQs on Early Learning and Care (ELC) and School Age Childcare (SAC) including Childminding Services over 1 February – 5 March 2021* (January 2021).

³⁴ *Ibid.*

to help prevent infection and to control the spread of the virus,³⁵ along with a Government plan setting out key objectives for the sector in the context of the pandemic.³⁶ Resources to support and provide guidance for the reopening of the sector has been made available through a Government information hub.³⁷ While this focus on those who are particularly vulnerable is very welcome as a means of trying to reduce discriminatory impacts on the rights of these children, it remains to be seen what the long-term impacts of this lack of access to childcare will have on children who are not amongst the most vulnerable, and their families, in the coming years.

The Economic and Social Research Institute has commented that COVID-19 has ‘revealed the fault-lines in the early-years sector in terms of its reliance on private providers as well as low pay and retention issues among staff’.³⁸ The Children’s Rights Alliance has argued that COVID-19 has accelerated the reform of the early childhood education and care system, with the State playing a much greater role in funding childcare providers, and has commented that this could provide the impetus for the development of ‘consistent, rights-based care for all children’.³⁹

2.2.2 School Closures

The initial decision to close schools to curb the spread of the pandemic was taken on 12 March 2020, and all schooling moved to online and remote forms of learning. While children returned to school in August 2020 following the summer holidays, due to a further spike in the number of COVID-19 cases being reported in December 2020 and January 2021, a further period of school closures took place. At the time of writing, children in Ireland are in the process of returning to school on a phased basis, in line with COVID-19 Resilience and Recovery 2021: The Path Ahead, the Government’s new plan for living with COVID-19, published in February 2021.⁴⁰ The decision to close the schools had obvious implications for children’s rights to education. Minimal preparation time, the need for teachers to become familiar with digital methods of delivery, and limitations in households’ access to technology and broadband impacted the ability to deliver remote learning, especially in the initial lockdown period.⁴¹

In Government plans to ease lockdown restrictions, the reopening of schools has consistently been cited as a priority. During periods of school closures, guidance was developed to support remote learning, including separate guidance on delivering learning to children with

³⁵ Health Service Executive, *Infection Prevention and Control Guidance for Settings Providing Childcare during the COVID-19 Pandemic* (V1.0, 27 May 2020).

³⁶ Department of Children and Youth Affairs, *Planning for Reopening Early Learning and Care and School Age Childcare Services: Report for Government* (Department of Children and Youth Affairs, 29 May 2020).

³⁷ See <<https://first5.gov.ie/guidance>>, last accessed 15.03.2021.

³⁸ M. DARMODY, E. SMYTH and H. RUSSELL, *The Implications of Covid-19 Pandemic for Policy in Relation to Children and Young People* (Economic and Social Research Institute, July 2020), p. 70.

³⁹ Children’s Rights Alliance, above n. 28, p. 35.

⁴⁰ Department of the Taoiseach, *COVID-19 Resilience and Recovery 2021: The Path Ahead* (Department of the Taoiseach, 23 February 2021).

⁴¹ G. MOHAN, S. McCOY, E. CARROLL, G. MIHUT, S. LYONS and C. MACDOMHNAILL, *Learning for All? Second-Level Education in Ireland During Covid-19* (Economic and Social Research Institute, June 2020).

special educational needs (SEN).⁴² However, the drastic changes to the ways in which children were engaging with their education had a number of implications for children's rights.

In many ways, Ireland has experienced similar challenges to many other jurisdictions in ensuring that children's rights to education are respected and fulfilled during the pandemic. A global study of over 26,000 young people in 137 countries found that 61 per cent of young people felt that they had been getting a better education before the beginning of the pandemic.⁴³ When learning moved online in Ireland, particular challenges in accessing education arose for those with unreliable access to broadband, or other difficulties in accessing appropriate technology.⁴⁴ Many children missed going to school, and missed seeing their friends.⁴⁵ Children have also missed out on the social aspects of going to school, and on other opportunities to access supports and resources outside of their households. In many countries, including Ireland, school closures have often meant that children have had less access to supports and resources to help them to cope with stress.⁴⁶ Given the significant negative impacts of school closures on children's rights, it is perhaps unsurprising that young people who responded to the *How's Your Head?* survey identified their educational needs as an issue that needs to be given priority in the future.⁴⁷

However, as with other facets of life, children's experiences vary widely, and some children have reported an improvement in their educational experiences, in some cases because they were no longer subject to bullying at school. One Irish teenager who took part in the *#CovidUnder19* study said, 'My teachers stopped verbally and mentally abusing me. I no longer get constantly bullied.'⁴⁸ Another study of the educational impact of the move to distance learning reported similarly positive findings for a small cohort of students with SEN who usually experienced anxiety around school attendance; for these students, distance learning helped them to re-engage, and remain engaged, during lockdown.⁴⁹ These experiences provide important opportunities to reflect and consider on how children's rights are currently protected and upheld in Ireland. In particular for children who are marginalised, vulnerable, or for those who experience difficulties in exercising their rights effectively, the dramatic changes brought about by the pandemic may provide opportunities to reflect on how practice in delivering education can be changed so that all children have the opportunity to fully realise their potential.

⁴² Government of Ireland, *Draft Initial Report under the Convention on the Rights of Persons with Disabilities (Ireland)*, last accessed 15.03.2021.

⁴³ *#CovidUnder19*, above n. 22.

⁴⁴ C. CASEY, O. DOYLE, D. KENNY and D. LYONS, *Ireland's Emergency Powers During the Covid-19 Pandemic* (Irish Human Rights and Equality Commission, February 2021), p. 80.

⁴⁵ P. FLEMING and J. O'HARA, above n. 22, at p. 2.

⁴⁶ V. CLEMENS ET AL., 'Potential Effects of "Social" Distancing Measures and School Lockdown on Child and Adolescent Mental Health' (2020) 29 *European Child & Adolescent Psychiatry* 739–742 <https://doi.org/10.1007/s00787-020-01549-w>.

⁴⁷ *How's Your Head?*, above n. 24.

⁴⁸ *#CovidUnder19*, above n. 22; see, further, *How's Your Head?*, above n. 24.

⁴⁹ G. MOHAN ET AL., above n. 41.

There are, however, concerns that the lengthy school closures experienced over the last year have led to increases in pre-existing inequalities between groups of children.⁵⁰ The disruption to school can have particularly negative impacts on already-vulnerable children, including those who have additional educational needs, or who have experienced school disruption in the past.⁵¹ Children in State care who are living in residential units have reported experiencing significant disruption to their routines due to the closures.⁵² It has been reported that children in schools that are part of the DEIS (Delivering Equality of Opportunity in Schools) programme – which are located in areas with high levels of disadvantage – were more severely impacted during the first period of school closures in 2020, as compared to other groups of children.⁵³ Other vulnerable groups, such as Traveller and Roma children, have also been adversely impacted by school closures.⁵⁴ Migrant children have also reported experiencing difficulties with learning in a remote environment.⁵⁵ Lack of access to fast broadband and appropriate technologies to support learning, and unsuitable environments for learning at home have had adverse effects on children’s educational rights. Children working in crowded spaces, including some children in the direct provision system – the system in which people seeking asylum or refugee status are accommodated while their applications are processed – also experienced difficulties in engaging with education within these difficult environments.⁵⁶ The continued use of reduced timetables – currently without official guidance to limit their usage – during the pandemic has led to some children missing out on further schooling.⁵⁷

While it is clear that school closures have had significant adverse impacts on children’s lives and educational rights, the return to educational settings in the context of a continuing global pandemic has given rise to its own issues, particularly in relation to the increased risk of transmission of the disease. Returns to school have also brought particular challenges: some children have experienced anxiety due to the fear of bringing the virus back to their homes from school, causing those they live with to become ill.⁵⁸ Some cohorts of children are, again, more impacted than others. Parents of children with special needs, for example, have expressed concerns that their children will experience additional difficulties when schools reopen, particularly in relation to adjusting once more to new routines and circumstances.⁵⁹

Given the negative impact globally on children because of school closures, it has been suggested that social distancing measures within schools should be preferred to school closures.⁶⁰ The impact on already-marginalised and vulnerable groups of children is a particular cause for concern, and risks breaching children’s rights under Article 2 of the UNCRC to non-

⁵⁰ Irish Human Rights and Equality Commission, *Submission to the UN Committee on the Rights of the Child on the List of Issues Prior to Reporting for the Fourth Periodic Examination of Ireland* (Irish Human Rights and Equality Commission, July 2020), p. 39.

⁵¹ S. CONNOLLY, ‘Editorial: Covid-19 and Our Children’ (2021) 24(1) *Irish Journal of Family Law* 1–2.

⁵² J. MURPHY, *A Survey of Children’s Residential Care Services in Ireland during the Covid-19 Crisis* (EPIC and Tusla, May 2020), p. 6.

⁵³ G. MOHAN ET AL., above n. 41.

⁵⁴ Children’s Rights Alliance, above n. 28, at p. 93.

⁵⁵ C. CASEY ET AL., above n. 44, at pp. 81–82.

⁵⁶ Children’s Rights Alliance, above n. 28, at p. 182.

⁵⁷ *Ibid.*, at p. 69.

⁵⁸ S. CONNOLLY, above n. 51.

⁵⁹ Irish Human Rights and Equality Commission, above n. 50.

⁶⁰ V. CLEMENS ET AL., above n. 46.

discrimination; the Committee on the Rights of the Child has urged States to find alternative solutions that allow children experiencing difficulties in accessing education remotely to be guided and supported by teachers.⁶¹ While, at the beginning of the pandemic, there was much uncertainty about the virus and its transmission pathways, evidence that has emerged over the last year has suggested that schools are a low-risk environment for transmission of the virus and, therefore, should be kept open as much as possible, to minimise the harms caused to children.⁶² The priority given to opening schools before other sections of society, and the current phased reopening of schools, are indications of the Government's acknowledgement of the importance of children's educational rights. However, decisions that kept schools closed for lengthy periods of time have undoubtedly had a negative impact on children's rights, and are likely to be the subject of further debate and discussion in the coming months and years, as the full impact of these measures on children becomes more apparent.

2.2.3 *Children with Special Educational Needs*

In Ireland, challenges have existed in meeting the needs of children with disabilities or special needs for many years. A significant issue has been the delays experienced by children and families in accessing an assessment of need under the Disability Act 2005. Children who are waiting to access an assessment of need often experience significant delays, and families often struggle to get the services needed to ensure children's development.⁶³ This situation has been worsened by the pandemic, as staff have been redeployed from their usual work of conducting these assessments to work on COVID-19 measures, leaving children without an assessment and, therefore, without a means to identify and access appropriate supports.⁶⁴

Given the significant existing difficulties in ensuring that these children have access to appropriate educational and developmental supports and services, it seems clear that significant additional support from Government is needed, in the context of the COVID-19 pandemic, to reduce any further ill effects on children's rights. However, it is this group of children whose rights have been amongst the most severely impacted during the pandemic. The Children's Rights Alliance has commented that children with special needs, and other children facing adversity 'bore the brunt of school closures'.⁶⁵ Social isolation and disruption to normal routines has meant that some children with special needs have been disproportionately negatively impacted.⁶⁶ In some cases, this has led to regression in social and behavioural skills and the

⁶¹ UN Committee on the Rights of the Child, above n. 10.

⁶² UNICEF, above n. 9, at p. 6; V. CLEMENS ET AL., above n. 46; S. J. LEWIS, A.P.S MUNRO, G. D. SMITH and A. M. POLLOCK, 'Closing schools is not Evidence based and harms children' *BMJ* (2021) 372: n521 <<http://dx.doi.org/10.1136/bmj.n521>>.

⁶³ See Ombudsman for Children, *Unmet Needs: A Report by the Ombudsman for Children's Office on the Challenges Faced by Children in Ireland who Require an Assessment of their Needs* (Ombudsman for Children's Office, October 2020).

⁶⁴ Children's Rights Alliance, above n. 28, at p. 71; see, further, Department of Children, Equality, Disability, Integration and Youth, *Submissions to the DCEDIY Statement of Strategy 2021–2023: Thematic Analysis* (Department of Children, Equality, Disability, Integration and Youth, 2021), pp. 37–39.

⁶⁵ Children's Rights Alliance, above n. 28, at p. 11.

⁶⁶ *Ibid*, at p. 83. This experience is not unique to Ireland: see, further, e.g. K. HARRISON, 'Free, Appropriate, Public, and Educational? Screen-schooling U.S. Children with Disabilities during the 2020 Pandemic' (2021) 15(1) *Journal of Children and Media* 44–48 DOI: 10.1080/17482798.2020.1866628.

development of mental health difficulties.⁶⁷ Despite initiatives such as an expanded summer programme to provide some additional support to these children,⁶⁸ it is clear that the consequences of COVID-19, and decisions taken to curb its spread, have had a substantial impact on the rights of children with additional educational needs.

2.2.4 State Examinations

The Leaving Certificate, completed by students in their final year of secondary school education, marks an important milestone for Irish young people. Stress and worry about educational attainment has been a problem for children generally, and is not confined to children in Ireland.⁶⁹ However, the Committee on the Rights of the Child has previously expressed particular concern about the pressure that the Leaving Certificate places on children, and has recommended giving consideration to reforming the system to reduce this stress.⁷⁰ The pandemic necessitated drastic changes to be made to the State examination process, impacting children and young people, their families, and teachers. Unfortunately, however, rather than relieving pressure on young people, additional challenges were caused by the uncertainty around State exams, and issues relating to the timeliness of decision-making.⁷¹

After weeks of uncertainty, the Junior Certificate exams were cancelled in April 2020, and the decision was taken to cancel the Leaving Certificate in favour of a system of calculated grades in May of that year. Leaving Certificate students also had the option to sit a deferred Leaving Certificate exam in November 2020. A study conducted in June 2020 noted that there had been a widespread negative impact on Leaving Certificate students, in particular.⁷²

The system of calculated grades introduced in lieu of the traditional Leaving Certificate was itself the subject of controversy and, eventually, a number of legal challenges. In June 2020, teachers reported that the calculated grades system was seen as ‘generally fair, if far from perfect’ and, in some instances, school leaders had told staff to mark ‘benignly’.⁷³ Two challenges by students who had been excluded from this system were brought and heard by the High Court in August and September 2020.⁷⁴ The cases related to the exclusion of out-of-school learners from the calculated grades system because of decisions taken by the Department of Education that it was not possible to identify a suitable person to provide calculated grades. In both cases, the applicants’ parents had exercised their constitutional right to educate their children at home, rather than in a mainstream school. The Department of Education said that it was not possible to provide these applicants with a calculated grade in either case: in *Burke v.*

⁶⁷ Irish Human Rights and Equality Commission, *The Impact of COVID-19 on People with Disabilities* (Irish Human Rights and Equality Commission, June 2020), p. 10.

⁶⁸ Government of Ireland, above n. 42.

⁶⁹ #CovidUnder19, above n. 22.

⁷⁰ UN Committee on the Rights of the Child, *Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland* (1 March 2016) (CRC/C/IRL/CO/3-4), at paras. 63–64.

⁷¹ G. MOHAN ET AL., above n. 41.

⁷² Ibid.

⁷³ Ibid, at pp. 71–72.

⁷⁴ *Burke v. Minister for Education* [2020] IEHC 418; *N.P. (A Minor) v. Minister for Education and Skills* [2020] IEHC 479.

Minister for Education this was due to a ‘conflict of interest’, as the applicant had been taught by his mother, and in *N.P. (a Minor) v. Minister for Education and Skills*, it was due to the absence of an ‘appropriate source’ to provide information on which to base a calculated grade. In each case, the High Court found in favour of the applicant, noting that the State should have acted in a way that ensured the system was as ‘inclusive as possible’,⁷⁵ and that the decisions taken had been ‘unreasonable, irrational and thus, unlawful’.⁷⁶

A challenge of a different type was brought against the system of arbitrary grades in *Sherry v. Minister for Education and Skills & Ors*⁷⁷. In this case, the applicant argued that a change made to the marking criteria so that school historical data, and a mapping tool in relation to national historical data, would not be taken into account in calculating grades meant that he, who attended a historically high-achieving school, had been unfairly downgraded. While the High Court, in this case, ultimately dismissed the application, concluding that the applicant had not been the subject of unfairness as a result of this decision, and that the decision had not been arbitrary, unreasonable, irrational or unlawful, these cases, as a whole, demonstrate the impact of the decision-making process around the Leaving Certificate in 2020 on children and young people.

After the experiences of 2020, a key concern for the 2020/2021 academic year has been to ensure greater clarity for second-level schools.⁷⁸ However, in a broader sense, the significant changes occasioned by the pandemic to the process of awarding grades to secondary school students may be a useful opportunity to spark a reconsideration of the system of State exams, as suggested by the UN Committee on the Rights of the Child in 2016.

2.3 FAMILY

The measures introduced to combat the pandemic have had a significant impact on families, as well as on children. Increased time spent with household members has been positive for some children, but has created difficulties for others, particularly where there is tension or violence in the family home. In addition, the work of the family court system in Ireland has also been impacted; remote court hearings have become routine.⁷⁹ This section considers issues relating to the impact of COVID-19 on children’s family lives, including access visits with non-resident parents, and domestic violence.

2.3.1 Family Life and Access

The impacts of COVID-related restrictions and, in particular, increases in the time that members of the same household are spending together, combined with remote education and remote working, have led to significant changes in family life. A study carried out in late March 2020,

⁷⁵ *N.P. (A Minor)* above n. 74, at para. 35.

⁷⁶ *Ibid.*, at para. 39; *Burke* above n. 74, at para. 59. Appeals were lodged by the State against these decisions, however the decisions of the High Court were upheld.

⁷⁷ *Sherry v. Minister for Education and Skills, Minister for Further Education and Higher Education, Research, Innovation and Science, Ireland and the Attorney General* [2021] IEHC 128.

⁷⁸ G. MOHAN ET AL., above n. 41.

⁷⁹ H. COUGHLAN, ‘Editorial’ (2020) 23(2) *Irish Journal of Family Law* 37–38.

soon after the initial period of lockdown was announced, indicated that, while increased time with children could increase parental well-being, taking on the role of educator at home posed challenges.⁸⁰ While some children have been able to enjoy spending more time with immediate family members, they have also missed being able to see other family members with whom they did not live.⁸¹

In the family law sphere, the pandemic has impacted on access and maintenance, and there have been particularly negative impacts due to domestic violence in the context of current restrictions.⁸² Decisions taken by parents to reduce or stop maintenance payments – often justified as a result of unemployment occasioned by the pandemic – have increased the risk of poverty for lone-parent households.⁸³

Children whose parents do not live together have had their rights to family life with both parents disrupted, particularly where issues around contact have arisen.⁸⁴ When the first restrictions on movement were announced, in March 2020, there was an initial lack of clarity about what this meant for children whose parents did not live together, causing significant anxiety and tension for families trying to navigate this new landscape.⁸⁵ Although guidance issued subsequently made it clear that access should not be impacted by COVID-19 restrictions, problems have continued in situations where parents have attempted to unilaterally curtail access due to the pandemic.⁸⁶ The lack of an effective communications strategy to address issues affecting families in this situation has been highlighted as contributing to the difficulties experienced in the early days of the pandemic.⁸⁷

The courts have, however, taken the view that public health advice relating to COVID-19 cannot be used as a reason for one parent to block court-ordered access by the other.⁸⁸ Despite this guidance, difficulties have, nonetheless, arisen in practice for families and children. The case of *P.M. v. E.M.*,⁸⁹ which was heard by the High Court in October 2020, is illustrative of such difficulties. This case considered whether enforcement orders should be made against a father who had repeatedly prevented the mother of the child from having court-ordered access visits, using the COVID-19 pandemic and the public health guidance issued to combat the spread of the virus as reasons for doing so. This behaviour had resulted in difficulties in the mother–daughter relationship. The Court was highly critical of the father’s behaviour, saying that he had ‘cynically driven a coach and four through the orders of this Court’,⁹⁰ and warning that continued defiance of court orders may lead to a situation where incarceration was considered to be the

⁸⁰ L. K. LADES, K. LAFFAN, M. DALY and L. DELANEY, ‘Daily Emotional Well-being during the COVID-19 Pandemic’ (2020) 25 *British Journal of Health Psychology* 902–911.

⁸¹ *How’s Your Head?*, above n. 24.

⁸² H. COUGHLAN, above n. 79.

⁸³ D. PEELO, ‘Editorial: The Impact of Covid-19 on Unmarried Families’ (2020) 23(4) *Irish Journal of Family Law* 85–86.

⁸⁴ CDENF, *The Covid-19 Pandemic and Children: Challenges, Responses and Policy Implications* (updated 22 February 2021) (Council of Europe), available at: <www.coe.ie>, last accessed 15.03.2021.

⁸⁵ H. COUGHLAN, above n. 79; D. PEELO, above n. 83.

⁸⁶ *Ibid.* See, further, *H. v. H.* [2020] IEHC 553.

⁸⁷ D. PEELO, above n. 83.

⁸⁸ See, e.g. *H. v. H.*, above n. 86.

⁸⁹ *P.M. v. E.M.* [2020] IEHC 700.

⁹⁰ *Ibid.*, at para. 28.

only option available to the Court to sanction breach of court orders. While the court was extremely critical of this behaviour, it is, nonetheless, a concern that children's right to enjoy contact with parents is being blocked, within the context of the pandemic. This type of behaviour clearly has significant negative impacts on the rights of the children involved.

It is notable that, despite the pandemic, the development of a long-awaited new purpose-built Family Court complex remains a priority for the Government and the Courts Service.⁹¹ While this is a welcome step in addressing long-standing issues with family law proceedings in Ireland, it is clear that further attention needs to be given to the impact the pandemic is having on the rights of children in family law matters in Ireland.

2.3.2 *Domestic Violence and Children's Safety*

For children whose homes are not peaceful or a safe places, the pandemic has created particular issues and dangers.⁹² Experiences of isolation from friends, peer networks, routines and support opportunities have heightened the risk to children in this situation.⁹³ Article 19 of the UNCRC provides that children should have the right to be protected from all forms of violence, including physical and mental violence, as well as abuse, neglect or exploitation. Lockdowns and restrictions on movement have led to an increase in domestic violence globally, and violence against children has been described as a 'shadow pandemic'.⁹⁴

Domestic violence has severely impacted children in Ireland. A snapshot survey by Barnardos of 1,250 open cases over a one-week period indicated that 25 per cent had experienced violence in the home.⁹⁵ Reports of domestic violence to the Gardaí spiked by 25 per cent in the months after restrictions to limit the spread of COVID-19 were introduced.⁹⁶ In some cases, perpetrators have been 'weaponising' COVID-19 by coughing or spitting on women and children.⁹⁷ Some young people who participated in the #CovidUnder19 study highlighted the family tensions and violence that some children have been living with, with little opportunity to escape.⁹⁸ This represents a significant issue. Nine percent of children said that they felt less safe where they lived since the beginning of the pandemic, in some cases referring specifically to

⁹¹ See, further, A. M. HARDIMAN, 'Access to Justice for All' (2020) 25(2) *The Bar Review* 39–41.

⁹² This is an issue in many countries beyond Ireland: see, further, C. KATZ ET AL., 'Child Maltreatment in the Time of the COVID-19 Pandemic: A Proposed Global Framework on Research, Policy and Practice' (2021) 116(2) *Child Abuse & Neglect*, available at <<https://doi.org/10.1016/j.chiabu.2020.104824>>.

⁹³ J. V. APPLETON and P. SIDEBOTHAM, 'Safeguarding Children and Young People during the COVID-19 pandemic' (2020) 29 *Child Abuse Review* 303–309; see, further, A. BÉRUBÉ ET AL., 'How Societal Responses to COVID-19 could Contribute to Child Neglect' (2021) 116(2) *Child Abuse and Neglect* <<https://doi.org/10.1016/j.chiabu.2020.104761>>.

⁹⁴ UNICEF, above n. 9, at p. 14.

⁹⁵ S. CONNOLLY, above n. 51.

⁹⁶ Women's Aid, *Towards Safer Homes and Safer Relationships: Women's Aid Recommendations for the Programme for Government 2020* (Women's Aid, May 2020), p. 20; Women's Aid, *When Home is not Safe: Domestic Abuse During the Covid-19 Emergency* (Women's Aid, August 2020), p. 2.

⁹⁷ S. BENSON, 'Editorial' (2020) 23(3) *Irish Journal of Family Law*, 57–58.

⁹⁸ #CovidUnder19, above n. 22.

family violence.⁹⁹ Further indicating the scale of the problem, Childline reported a 25 per cent increase in demand for its services in the first months after the school closures in March 2020.¹⁰⁰ While domestic violence has long been acknowledged to have negative impacts on children, restrictions and lockdowns imposed to curb the spread of the virus have exacerbated this problem. Lack of access to other trusted adults, and to sources of emotional and social support, have increased the difficulties for children living in this situation.¹⁰¹ For many children living in these circumstances, not knowing how to get help or support has been a significant issue.¹⁰²

In recognition of the significant problem of domestic violence in the context of the pandemic, Operation Faoiseamh was launched by the Garda Síochána (Irish police) to ensure that priority was given to domestic violence as part of the emergency response taken to the pandemic.¹⁰³ The proactive approach taken to Operation Faoiseamh was welcomed by Women's Aid.¹⁰⁴ In addition, the Department of Justice launched the Still Here campaign, which aimed to raise awareness of the supports available to those experiencing domestic violence, including children.¹⁰⁵ However, despite this focus, the threat posed by increased levels of domestic violence to children is significant, and concerns relating to access to services, particularly refuges, have been raised.¹⁰⁶ Women's Aid have noted that the number of refuges (shelters) in Ireland does not meet Istanbul Convention standards.¹⁰⁷ This is a particular matter of concern, given findings in other jurisdictions that domestic violence refuges have been especially important for children during the pandemic as a means of keeping them safe and helping them access education and opportunities for play.¹⁰⁸ In light of this, the need for the State to ensure that appropriate actions are being taken to address the problem of domestic violence, and to ensure that children have access to appropriate assistance and services, including refuge accommodation, has been emphasised by the Ombudsman for Children.¹⁰⁹

A separate issue relating to children's safety in the home is online safety. Given the increases in reliance on digital technologies, and engagement with the online environment, due to COVID, this is an issue that needs to be considered in light of children's right to protection from all forms of violence. While the majority of children said that they felt as safe, or safer, online than they had before the pandemic, 17 per cent of children who responded to the #CovidUnder19 study said that they felt less safe online than before.¹¹⁰ The need for increased

⁹⁹ Ibid.

¹⁰⁰ Irish Human Rights and Equality Commission, above n. 50, at p. 21.

¹⁰¹ S. CONNOLLY, above n. 5.

¹⁰² #CovidUnder19, above n. 22.

¹⁰³ See, further, <<https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2020/june/operation%20faoiseamh%20-%20domestic%20abuse%209th%20june%202020.html>>.

¹⁰⁴ Women's Aid, *Submission to the Criminal Justice Sectoral Strategy: Public Consultations* (Women's Aid, August 2020), p. 10.

¹⁰⁵ See, further, <<https://www.stillhere.ie/>>.

¹⁰⁶ Irish Human Rights and Equality Commission, above n. 50, at p. 17.

¹⁰⁷ Women's Aid, *Towards Safer Homes and Safer Relationships*, above n. 96, at p. 10.

¹⁰⁸ C. Øverlien, 'The COVID-19 Pandemic and its Impact on Children in Domestic Violence Refuges' (2020) 29 *Child Abuse Review* 379–386 DOI: 10.1002/car.2650.

¹⁰⁹ Ombudsman for Children's Office, *Submission to the UN Committee on the Rights of the Child on the List of Issues Prior to Reporting for the Fourth Periodic Examination of Ireland* (Ombudsman for Children's Office, July 2020), p. 13.

¹¹⁰ #CovidUnder19, above n. 22.

attention to children’s online safety in light of increasing levels of interaction with the online environment has been noted as a matter for serious consideration, to ensure that children are adequately protected.¹¹¹

One of the issues that has impacted on children’s rights to protection from violence during the pandemic is the reduced possibilities for someone to make a report if they believe a child is being harmed. Child protection mechanisms, including reporting and monitoring mechanisms, across Europe have experienced difficulties due to the pandemic.¹¹² The impact of school closures, in particular, meant that teachers may not have been able to notice concerns and report them, as they would have done in normal circumstances.¹¹³ This is a significant issue that negatively impacts on the rights of children to protection from violence. Continuing the work to ensure that effective systems to respond to complaints are available when lockdowns ease, and that effective supports to children who have experienced harm, abuse or neglect are available, should be key considerations for the Government in its future decision-making.

2.4 PLAY, LEISURE AND SOCIAL ACTIVITIES

All children have a right to play, rest and leisure, which is guaranteed under Article 31 of the UNCRC.¹¹⁴ The Committee on the Rights of the Child have urged States to explore ‘alternative and creative solutions for children to enjoy their rights to rest, leisure, recreation and cultural and artistic activities’.¹¹⁵ A study of the early childhood sector in Ireland involved teachers being asked about their experiences of play as an educational support during the lockdown in July 2020: responses were strongly supportive of play as a means of supporting children’s social and emotional development and facilitating learning, though some respondents expressed concerns about whether play could be used as a pedagogical tool in the context of social distancing restrictions when schools returned.¹¹⁶

One of the most significant issues for young people during the pandemic has been missing their friends, and young people have found this one of the hardest things to cope with.¹¹⁷ A survey by Barnardos in May 2020 found that 84 per cent of the children who participated had missed seeing their friends.¹¹⁸ The #CovidUnder19 survey found that 56 per cent of children had been able to talk to their friends less than they would have liked, since the beginning of the

¹¹¹ Ombudsman for Children’s Office, above n. 109, at p. 11.

¹¹² CDENF, above n. 84.

¹¹³ S. CONNOLLY, above n. 51; see, further, H.H. FORE, ‘Violence against Children in the Time of COVID-19: What we have Learned, what Remains Unknown and the Opportunities that Lie Ahead’ (2021) 116(2) *Child Abuse and Neglect* <https://doi.org/10.1016/j.chiabu.2020.104776>.

¹¹⁴ See, further, K. M. GRABER, E. M. BYRNE, E. J. GOODACRE ET AL., ‘A Rapid Review of the Impact of Quarantine and Restricted Environments on Children’s Play and the Role of Play in Children’s Health’ (2021) 47 *Child Care Health Dev.* 143–153, available at: <<https://doi.org/10.1111/cch.12832>>.

¹¹⁵ UN Committee on the Rights of the Child, above n. 10.

¹¹⁶ C. O’KEEFFE and S. McNALLY, ‘Uncharted Territory’: Teachers’ Perspectives on Play in Early Childhood Classrooms in Ireland during the Pandemic’ (2021) 29:1 *European Early Childhood Education Research Journal* 79-95 DOI: 10.1080/1350293X.2021.1872668.

¹¹⁷ *How’s Your Head*, above n. 24, at p. 14.

¹¹⁸ S. CONNOLLY, above n. 51.

pandemic.¹¹⁹ Although young people tried to engage with their friends using digital means, this was often less satisfying than face-to-face contact.¹²⁰

Children's engagement with the digital world has been increasing exponentially in importance in recent years, and this has increased further due to the fact that so many aspects of children's lives have moved online, in response to the pandemic. Some young people have reported benefits to the increased use of technology, including avoiding long commutes and facilitating communication with those far away from them.¹²¹ Engagement with technology and the digital world has enabled children to engage with their peers; this social connectivity through the use of technology has been described as a 'necessary lifeline' for adolescents during the pandemic.¹²²

It is worth emphasising that the impacts of the pandemic have not been the same for every young person. For some children, additional free time as a result of the pandemic has provided opportunities to pursue existing hobbies, or to discover new ones.¹²³ Lack of access to social activities, however, has had a significant impact on young people.¹²⁴ One Irish girl who responded to the #CovidUnder19 survey spoke about missing sports, and wanting to return to her training.¹²⁵ A study published in October 2020 found that half of the adolescents who participated had engaged in less physical activity than normal during lockdown, though one in five participants reported more physical activity than usual.¹²⁶ Arts organisations providing a range of activities for children have also been negatively impacted by the pandemic.¹²⁷

A number of measures have been taken by the Irish Government to try and lessen these negative effects. The Let's Play Ireland campaign aimed to promote play for children during lockdown, through the provision of online resources.¹²⁸ Engagement with youth work can be a particularly important resource for children and young people; due to the impact of lockdowns and other restrictions introduced during the pandemic, delivery of in-person youth work was severely limited from March 2020. However, the importance of youth work in providing support to young people, and in giving them something to look forward to, has been recognised by the Irish Government, who published guidance for Youth Work organisations in delivering services

¹¹⁹ #CovidUnder19, above n. 22.

¹²⁰ *How's Your Head?*, n. 24, at p. 14.

¹²¹ *Ibid.*, p. 23.

¹²² C. FRY, 'Sleep Deprived but Socially Connected: Balancing the Risks and Benefits of Adolescent Screen Time during COVID-19' (2021) 15(1) *Journal of Children and Media* 37–40 DOI:10.1080/17482798.2020.1858907; see also E. BENT, 'The Role of Digital Media in Family Life during the UK Lockdown 2020' (2021) 15(1) *Journal of Children and Media* 33–36, available at: <<https://doi.org/10.1080/17482798.2020.1860099>>.

¹²³ #CovidUnder19, above n. 22; *How's Your Head?*, above n. 24, at p. 22.

¹²⁴ *How's Your Head?*, above n. 24 at p. 14.

¹²⁵ #CovidUnder19, above n. 22.

¹²⁶ K. NG, J. COOPER, F. McHALE, J. CLIFFORD and C. WOODS, 'Barriers and Facilitators to Changes in Adolescent Physical Activity during COVID-19' (2020) 6(1) *BMJ Open Sport & Exercise Medicine* DOI:10.1136/bmjsem-2020-000919.

¹²⁷ Ú. CARMODY, *Survive, Adapt, Renew: A Report of the Expert Advisory Group June 2020 to the Arts Council* (Arts Council, 2020).

¹²⁸ See, further, <<https://www.gov.ie/en/campaigns/lets-play-ireland/>>.

to young people during the ongoing pandemic, in December 2020.¹²⁹ During the lockdown that began after the 2020 Christmas period, the provision of publicly-funded youth work once more moved to a remote system of delivery, apart from certain exceptions for essential youth work provision in a one-to-one or very small (less than six people) group context for children who are vulnerable, ‘at risk’ or young people who are in crisis.¹³⁰ Despite these negative impacts, it is significant that almost €500,000 was made available for youth projects, through the Communities Integration Fund, in 2020.¹³¹ Ensuring that opportunities for play, leisure and social activities, and children’s engagement in sports and the arts are supported and accessible to children will be a continuing challenge to ensure that children’s rights are respected as we move through, and beyond, the pandemic.

2.5 MARGINALISED GROUPS

Finally, it is a significant concern from a children’s rights perspective that the COVID-19 pandemic has had a disproportionate impact on a number of already-marginalised groups in Ireland. This raises serious concerns under Article 2 of the UNCRC. The difficulties experienced by these groups of children have arguably exposed the existing cracks in the protection of children’s rights in Ireland, and are areas that will need to be given serious consideration as Ireland continues to grapple with the consequences of the pandemic. While more in-depth consideration is given to children living in poverty, and children in State care, below, it is worth noting that a wide range of different groups have been negatively impacted.

The particular difficulties facing children with disabilities or special needs, and children from Traveller or Roma backgrounds have already been raised, earlier in this chapter. Migrant children have also been particularly negatively impacted, and a study by the Ombudsman for Children’s Office has found that the pandemic has intensified the disadvantages faced by children living in the direct provision system (discussed in section 2.2.2 above), leading to particularly negative impacts for their rights to privacy, play and rest, food, and access to education.¹³² In addition, while there is limited evidence in Ireland, to date, of the impact of COVID-19 on children in conflict with the law,¹³³ the experiences in other jurisdictions indicate that these young people are likely also experiencing significant adverse effects on their rights.¹³⁴

¹²⁹ Department of Children, Equality, Disability, Integration and Youth, *Guidance for Youth Work Organisations: Informed by the Government’s Resilience & Recovery 2020–2021 Plan for Living with COVID-19* (Department of Children, Equality, Disability, Integration and Youth, 9 December 2020).

¹³⁰ Department of Children, Equality, Disability, Integration and Youth, Letter from the Minister For Children, Equality, Disability, Integration & Youth: ‘Guidance for DCEDIY-funded Youth Services and Organisations in light of the Current Public Health Restrictions’ (5 January 2021), available at: <<https://www.gov.ie/en/organisation/departments-of-children-equality-disability-integration-and-youth/>>, last accessed 15.03.2021.

¹³¹ Communities Integration Fund 2020: List of Approved Projects, available at: <<https://www.gov.ie/en/organisation/departments-of-children-equality-disability-integration-and-youth/>>, last accessed 15.03.2021.

¹³² Ombudsman for Children, *Direct Division: Life in Lockdown – Children’s Views and Experiences of Living in Direct Provision during the Covid-19 Pandemic* (Ombudsman for Children’s Office, December 2020).

¹³³ See, e.g. issues around the use of spit hoods by Gardaí on children in Policing Authority, *Policing Performance by the Garda Síochána in relation to COVID-19 Regulations* (Policing Authority, 11 September 2020).

¹³⁴ F. GORDON, H. KLOSE and M. LYTTLE STORROD, ‘Youth (In)justice and the COVID-19 Pandemic: Rethinking Incarceration through a Public Health Lens’ (2021) *Current Issues in Criminal Justice* DOI: 10.1080/10345329.2020.1859966; M. BUCHANAN ET AL., ‘It’s F**ing Chaos: COVID-19’s Impact on Juvenile

Although this is not a comprehensive list, it is clear that the pandemic has not impacted all children equally, and steps need to be taken to ensure that children are not discriminated against in the enjoyment of their rights.

2.5.1 *Children Living in Poverty*

Childhood poverty in Ireland represents an ongoing issue for the realisation of children's rights. Children in Ireland are more likely to live in consistent poverty than the general population.¹³⁵ The rates of childhood poverty have recently been described as being 'unacceptably high'.¹³⁶ Research has found that children were most impacted by poverty after the 2008 recession, and that children in Ireland still experience higher rates of poverty than adults.¹³⁷

As with other countries, Ireland is facing a difficult economic future because of the pandemic, bringing with it obstacles to fully realising the rights of children.¹³⁸ These effects are already being felt in some quarters, as a result of increased unemployment amid lockdowns and other restrictions. The CEO of Barnardos has highlighted the impact of the pandemic on families that have been in contact with them, noting that some families had been unable to provide for the basic needs of their children without support, particularly in the first lockdown, between March and June 2020.¹³⁹

Increased economic hardship and poverty is not a phenomenon unique to Ireland; in December 2020, 41 per cent of the children who participated in the #CovidUnder19 survey said that their families had had less money available to meet their needs since the pandemic began.¹⁴⁰ In some countries, school closures impacted on children's ability to access food that was normally provided in school.¹⁴¹ In Ireland, the Government took steps during the pandemic to try to address food poverty amongst children, particularly in light of school closures. Efforts were made to extend the school meals programme over the summer of 2020, to ensure that children in families experiencing hardship could continue to access food supports; in January 2021, following a pilot project, budget was allocated so that students who previously received a cold lunch would now receive a hot meal.¹⁴²

Measures aiming to mitigate the impacts of increased unemployment were introduced by the Irish Government in March 2020. The COVID-19 Pandemic Unemployment Payment was introduced on 12 March, the same day as the first lockdown was announced, and a Temporary

Delinquency and Juvenile Justice" (2020) 45 *American Journal of Criminal Justice* 578–600, available at: <<https://doi.org/10.1007/s12103-020-09549-x>>.

¹³⁵ D. BYRNE and M. TREATOR, above n. 32.

¹³⁶ *Ibid.*, at p. 63.

¹³⁷ M. REGAN and B. MAÎTRE, *Child Poverty in Ireland and the Pandemic Recession: Budget Perspectives 2021 Paper 4* (Economic and Social Research Institute, July 2020) DOI: <https://doi.org/10.26504/bp202104>.

¹³⁸ Irish Human Rights and Equality Commission, above n. 50, at p. 10.

¹³⁹ S. CONNOLLY, above n. 51, at p. 1.

¹⁴⁰ #CovidUnder19, above n. 22.

¹⁴¹ A. BORKOWSKI ET AL., *COVID-19: Missing More Than A Classroom – The Impact of School Closures on Children's Nutrition* (UNICEF Office of Research – Innocenti Working Paper, January 2021).

¹⁴² Children's Rights Alliance, above n. 28, at p. 118.

Wage Subsidy Scheme was introduced later in the month, as a further emergency response.¹⁴³ In recognition of the needs of vulnerable children, and in order to provide additional supports to children during the pandemic, the Supporting Children campaign was launched in June 2020. It aimed to provide an information hub to ensure that children and their families could access supports that were available from Government and State-funded organisations.¹⁴⁴ Budget 2021 also contained some measures, including the provision of hot rather than cold meals to children in receipt of supports, which are aimed at helping to alleviate child poverty.¹⁴⁵ Initial work has also been undertaken to consider steps to address period poverty amongst women and girls, particularly in light of the likelihood of continued economic hardship following the pandemic, and the difficulties occasioned by COVID-19 restrictions in accessing menstrual products in public buildings.¹⁴⁶

Despite the efforts, so far, by the Government to introduce measures to mitigate the impact of child poverty, it is clear that child poverty represents a significant barrier to the realisation of children's rights in Ireland at present, and is likely to remain an issue as the country faces the economic consequences of COVID-19. Although commitments have been made by the Government in relation to ending child poverty, children's rights campaigners have called for a focus on the effectiveness of the planned measures, particularly in light of the new economic and social circumstances brought about by the pandemic.¹⁴⁷ A recent study of child poverty noted the need for Ireland to increase its focus on the reduction of child poverty through the adoption of a comprehensive anti-poverty strategy, featuring new policies and legislation aimed at eradicating child poverty.¹⁴⁸

Lack of access to effective internet connections, or to appropriate technology or devices, has been a significant issue for some children during the pandemic, including children who are living in poverty. The #CovidUnder19 study found that certain groups of young people globally, including migrants and asylum seekers, have significantly less access to the internet than other parts of the population.¹⁴⁹ Children who did not have access to the internet, or who had poor internet connections, experienced particular problems in relation to their education.¹⁵⁰

Children in Ireland experience inequalities in accessing the digital environment for a number of reasons. Poor connectivity in different geographical regions can be a barrier to young people accessing the digital environment for school, social and leisure activities. Access to the internet, and to technology, can also present particular issues for some of the most vulnerable groups in Irish society. For example, it has been documented that Traveller and Roma children have been impacted by inequalities in access to internet and technology, affecting their ability to

¹⁴³ M. REGAN and B. MAÎTRE, above n. 137.

¹⁴⁴ See, further, <<https://www.gov.ie/en/campaigns/42dcb-supporting-children/>>.

¹⁴⁵ See Children's Rights Alliance, 'Press Release: Budget 2021 not an Ambitious Budget for Young People but includes Essential Investment in Tusla and Youth Services that will Protect the Most Vulnerable through the Covid 19 Pandemic' (13 October 2020), available at: <www.childrensrights.ie>, last accessed 15.03.2021.

¹⁴⁶ Government of Ireland, *Period Poverty in Ireland: Discussion Paper* (February 2021), last accessed 15.03.2021.

¹⁴⁷ Ombudsman for Children's Office, above n. 109, at p. 22.

¹⁴⁸ D. BYRNE and M. TREANOR, above n. 32, p. 70.

¹⁴⁹ #CovidUnder19, above n. 22.

¹⁵⁰ Ibid.; see, further, CDENF, above n. 84.

engage in remote learning.¹⁵¹ The Economic and Social Research Institute, reporting in June 2020, found evidence of digital exclusion from remote learning for some second-level students, despite the efforts of many schools to overcome barriers, and to provide students with appropriate technology where possible.¹⁵²

Disruption to services, as a result of the pandemic, has negatively impacted children and, for those who are already vulnerable, may have widened experiences of inequality.¹⁵³ These issues must be addressed to ensure all children's rights are equally protected and respected.

2.5.2 *Children in Care*

Children in care have also been negatively impacted. While the full impact of the restrictions on children in State care is not yet fully known, some of the issues impacting on children living in residential care have been highlighted.¹⁵⁴ It has been reported that there have been fewer placements available for children in care, particularly where residential units have been impacted by staffing shortages caused by illness or the need for isolation.¹⁵⁵ Staff have reported experiencing anxieties about the possibility of bringing the virus into residential units, and the fear of burnout due to changes in rotas (rotations).¹⁵⁶ Young people in some units have expressed similar fears of transmission following periods of absence.¹⁵⁷ However, it has also been found that young people had often been understanding of, and compliant with, the restrictions.¹⁵⁸ In addition, in a number of residential centres, staff had made significant efforts to ensure that activities were available for young people, to help them to avoid boredom during periods of restriction.¹⁵⁹

The Child Care Law Reporting Project has also shed light on some of the issues that have faced children in care. Assessments for some children have also been delayed for several months.¹⁶⁰ Access arrangements for the parents of children in care have been severely impacted by the pandemic.¹⁶¹ Courts have also had to consider the appropriate limitations on physical contact between parents and children during access visits.¹⁶²

¹⁵¹ Children's Rights Alliance, above n. 28, at p. 93.

¹⁵² G. MOHAN ET AL., above n. 41.

¹⁵³ CDENF, above n. 84.

¹⁵⁴ J. MURPHY, above n. 52.

¹⁵⁵ S. CONNOLLY, above, n. 51.

¹⁵⁶ J. MURPHY, above n. 52.

¹⁵⁷ Health and Information Quality Authority, *Report of a Children's Residential Centre – Dublin North East (8–9 July 2020)*, available at: <www.hiqa.ie>, last accessed 15.03.2021, p. 10.

¹⁵⁸ J. MURPHY, above n. 52.

¹⁵⁹ *Ibid.*; see also Health and Information Quality Authority, *Report of a Children's Residential Centre – South (6–7 July 2020)*, available at: <www.hiqa.ie>, last accessed 15.03.2021, p. 6.

¹⁶⁰ Child Care Law Reporting Project, 'District Court Concerned about Delays in Assessment due to Covid-19', available at: <www.childlawproject.ie>, last accessed 15.03.2021.

¹⁶¹ Child Care Law Reporting Project, 'Care Order Extended and Access Reduced where Assessments Delayed and Access Disrupted by Covid-19', available at: <www.childlawproject.ie>, last accessed 15.03.2021; Child Care Law Reporting Project, 'Covid Crisis gives rise to Access Dispute', available at: <www.childlawproject.ie>, last accessed 15.03.2021.

¹⁶² Child Care Law Reporting Project, 'No "Unnecessary" Contact between Mother and Baby during Pandemic', available at: <www.childlawproject.ie>, last accessed 15.03.2021; Child Care Law Reporting Project, 'Novel Issues

Barnardos has reported that remote working has led to limited direct engagement between children, their families and guardians *ad litem*, making developing trust and rapport more difficult.¹⁶³ Delays occasioned by the need for updated assessments, and limited access to courts, have caused children to experience delays in accessing the supports they need,¹⁶⁴ and concerns have also been raised about limitations on in-person contact with family members, due to the restrictions.¹⁶⁵

2.5.3 *Discrimination against Children as a Group*

Since the beginning of the pandemic, some of the public narratives around children and the pandemic have been troublesome. The #CovidUnder19 survey demonstrated that children in some countries felt that they had been discriminated against on the basis of their age.¹⁶⁶ This was found to have been a particular issue for children in Ireland and in the United Kingdom, as compared with other countries.¹⁶⁷ This issue has also been highlighted in other studies. The *How's Your Head?* report noted the problematic nature of media coverage, and the negative picture painted of young people.¹⁶⁸ 16 per cent of children in the #CovidUnder19 study felt that children had been portrayed more negatively in the media than before.¹⁶⁹ One comment from an 8-year-old boy living in Ireland expressed his frustration: 'Stop telling people we are vectors it hurts our feelings and make us sad I want to see my friends and my nana and granddad.'¹⁷⁰ As well as feeling that young people had been blamed for spreading the virus, young people felt that they were being excluded from public spaces, being called names, and that there was no recognition of the sacrifices children had made.¹⁷¹ These negative portrayals of children present a significant obstacle to the protection and realisation of children's rights, and increased efforts should be made to combat these portrayals.

3. CONCLUSION

The COVID-19 pandemic has brought about an unprecedented global emergency that has required States to take swift and far-reaching decisions in a context where evidence continues to emerge about the transmission and health impacts of a novel virus. When the whole of society is affected, it is difficult to make decisions that ensure that all sectors of society are protected. However, despite these difficulties, Ireland's ratification of the UNCRC means that the rights of children must be given prominence in all decision-making that has the potential to impact on their lives. The Committee on the Rights of the Child emphasises the need for decisions being

in Child Care Proceedings raised by Covid Crisis', available at: <www.childlawproject.ie>, last accessed 15.03.2021.

¹⁶³ S. CONNOLLY, above n. 51.

¹⁶⁴ *Ibid.*

¹⁶⁵ Irish Human Rights and Equality Commission, above n. 50, p. 24.

¹⁶⁶ #CovidUnder19, above n. 22.

¹⁶⁷ *Ibid.*

¹⁶⁸ *How's Your Head?*, above n. 24, at p. 40; see, further, J. O'CONNELL, 'Ireland's Teenage Pariahs: "We are Really at Breaking Point now"', *The Irish Times*, 28 November 2020.

¹⁶⁹ #CovidUnder19, above n. 22.

¹⁷⁰ *Ibid.*

¹⁷¹ *Ibid.*; *How's Your Head?*, above n. 24, 40–41.

taken to reflect the best interests of the child.¹⁷² Particular attention needs to be given to children whose vulnerability has increased because of the pandemic.¹⁷³

It is worth noting that, despite the pandemic, work is continuing to advance issues that will impact children's enjoyment of their rights in Ireland. Essential work is being undertaken to end the much-criticised system of Direct Provision, for example. As noted in section 2.3.1 above, work is progressing on the development of a new Family Court complex in Dublin. Equally, a number of the measures that have been taken by the Government in response to the pandemic have been aimed at mitigating the negative impacts of the pandemic on children.

While a number of steps have been taken to try to mitigate the negative impact of the pandemic on some of society's most vulnerable children, it is clear that further work is needed to ensure that children's rights are protected as the pandemic continues, and as we meet the challenges that will persist in its aftermath. For example, the need for long-term solutions to long-standing issues for children's rights in Ireland, such as child poverty and food poverty, have been highlighted.¹⁷⁴ For groups who have been disproportionately impacted by measures taken in response to COVID-19, significant efforts need to be dedicated to ensuring that the right to non-discrimination is respected.¹⁷⁵

In thinking about the protection of children's rights as we continue to move through and beyond the pandemic, a number of issues may have particular importance. A key concern relates to maintaining the Government focus on children as a priority issue. In May 2020, in discussions about the formation of a new Government, the media reported that consideration was being given to the abolition of the Department of Children and Youth Affairs, which had been established in 2011. This proposal met with strong criticisms from children's rights advocates.¹⁷⁶ Ultimately, while the Department was retained, in the re-configured form of the DCEDIY, the reports highlighted the fragility of the significant progress that has been achieved since children's issues were given a representative at Cabinet level.¹⁷⁷ The fact that the DCEDIY now has responsibility for a number of other important areas, including equality and disability, raises concerns that the priority previously given to children and young people may slip. In submissions to the DCEDIY on its new Statement of Strategy,¹⁷⁸ a number of respondents emphasised the need to ensure that the focus on children and youth affairs was not downgraded, and to continue giving equal focus and attention to children.¹⁷⁹ Given the negative impact that COVID-19 has had on the rights of children, it is essential that this prioritisation of children by the Government is maintained; it is

¹⁷² UN Committee on the Rights of the Child, above n. 10.

¹⁷³ Ibid.

¹⁷⁴ Children's Rights Alliance, above n. 28, at p. 120.

¹⁷⁵ European Network of National Human Rights Institutions, *The Time for Solidarity on Human Rights: The Need for Human Rights in COVID-19 Responses in Europe* (2020), available at: <<http://ennhri.org/wp-content/uploads/2020/04/ENNHRI-Statement-on-COVID-19-23-April-2020.pdf>>, last accessed 15.03.2021.

¹⁷⁶ C. GALLAGHER, 'Keep Department of Children, Rights Groups Urge after Reports of Abolition', *The Irish Times*, 5 May 2020.

¹⁷⁷ L. FORDE and U. KILKELLY, above n. 2.

¹⁷⁸ Department of Children, Equality, Disability, Integration and Youth, *Statement of Strategy 2021–2023* (Department of Children, Equality, Disability, Integration and Youth, 2021).

¹⁷⁹ Department of Children, Equality, Disability, Integration and Youth, above n. 64, p. 9.

clear that vigilance will be necessary to prevent slippage in the priority given to children at Government level.

Arguably, one of the key steps that could be taken to ensure that children's rights are fully respected in a post-COVID landscape would be to give serious consideration to the full incorporation of the UNCRC into Irish domestic law. While significant achievements have been reached in better protecting children's rights in recent years, progress has largely been piecemeal.¹⁸⁰ The light that has been shone, during the COVID-19 crisis, on weaknesses in systems that aim to protect children's rights has further emphasised the need to take a more coordinated approach. The benefits of incorporating the UNCRC have been highlighted by commentators.¹⁸¹ The Ombudsman for Children, Dr. Niall Muldoon, has also recommended that the Government takes steps to incorporate the UNCRC fully into Irish law, in light of the impact of COVID-19, highlighting the importance of a rights-based framework to secure the rights of all children, as well as specific cohorts of children, such as those with disabilities.¹⁸² Full incorporation of the UNCRC into Irish law would perhaps be the most significant step that could be taken by Government in the future to ensure that priority is given to children's rights in a post-COVID landscape.

Listening to young people's voices will be crucial in developing new policies to respond to the consequences of the pandemic. Consultations that have already been carried out with young people, such as #CovidUnder19 and How's Your Head?, have already provided valuable insights about children's experiences of their rights during the pandemic. There is a need to ensure that children and young people are consulted, and have the opportunity to have their voices heard, in decision-making processes relating to the management of the pandemic and its aftermath.¹⁸³ The need for further research on the impact of COVID-19 on children's developmental, educational and mental and physical health outcomes as we move through and beyond the pandemic has been noted,¹⁸⁴ but this must take into account children's lived experiences and perspectives, and must make space for children to participate in important decisions about issues affecting their lives that will have to be made in the coming months and years. This is important for younger as well as older children,¹⁸⁵ as well as for specific cohorts of children who have experienced disproportionately negative consequences as a result of the pandemic. Increased opportunities for children to participate in decision-making and policy-planning would be welcome.¹⁸⁶

The economic difficulties occasioned by the pandemic are likely to present a significant obstacle to the full realisation of children's rights. In view of these circumstances, advocates for

¹⁸⁰ L. FORDE and U. KILKELLY, above n. 2.

¹⁸¹ U. KILKELLY, 'The UN Convention on the Rights of the Child: Incremental and Transformative Approaches to Legal Implementation' (2019) 23(3) *International Journal of Human Rights* 323.

¹⁸² Ombudsman for Children, above n. 63.

¹⁸³ UN Committee on the Rights of the Child, above n. 10.

¹⁸⁴ D.B. O'CONNOR ET AL., 'Research Priorities for the COVID-19 Pandemic and Beyond: A Call to Action for Psychological Science' (2020) 111 *British Journal of Psychology* 603–629 DOI:10.1111/bjop.12468.

¹⁸⁵ See further, e.g. C. PASCAL and T. BERTRAM, 'What do Young Children have to Say? Recognising their Voices, Wisdom, Agency and need for Companionship during the COVID Pandemic' (2021) 29(1) *European Early Childhood Education Research Journal* 21–34 DOI: 10.1080/1350293X.2021.1872676.

¹⁸⁶ Department of Children, Equality, Disability, Integration and Youth, above n. 64, at p. 11.

human rights have emphasised the need for the Government to ensure the continued allocation of resources to protect human rights, and to take children's rights into account in this planning.¹⁸⁷ The Council of Europe has also highlighted the need to keep children's rights high on government agendas, and high on the priority list for budgets.¹⁸⁸ The protection and realisation of children's rights are dependent on ensuring that sufficient resources and budget are allocated to support this effectively. For example, the failure to allocate sufficient resources, in particular regions, to ensure that children could access assessments of their needs was found by the Ombudsman of Children to be a significant factor in the delays experienced by children.¹⁸⁹ The need to invest in services across a variety of domains affecting children's lives has been emphasised by children's rights campaigners, in light of the impact of COVID-19.¹⁹⁰

It is clear that the COVID-19 pandemic has impacted on children's lives, and the enjoyment of their rights, in many ways. Although the Irish Government has made attempts to address some of these issues, significant challenges persist. In moving forward and facing the continuing consequences of the pandemic, ensuring that children's voices are listened to, and that children's rights are protected and upheld, must be priorities.

¹⁸⁷ Irish Human Rights and Equality Commission, above n. 50, p. 9; Ombudsman for Children's Office, above n. 109, p. 8.

¹⁸⁸ CDENF, above n. 84.

¹⁸⁹ Ombudsman for Children, above n. 63, p. 5.

¹⁹⁰ Department of Children, Equality, Disability, Integration and Youth, above n. 64.