

Assessment of Living Conditions from a **Children's Rights** perspective



St. Catherine's Halting Site, Wetlands, Kilkenny

Report by
Peter Kieran



Commissioned by Fr McGrath Family Resource Centre (SCCA Ltd) October 2013

THE WETLANDS HALTING SITE

'A LITANY OF SOCIAL FAILURE'

Introduction to Report by Fr. McGrath Centre's Director of Services

On behalf of the Board of the Fr McGrath Centre I would like to thank Peter Kieran for undertaking and completing this challenging and important piece of work on our behalf, and to thank the families and many agencies he interviewed who by cooperating with him, allowed it to happen.

The issues affecting the children and families living on the St. Catherine's Halting Site, and impacting the management of the site over the last thirty years have been many and complex. When we first briefed Peter on this piece of work we were adamant that the report that he would produce would not be used in finger pointing or assigning blame.

We agreed that if the report identified failures, then all parties concerned should be asked to accept their part of the communal responsibility for letting down the families on this site. The Fr. McGrath Centre, relative newcomers to the site, hold our hands up and accept our part in this. We are now asking ourselves whether there was more we should have and can now be doing to support children and families in this very difficult and seriously overcrowded and socially isolated living environment.

But a reluctance to assign blame should not be confused with a reluctance to ask difficult questions of ourselves and the other agencies that together have a collective responsibility for the protection and wellbeing of children and families in the Wetlands Halting Site.

What Peter's research focused on specifically was the rights of the children in St. Catherine's under international human rights conventions to establish if these have been breached; and it is clear from his investigation and findings that they have been and are being violated.

This inevitable question then must be asked: Why is it after thirty years of serious financial investment by different state and voluntary agencies that we cannot point to a greater level of success? We have established our nation as a republic, embracing the ideal that all of our children would be treated equally. But this report is evidence of significant shortcomings in that regard. The 31 children who live at St. Catherine's experience very substandard environmental conditions and are significantly adversely affected by these. Their parents, who feel that they have been left with little choice of where they can live, are still trying against the odds to provide their children with the 'good enough' childhood to which all parents aspire for their children.

We should also be mindful of a recent report published by the Children's Rights Alliance that shows that the infant mortality rates for Traveller children are 3.6 times that of the general population, surely a socially disgraceful statistic. We have also been reminded over the past year by the work of the National Traveller Suicide Awareness Project of the very high rate of suicide among Traveller men in Ireland who are more than six times more likely to commit suicide than their settled counterparts.

The families living on the Wetlands halting site are desperately attempting to keep alive some remnants of their culture and traditional way of life; but urbanised 21st Century Ireland has so far been unable, or unwilling, to accommodate and support minorities' cultural needs. The dismantling

of the Traveller culture however has been shown to be linked to a deterioration in mental health and an increase in the rate of suicide, especially among Traveller men.

So what must be done to improve the outlook for these children?

Our Family Centre believes that no one agency on its own - local authority, health, education, social protection - can provide the solution. This is why we are calling on the County Manager, our elected Co. Councillors for Kilkenny, and the Area Manager of the newly formed Children and Family Support Agency (TUSLA) for this area, to generate and launch an emergency plan to finally bring to an end thirty years of shameful and collective failure to protect and enhance the lives of the children of the St Catherine's travelling community. We believe that this can best be achieved by convening a special Task Force to be headed by one or both of these two most senior managers. The development and implementation of this plan should involve in a genuine way the Traveller families, and will help to support and give direction to the work with children and families of the many agencies that are currently trying to support them on the site.

Finally, with the public launch of this report, with the finding that the internationally guaranteed rights of these children are being severely breached and undermined, no one can claim any longer..."*We did not know*".

On behalf of our fellow citizens, the children and the families on the site, thank you for that Peter Kieran.

Stephen Murphy

Director of Services

St Canice's Community Action Ltd/ Fr. McGrath Family Resource Centre

5th March 2014

SCCA Ltd and The Fr. McGrath Centre would like to thank Gypsy Ray for use of her cover picture of Lorraine and Rachel Carthy on the site and Paul Brennan Web Design for his design assistance

Acknowledgements

The families who live on the St. Catherine's Halting Site, Wetlands, Kilkenny had no reason to believe that yet another stranger coming to talk with them was worth their time. However, I was welcomed into every caravan and mobile home on the site and everyone assisted me in a cordial and generous manner, for which I am very grateful. I also want to say a sincere thanks to all of the staff and volunteers who work with the various statutory, voluntary and community agencies that provide services and supports to the families at St. Catherine's and who met with me to discuss their work and best thinking. Special thanks are due to Catherine Lennon of the Fr. McGrath Centre, Kilkenny who provided me with introductions, information and assistance throughout the process of undertaking this review. I want to thank Stephen Murphy of the Fr. McGrath Centre for commissioning me to do this piece of work.

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St Catherine's Halting Site, Wetlands, Kilkenny – Assessment of Living Conditions from a Children's Rights Perspective

Executive Summary and Recommendations

The focus of this assessment is on the children who live at St. Catherine's Halting Site, Wetlands, Kilkenny. Ireland is a signatory to the United Nations Convention on the Rights of the Child (UNCRC). The Irish State ratified the UNCRC on September 28th 1992 and so committed itself and its agencies through international undertakings to promote, protect and fulfil the rights of all children in Ireland, whatever their circumstances.

All of the families who live on the halting site at St. Catherine's, were interviewed, and basic demographic information on family composition, the availability of utilities and other essential facilities was collected. A wide range of professional practitioners and agency representatives who are providing services to the families at St. Catherine's were also interviewed over the course of the six week period of fieldwork. The information gleaned through these interviews was subjected to a Children's Rights Impact Assessment. In addition, a number of key reports and other documents on issues affecting Travellers in Ireland have been reviewed and are referenced at the end of this report.

Findings

1. The rights of children and young people who live on the St. Catherine's Halting Site are being infringed. The specific Articles of the UN Convention on the Rights of the Child that are not being implemented are discussed in this report. While a lot of work is being undertaken by the statutory agencies in attempting to address the needs of the families that live on the site, this work is not informed by an understanding and application of a Children's Rights perspective.

2. While a large number of statutory, voluntary and community agencies are involved in providing services to the children who live on the St. Catherine's Halting Site and their families are investing a great deal of time, effort and resources in their work, these various interventions are not effectively coordinated, and no comprehensive and integrated planning exists to guide them. The Kerry County Development Board *Interagency Traveller*

Strategy to Improve the Quality of Life of Travellers in Kerry is an example of such a coordinated strategic response. The existing Kilkenny Traveller Interagency Group could perhaps undertake a similar exercise with a particular focus on St. Catherine's Halting Site; and no doubt the various parties involved in developing and implementing the Kerry strategy would be prepared to assist and support their Kilkenny counterparts.

3. No genuine and effective consultation with the children and young people who live at St. Catherine's Halting site and their families is being undertaken by the statutory agencies involved in providing services to them. Once the critical importance of consultation is endorsed, the methodologies for undertaking it can be developed and implemented.

4. The community development approach that has been applied by agencies working on the St. Catherine's Halting Site has had limited success. This may be due to an understandable assumption that the eleven family units living in this very small space consider themselves to be a functional community, and wish to live alongside each other in the medium to long term. This assumption has to be questioned.

5. A tailored Family Support service to each family unit in St. Catherine's, and to those additional families that lived there until recently, based on consultative needs assessment, is now required to complement the community development approach. This family support approach should work closely with the targeted health services to achieve the enhancement of the health status of all family members.

6. The Wetlands towns land is unsuitable for a significant housing development; and perhaps at most, three family units would wish to remain there, and only if they could be guaranteed that they would be adequately housed there. There is no single 'silver bullet' solution to the housing needs of the children and families who live on the halting site, but another attempt at segregated and congregated accommodation should be avoided. Early indications are that the four family units that have moved from the site have done relatively well in their new homes, and the health of all of the children involved has improved. The demands of the transition from living in a caravan or mobile home to living in a house among settled neighbours however cannot be underestimated, and families making such a

major life change need sustained, consistent, empathic and practical support and guidance over a long period of time.

7. The provision of Community Employment Scheme opportunities to the adults who live on the St. Catherine's Halting Site is urgently required. If this has previously been tried, but without success, the lessons learnt from that earlier attempt can now inform the careful planning of a new scheme.

8. There has been discussion for a number of years about a Horse Project being established at Wetlands to address the reality of horse ownership by Traveller men, but it appears that little progress is being made in relation to this. While developments are awaited, a number of horses have been impounded, and some of these have been destroyed. Very large sums of money have been paid to secure release of impounded horses. The overall approach to this issue by the local authority appears to be unnecessarily punitive, and it has further eroded trust between the residents of the halting site and officialdom.

9. The Traveller children and families who live on the St. Catherine's Halting Site are affected by the same national policies that impinge on all Travellers in the Republic of Ireland. In April 2013, Pavee Point published a report authored by social researcher, Brian Harvey, entitled *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*. This systematic study clearly shows how Travellers have been disproportionately and unfairly subjected to much more stringent public expenditure cutbacks than the general population.

St Catherine's Halting Site, Wetlands, Kilkenny – Assessment of Living Conditions from a Children's Rights Perspective

Introduction

This assessment was undertaken at the request of the Fr. McGrath Family Resource Centre (FRC), Kilkenny. This FRC was requested by HSE South to become involved in the provision of childcare and other family support services to the families that live at the St. Catherine's Halting Site; and in becoming involved with the families, the staff of the Father McGrath Centre became acquainted with the poor living conditions on the site. The involvement of the Fr. McGrath Centre added a further organisation to the number already active in providing some type of service to individuals and families living on this halting site. Amongst the agencies listed by the local authorities as partners in the provision of support services are:

- Health Service Executive
- Traveller Health Unit (funds Early Years Practitioner in Crèche, and funds Community Health Coordinator)
- Schools Completion Programme (funds a homework programme)
- Kilkenny Leader Partnership (KLP)
- Kilkenny Traveller Community Movement (KTCM)
- Word Aid (literacy service)
- Community Garda
- Catholic Chaplin
- Kilkenny Sports Partnership (KRSP)

In October 2012, a long-awaited development plan for the site had been launched by Kilkenny County Council. However, in March 2013, the Department of the Environment announced that it was not supporting the development due to problems with aspects of the plan, and the delay that ensued led to the budget earmarked for the project being lost for that year. Kilkenny County Council had applied for €2 million to redevelop the site, by providing houses, upgrading all essential services and re-aligning the road which is considered to be very dangerous. Nine families living on the St. Catherine's site were expecting that the building of their new houses would commence in early 2013, and they experienced great disappointment when they were informed that the building would not now proceed. It was in 1999 that the first discussions had taken place with the families living at St. Catherine's about the developing of housing for those families that wanted to settle there. This site however was only ever meant to provide short-term accommodation.

The focus of this assessment is on the children who live at St. Catherine's Halting Site. Because of this concentration, the report does not attempt to provide an exhaustive overview and evaluation of all services that have a role in the lives of the residents of the St. Catherine's Halting Site. The author is not attempting to be negatively critical of the work of any individual or agency; but he does want to present a critique that will lead to a vigorous debate about how best to improve the welfare of these children.

Ireland is a signatory to the United Nations Convention on the Rights of the Child (UNCRC). The Irish State ratified the UNCRC on September 28th 1992 and so committed itself and its agencies through international undertakings to promote, protect and fulfil the rights of all children in Ireland. The Irish State has presented two reports to the UN Committee on the Rights of the Child, in June, 1996 and in July, 2005 on progress towards implementing the UNCRC. On Thursday, 26th September 2013, Minister for Children Ms. Frances Fitzgerald confirmed that Ireland had (belatedly) submitted two further reports to the UN Committee, *Ireland's Consolidated Third and Fourth Reports to the UN Committee on the Rights of the Child*. The response of the UN Committee to these reports is awaited. This assessment was well advanced before the publication of these two Irish State reports, and it has not been possible to fully review and evaluate information that relates to Traveller children from the 170-page document, but some reference to it is made in relation to the State's reply to the points made in the UN Committee's concluding observations on the 2005 Irish Report¹.

In its response, the UN Committee stated the following specifically in relation to Irish Traveller children:

Children belonging to minorities

78. The Committee notes the information provided in the State party report, in particular in Chapter III under non-discrimination and child welfare, and the written replies to the list of issues in particular with respect to the report of the High Level Group on Traveller Issues. The Committee remains concerned, however, that adequate recognition, action and positive measures have not yet been taken to enhance the enjoyment of the rights of children belonging to the Traveller community and in particular to facilitate their access to education, housing and health services.

¹ Committee on the Rights of the Child, Forty-third session - Concluding observations: Ireland

79. The Committee recommends that the State party:

- (a) Work more concretely towards the recognition of the Traveller community as an ethnic group as called for by the Committee on the Elimination of Racial Discrimination (CERC/C/IRL/CO/2 para.20);
- (b) Undertake or use existing research or comprehensive needs assessment with a particular focus on children belonging to the Traveller community in the fields of health, housing and education to further serve as a basis for policies and strategies and concrete measures for the improvement of the well-being of the children;
- (c) Implement the recommendations of the Task Force on the Traveller community; and
- (d) Provide in its next report detailed information on measures taken in order to enhance the enjoyment of the rights of children belonging to the Traveller community, in particular with regard to enjoyment and access to education, health services and housing facilities.

In its 2013 consolidated reports, the Irish State suggests that

174. During the course of the examination, conducted by a working group of the UN Human Rights Council, of Ireland's report to that Council prepared under the Universal Periodic Review procedures, one delegation specifically recommended that Ireland should recognise Travellers as an ethnic minority. A conference organised by the National Traveller Movement Advisory Committee took place in September 2012 to explore the issue of recognition of Travellers as an ethnic minority. This matter is currently being considered by the Department of Justice and Equality².

However, the Irish Government has already decided not to recognise Irish Travellers as a distinct ethnic group. Paradoxically, Irish Travellers in the United Kingdom have this designation.

This assessment report will utilise all relevant existing research on Irish Travellers, especially children.

The Report of the Task Force on the Travelling Community was launched in 1995 and contained 341 recommendations. The UN Committee has simply said to the Irish Government that it should implement the recommendations of its own 1995 report.

The measures that have been taken to enhance the rights of Irish Traveller children in the areas of education, health and housing itemised in the State's 2013 consolidated reports are:

175. The *Report and Recommendations for a Traveller Education Strategy* (2006) was published in response to recommendations contained in the *Report of the Task Force on the Travelling Community*, published by the Government of Ireland in 1995. Specific measures to address the needs of children of the Traveller community – including the *Traveller Education Strategy*, the *Intercultural Education*

² Ireland's Consolidated Third and Fourth Reports to the UN Committee on the Rights of the Child, page 30.

Strategy and the *Traveller Accommodation Strategy* – are referred to in previous sections of this report and are described in further detail in subsequent chapters.

The *National Intercultural Health Strategy, 2007-2012* recognises Travellers as Ireland's most long standing cultural minority group and one that is at greater risk of poor health. Further, it recognises that Traveller children are at particular risk. This applies equally to Roma children, who are an especially vulnerable group, and considerable work has taken place around this area. HSE National Social Inclusion was able to facilitate the appointment of a Roma Outreach worker, with a remit of linking families into health services. A series of seminars was co-hosted by the HSE and Pavee Point on issues faced by this group, as well as by service providers in responding to their needs. Issues of child protection were the focus of one seminar and a report is due to be signed off imminently in relation to this. There is ongoing interagency work on advancing care priorities of vulnerable children, including Traveller and Roma children. Establishment of a *Children First* Committee within the Social Inclusion Care group will incorporate Traveller representation – this will facilitate attention to the specific needs of Traveller children.

The Report of the High Level Group on Traveller Issues was published in March 2006 with 59 recommendations. A list of the various initiatives taken in relation to Traveller accommodation in Ireland since 1963 is contained in Appendix 1 of this report.

Methodology

The approach to this assessment was very straightforward. It was important that I spoke with at least one parent in all of the families who live on the halting site at St. Catherine's. When speaking with them I took basic demographic information on family composition and I checked on the availability of utilities and other basic facilities. There are a wide range of professional practitioners and agency representatives who are providing services to the families at St. Catherine's, and I interviewed as many of these as I could over the course of the six week period of the fieldwork. I have attached a list of the people consulted as Appendix 2 of this report. I have considered the information gleaned through these interviews by subjecting it to a Children's Rights Impact Assessment. The applicability of such an assessment to the decisions and actions of a housing authority may be open to question, but the debate on this point would be well worth having if it results in a promotion of a children's rights perspective. Finally, I have read a number of key reports and other documents on issues affecting Travellers in Ireland, and where relevant I have made reference to these in the course of this report. All documents read are referenced these at the end of this report.

Families and Children living at St. Catherine's Halting Site

At the time of the fieldwork, in June 2013, there were 11 separate accommodation units at St. Catherine's Halting Site, as follows:

Family A – Mother, father and eight children living in a chalet

Family B – Mother, father and eight children living in a mobile home

Family C – Mother, father and two children living in a mobile home

Family D – Mother, father and four children living in a mobile home

Family E – Single woman living in a mobile home

Family F – Mother, father, daughter and granddaughter living in a house

Family G – Mother, father and one child living in a mobile home

Family H – Mother, father and three children living in a mobile home

Family J – Mother, father and one child living in a caravan

Family K – Young couple living in a caravan

In total there were 29 children, i.e. people under the age of 18 years who are not married, living at St. Catherine's (although one of these was a 17 year old young man who was cohabiting with his partner in a caravan on the site).

In the three months prior to the fieldwork, four families have moved from the halting site with their combined 22 children to take up housing elsewhere in Co. Kilkenny. It is extraordinary to consider that 50 children had lived in this very small space up until very recently.

The full site is marginally less than an acre in size – see attached map in Appendix 3.

The age and gender profile of the children in June 2013 was as follows:

Age	Male	Female	Total
0 – 1 years	5	3	8
2 – 4 years		5	5
5 – 6 years	2	1	3
7 – 12 years	4	5	9
13 – 16 years	1	1	2
17 – 18 years	(1)	1	2
Total	13	16	29

All children of school-going age are attending school, while most of the children under the age of six attend crèches operated by the Fr. McGrath Centre, either on site in the small community building at St. Catherine's, or at the main centre in The Butts, Kilkenny.

[The demographic situation at the end of February 2014 was as follows:

Family unit: Husband, wife and 10 children

Family unit: Husband, wife and 9 children

Family unit: Cohabiting couple

Family unit: Husband, wife and 2 children

Family unit: Husband, wife and 4 children

Family unit: Single adult woman

Family unit: Husband and wife

Family unit: Cohabiting couple and 1 child

Family unit: Husband, wife and 1 child

Family unit: Husband, wife and 3 children

Family unit: Cohabiting couple and 1 child

This gives a total of 31 children, a small increase on the June 2013 figure. Three adult women living on the site are also pregnant, so three more children will be living on the site by the end of 2014, all things being equal.]

Of the 29 children living on site at St. Catherine's in June 2013, one child lived in a standard house, while all of the remainder lived in caravans, mobile homes or in a demountable chalet. Four of the children lived in dwellings that had no piped water supply; and 10 of the children lived in dwellings without hot water (this number rises to 18 if one mobile home where there is a fault with an immersion system is counted). Four of the children lived in dwellings without a flush toilet. Eighteen of the children lived in dwellings that have no adequate source of heating; and 23 of the children lived in dwellings that are damp.

Dampness from condensation in caravans and mobile homes occurs when there is an excess of moist air indoors, which condenses into liquid when it touches cold surfaces such as windows, walls or the underside of metal roof sheeting. Excessive moisture in the air is usually caused by the large volumes of water vapour produced by gas heaters, and by ordinary domestic activities such as cooking, bathing and clothes drying. Condensation dampness is a problem because it leads to mould growth and causes unhealthy living conditions.³

Overcrowding and lack of normal household amenities and facilities are issues for the majority of these children and their parents. Essential clothes washing is a major challenge for four families with a total of 8 children; and two further families had problems, one with a boiler and one with an electrical supply required to operate their washing machines.

Section 63 of the Housing Act, 1966 deals with overcrowding, and under the definition used in this legislation based on the free air space in any room used as a sleeping apartment, for all persons there must be at least four hundred cubic feet, which space is not achieved in most of the mobile homes and caravans on the St. Catherine's Halting Site.

The *Health Impacts of the Built Environment: A Review* report published by the Institute of Public Health in Ireland in 2006 examines the factors in housing that affect the health of residents, including children. The report lists a number of factors, including air quality,

³ The causes of and cures for condensation dampness, <http://www.lifestyle.com.au/tv/grand-designs-australia>

temperature, humidity, space, noise, light, accessibility, immediate surroundings and locality. In a summary statement on inequalities in health, the report makes the following statement:

Inequalities in health

Of particular importance is the fact that a disproportionate burden of ill-health associated with the built environment is borne by certain groups within the population. It has previously been highlighted that the least well-off people in society suffer poorer health. This report adds further evidence to this perspective. Poor people are more likely to live in poor quality built environments and this contributes to poor health. The report identifies children and the elderly as being particularly vulnerable not only because of a biological vulnerability but also because of the significant numbers of children and elderly who are poor.⁴

The report adds that the challenges of public health depend on a well planned built environment for people

Neighbourhoods are the localities in which people live and evidence shows they are vitally important for health and well-being. Combating heart disease, respiratory problems and mental illness means ensuring opportunities for healthy exercise, air quality and local social networks, all of which are influenced by the physical nature of localities.

Effective planning for public health involves much more than planning curative services. It is about healthy human habitat and supportive social structures. Public health challenges related to the built environment include quality of and access to schools, economic opportunities, access to health and social care, creating strong social networks, good air and water quality, and opportunities for physical activity. These all depend on our ability and commitment to creating a healthier built environment.

The one impenetrable wall that borders the site was built, apparently without planning permission, by a developer, and it is between 12 and 14 feet in height. It blocks light to the site, something that would not have gone unchallenged if the residents of St. Catherine's were owners of private houses; and most adults on the site stated that conditions in their mobile homes are damper since the building of the wall. All describe the height and appearance of the wall as being prison like in its impact on the overall atmosphere on the site.

⁴ The Institute of Public Health in Ireland, 2006, Health Impacts of the Built Environment: A Review



Photographs of the exterior of the wall surrounding the halting site

The halting site has a very small enclosed playground that is suitable for a few younger children but the layout of the site provides no room for older children to play and take part in activities together. The whole site is overcrowded and affords no privacy to any family or individual who lives there. Living has to be very communal simply because of the absence of secure boundaries, entrance gates, sound proof walls etc. The assumption may be that this is acceptable to the families who live at St. Catherine's because they consider themselves to be a community; but there is no satisfactory and conclusive evidence that the families who live on the site consider themselves to comprise a functional community. The residents at St. Catherine's are one large extended family or kinship group; and many of the parents are blood relatives⁵. This however does not mean that all of these families and individuals wish to or have chosen to live in very close proximity to each other. Some families have moved from the site to houses in other areas over the past year, and other parents have expressed a preference for being housed away from Wetlands. A small minority of parents wish to remain in this location, but in improved housing and environmental conditions.

⁵ It is estimated that one fifth of the world's population live in cultures that favour consanguineous marriage, so the Travellers at Wetlands are not that unusual in this regard. Ref: Hanan Hamamy, *Consanguineous marriages - Preconception consultation in primary health care settings*, J Community Genet (2012) 3:185–192

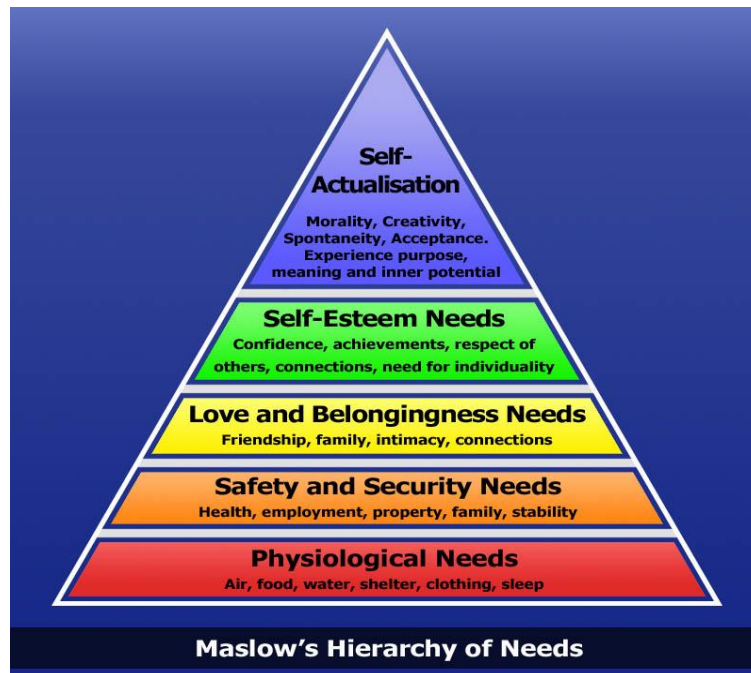
Children have a need for special protection because they are vulnerable, dependent and developing, so are by definition physically and mentally immature. The World Declaration on the Survival, Protection and Development of Children, agreed to at the World Summit for Children in New York on 30 September 1990⁶, states that:

The children of the world are innocent, vulnerable and dependent. They are also curious, active and full of hope. Their time should be one of joy and peace, of playing, learning and growing. Their future should be shaped in harmony and co-operation. Their lives should mature, as they broaden their perspectives and gain new experiences.

Abraham Maslow, in his 1943 article⁷, advanced the notion that children have a hierarchy of needs and that in order to maximise every child's life chances, their physical, psychological and emotional needs have to be met. What Maslow argued was that lower level needs have to be met before higher level needs can be. He illustrated this with his famous pyramid image, which is reproduced below. Where these concepts become relevant and applicable to the children who live at St. Catherine's Halting Site is when consideration is given to their needs for basic physical safety, warmth, nutritious and well prepared food, dry living arrangements, accessible washing facilities, clean clothes and health promoting conditions. When children are not guaranteed that these needs will be met sufficiently and predictably, then it is less likely that they will have the available and free attention to pursue the meeting of their higher level needs. The longer this is their experience, the more delayed will be their overall development.

⁶ <http://www.unicef.org/wsc/declare.htm>

⁷ Maslow, A. H. (1943), *A Theory of Human Motivation*, *Psychological Review*, 50 (4): 370-396



Children's Rights

The UN Convention on the Rights of the Child (UNCRC) was preceded by the League of Nations Geneva Declaration of the Rights of the Child, adopted in September, 1924, and by the UN Declaration of the Rights of the Child of November 1959. In the latter, the following statement is made⁸:

...mankind owes to the child the best it has to give

The UNCRC contains 54 Articles and is a very detailed document. However, four particular Articles are seen as key to the overall working of the Convention, as they establish its foundational principles. These are:

Article 2 - Non-discrimination

1 States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2 States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

⁸ UN Declaration on the Rights of the Child, Proclaimed by General Assembly Resolution 1386(XIV) of 20 November 1959

Article 3(1) - The best interests of the child must be a primary consideration in decisions made by legislative bodies or administrative authorities

1 In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 6 - The state must ensure, to the maximum extent possible, the survival and development of the child

1 States Parties recognize that every child has the inherent right to life.

2 States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 12 - The views of the child concerned must be given due weight in all matters affecting them

1 States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2 For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Among the other important Articles in the UNCRC that are relevant to this review are:

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence; nor to unlawful attacks on his or her honour and reputation

2. The child has the right to the protection of the law against such interference or attacks,

Article 18 (2)

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

Article 19 (2)

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 24 (1) and (2) (c)

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Article 29 (1) (c) and (d)

1. States Parties agree that the education of the child shall be directed to:
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

The *State Party* here is the Irish State as represented by the legitimately elected Irish Government and the institutional structures that have been developed to handle government tasks. The responsibility for delivering on the undertakings made when Ireland ratified the UN Convention on the Rights of the Child includes those responsibilities that have been delegated by law to the local authorities, and to the statutory health and welfare services, which have reporting and accounting relationships to identified Ministers of Government. In this way, Kilkenny Co. Council, Kilkenny Borough Council and HSE South / *Tusla* (Child and Family Agency) are all tasked with the promotion, protection and development of the various rights of the 31 children who live on the St. Catherine's Halting Site. While HSE South and *Tusla* have more obvious child health, welfare and protection responsibilities, it has to be emphasised that the local authorities are also expected to deliver on the requirements of the UNCRC; and their actions and omissions can legitimately be measured against the international commitments made in that compact.

Implementation of and Compliance with the UNCRC

The United Nations through its children's agency UNICEF has published a very detailed Implementation Handbook for the Convention of the Rights of the Child⁹, in which clear guidance is provided on how to understand the various Articles in the UNCRC and on how to implement these. This document is essential for any statutory agency that is charged with operational responsibility for the rights of children in Ireland. The publication is 817 pages in length, so it is not an easy read; but it is a reference book to assist the different agencies and public servants in their work. Each chapter deals with a specific Article and uses case examples and judicial interpretations to explain the implications of each of these. A usable checklist is contained at the end of each chapter against which performance and compliance can be measured. The checklist from the chapter on Article 2 (non-discrimination) is presented as Appendix 4 of *this* report, for ease of reference.

⁹ Implementation Handbook for the Convention on the Rights of the Child - Fully revised third edition, September 2007 UNICEF Regional Office for Europe, Palais des Nations, 1211 Geneva 10, Switzerland [this can be downloaded from the UNICEF website, http://www.unicef.org/publications/index_43110.html]

European Convention on Human Rights Act 2003

Ireland was one of the original countries to sign up to the European Convention on Human Rights in 1950, but the Convention was not brought directly into Irish law until the European Convention on Human Rights Act 2003 (ECHR Act). The Irish Human Rights Commission (IHRC) has published a guide for public servants on the implications of the ECHR Act - European Convention on Human Rights Guide for the Civil & Public Service. This government agency is described in this guide – available on its website - as follows:

The Irish Human Rights Commission (IHRC) was established under statute in 2000, to promote and protect the human rights of everyone in Ireland. It is Ireland's 'A' Status National Human Rights Institution in compliance with the United Nations Paris Principles. The human rights that the IHRC is mandated to promote and protect are the rights, liberties and freedoms guaranteed under the Irish Constitution and under international agreements, treaties and conventions to which Ireland is a party.¹⁰

This document makes clear what the duties of the state and its civil and Public Service are regarding the rights of its citizens, including the children of minority groups.

States are obliged under international law to respect, protect and fulfil human rights. The Government and, through it, the Civil and Public Service, has the primary responsibility to uphold human rights by creating the conditions for them to be effective. However, the state does not give people rights. These rights are inherent, which means they belong to everyone.

States agree to respect, protect and fulfil the human rights contained in treaties or conventions:

- To respect means that states must not interfere with or restrict human rights.
- To protect involves passing laws and creating mechanisms to prevent violation of rights by state authorities and by non-state actors.
- To fulfil means that states must take positive action to ensure the enjoyment of human rights.

These three principles apply to the rights of all people within the state.¹¹

This document also includes a very useful checklist that Civil and Public Service departments and agencies can use to audit their own compliance with human rights in their policies, procedures and practices.

¹⁰ http://www.ihrc.ie/download/pdf/echr_guide.pdf

¹¹ European Convention on Human Rights Guide for the Civil & Public Service, IHRC, 2012, pages 16/17

Children's Rights Impact Assessment

In March 2006, the Office of the Minister for Children published *The Development and Implementation of Child Impact Statements in Ireland*, written by Carmel Corrigan¹². This 78-page report was based on an examination of the development of instruments in other jurisdictions to measure the impact of government policies and practices on children and young people. Its purpose was to make recommendations to the Minister for Children on the development of a specifically Irish system. In the Concluding Remarks at the end of this report, the following statement is made:

There is now a growing tendency in Ireland to attach policy-proofing or impact assessment to all areas of policy and target groups as a mechanism for improving policy and services for various groups by making their needs and perspectives a part of the considerations of policy-makers. In this vein, improving the lives of children through better policy and provision is the key objective of child impact assessment¹³

The Office of the Ombudsman for Children has commissioned a review report on a number of decisions made by statutory authorities that negatively impacted on Irish Children, *A Children's Rights Analysis of Investigations*¹⁴. Summarising her findings based on a close examination from a children's rights perspective of ten decisions made by various statutory authorities responsible for school transport, local authority housing provision, special needs provision, and the provision for alternative care and child protection services, the author Dr Kilkelly made eight observations, the first of which was relevant to all agencies investigated, and two others of which related to local authorities responsible for housing children and families. These were that:

It is a dominant feature of these Investigations that with few exceptions they highlight a lack of awareness about the impact of administrative decision-making on the lives and rights of children and their families. Decision-making that affected children directly, and sometimes indirectly, was not informed by its impact on the children concerned; nor was it informed by children's rights principles. In particular, the parameters of the child's best interests and the child's right to be heard were not used to guide administrative actions or decision-making to any great extent if at all. The procedures, and in some cases those applying them, were not sensitive to the needs or rights of children or their families.

¹² Office of the Minister for Children, *The Development and Implementation of Child Impact Statements in Ireland*, 2006

¹³ Ibid p. 50

¹⁴ A Children's Rights Analysis of Investigations by Dr Ursula Kilkelly, Senior Lecturer, Faculty of Law, University College Cork Commissioned by the Ombudsman for Children April 2011

Other considerations appeared to dominate over ensuring that the rights and interests of individual children are met. In particular, the apparently blind pursuit of the goal of policy implementation and the application of blanket and inflexible rules (or rules perceived to be inflexible) was a feature. In this respect, the individual children appeared to be largely invisible in the decision-making process. At the very least, their rights, entitlements or interests do not appear to have been a priority. This is particularly acute in the cases about housing and education matters...

At least some, if not all of the cases indicated a lack of awareness about the needs and rights of individual children as recognised by international instruments to which Ireland is a party. Although it is not entirely unexpected, for example, that housing officials within a local authority or county council are not familiar with their obligations to respect the rights of children, the same 'excuse' cannot be used for organisations like the HSE with a statutory mandate in this area¹⁵.

By way of a recommendation she stated that "it might be useful – perhaps by way of an awareness raising exercise - to publish guidance on good administration in children's cases"¹⁶.

Scotland's Commissioner for Children and Young People (SCCYP), Kathleen Marshall has published guidance on how to conduct a Children's Rights Impact Assessment, and this is referenced in the Office of the Minister for Children 2006 report. In her publication, *Children's Rights Impact Assessment: The SCCYP Model*, she sets out the case for conducting such an assessment:

While impact assessments have been carried out for other minority groups or on other issues, we believe child impact assessments in particular are necessary for several reasons. Children's rights and interests are often forgotten and the very rationale for the Convention on the Rights of the Child was that children require special protection: while children possess human rights just as any other human being does, they require additional measures to guarantee enjoyment of those rights. As the preamble to the Convention states, "*the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection*". This statement has been endorsed by almost every nation in the world – the Convention remains the most widely ratified human rights treaty. And yet, despite comprising a substantial proportion of the global population ...children and young people have traditionally been largely invisible in government decision making. While the profile of children's issues has improved in recent years (evidenced, for example, by the creation of children's commissioners or ombudsmen in many jurisdictions), children remain disenfranchised and often powerless in decision and policy making processes.

... As some of the biggest recipients of public services, children will benefit enormously from government action and investment but, equally, are especially susceptible to government failures. Sadly, such failures are not rare. The development and delivery of the very services on which children rely most – health, education, early years provision, youth work – are liable to fragmentation and are often compartmentalised across government departments... The cost of failures is high, not only for the children themselves or in the short-term, but also in the future, to communities and to society as a whole...

¹⁵ *Ibid* p. 77

¹⁶ *Ibid* p. 79

Finally, child impact assessments are a key mechanism for implementing the United Nations Convention on the Rights of the Child (CRC). Article 3 of the CRC... requires that in all actions concerning children, their best interests shall be a primary consideration. (Pp. 7-8)¹⁷

In the absence of an Irish assessment framework, the Scottish model just referred to has been adapted for use in this review. This Children's Rights Impact Assessment for St. Catherine's Halting Site follows overleaf. This was completed in July and August 2013, and there may be some small details that have changed since then.

¹⁷ <http://www.sccyp.org.uk/resources/childrens-rights-impact-assessments/cria>

Children's Rights Impact Assessment – St. Catherine's Halting Site, Wetlands, Kilkenny

[Children's Rights Impact Assessment - Copyright © SCCYP]

1. IDENTIFY

Name of proposal

To rehouse families who currently live on the St. Catherine's Halting Site, Wetlands, Kilkenny

2. MAP

describing what is being proposed, its consequences and goals

2.1 What is being proposed?

It is proposed to leave the environmental conditions on the St. Catherine's Halting Site much as they are, without any further investment in infrastructural improvements. If and when money becomes available to the local authority in Kilkenny from the Department of the Environment for an approved site and housing development, this development will take place. The Traveller families on the site will have to wait until this happens, despite there having been a number of previous proposals for site development and housing there, with promised start dates and time frames for completion. Trust and confidence in the local authority is at an extremely low point, and morale among the families on the site has been badly damaged. It is not clear to what extent the resident families on the site will be genuinely consulted about proposed developments, or the degree of choice they will have to influence plans for their future settlement.

It is also proposed to commission a management company to manage the site on behalf of the local authority. The following is the wording of the invitation to tender:

"Kilkenny County Council is seeking to appoint a Management Company to deliver an integrated management service to the Council in respect of aspects of the management of the following areas: (1) St. Catherine's Halting Site, Wetlands, Kilkenny and the proposed development of the Group Housing Scheme that will replace the existing halting site (2) St. Mary's Group Housing Scheme, Hebron Road, Kilkenny and the adjoining halting site (3) The proposed Kilkenny Traveller Horse Project at Hebron, Kilkenny and adjacent to St. Catherine's Halting Site, Wetlands, Kilkenny (4) Stray horse issues in and around Kilkenny City and Environs".

Policy	[]
Legislation	[]
Other	[X]
New	[X]
Existing	[X]

2.2 What is the aim or purpose of the proposal?

(Who is it intended to benefit? What outcomes are intended?)

There is no evidence that these proposed developments are to improve the life conditions for the Traveller children at St. Catherine's Halting Site. They may distance the local authority from the Traveller families by developing an arms-length relationship with them through a third party. It is of concern that existing positive relationships between some local authority personnel and the Traveller families could be undermined by the employment of a management company. While the matters of horses and security are addressed, the concerns about human welfare are not, at least not in any overt manner.

2.3 Who initiated the proposal?

Kilkenny County Council

2.4 Who will be responsible for implementing the programme?

Kilkenny County Council and the company it commissions to manage the St. Catherine's Halting Site.

2.5 What is the legal, policy and practice context of the proposal?

The Housing (Traveller Accommodation) Act 1998 placed a statutory obligation on Kilkenny Council to prepare and adopt a five year programme, subject to periodic reviews for the provision of traveller accommodation in the County. The County Council has stated that it recognises the distinctive culture, lifestyle and requirements of the travelling community within the County. The most recent development programme for the County and City of Kilkenny is the Kilkenny County Development Plan and Kilkenny City & Environs Development Plan, 2008 - 2014, and its associated Appendix A: Kilkenny Population Study & Housing Strategy. This plan contains very little detail about proposed developments for the families living on the St. Catherine's Halting Site.

2.6 Which Articles of the UN Convention on the Rights of the Child (UNCRC) are relevant?

Articles 2, 3, 6, 12, 18, 24, 27, 29, 30, 31 and 42

2.7 Has a UNCRC analysis been undertaken when developing the proposal?

No; nor is it envisaged by the local authority that it will undertake such an analysis.

2.8 What are the resource implications of the proposal?

It is unclear at this time what monies have been set aside by Kilkenny County Council for the proposed developments at St. Catherine's Halting Site. However, no major house building and ancillary developments can take place without the allocation of funding by the Department of the Environment.

3. GATHER

Pulling together relevant information and evidence

3.1 What relevant information or evidence is available internally?

(Include quantitative and qualitative material, and where appropriate, summarise and include full details as an appendix)

While a consultation exercise was conducted with the resident families at St. Catherine's Halting Site prior to the October 2012 development plans being launched, in the course of which useful and current information would have been gathered by the Kilkenny County Council planning officials, no further consultation has taken place since that plan was aborted in March 2013. Consultation in the current climate will be more challenging. The August 2008 Memorandum on the Preparation Adoption and Implementation of Local Authority Traveller Accommodation Programmes 2009 – 2013 places a great deal of emphasis on genuine consultation. The European Union Agency for Fundamental Rights 2009 Case study - Traveller participation in decision making on housing issues, Ireland provides excellent research and guidance on how local authorities can conduct effective consultation with Traveller families and go on to develop housing plans that work.

There are a number of agencies providing direct support services to the residents of this site, and subject to Data Protection and confidentiality considerations, information essential to good and effective planning can be pooled. Kilkenny County Council already has three officials who work directly with the people living on the site, a caretaker, a community development worker and a social worker; and in addition, the Kilkenny Traveller

Community Movement and the Kilkenny Leader Project also have information and evidence that would be valuable to factor in to the proposed plans.	
3.2 What relevant information or evidence is available externally? <i>(Include quantitative and qualitative material, and where appropriate, summarise and include full details as an appendix)</i> <p>There is a great deal of Irish and international material that is of relevance and which is referenced at the end of this review report. Travellers are written about on a very regular basis, and more recently have begun to generate material themselves about their history, music and culture. Statutory agencies generate statistical information, while various working groups and consultative groups also produce information and guidance.</p>	Checklist Statistical data [] Consultations [X] Research report [X] Case law [] Legislation [X]
3.3 Is further information or evidence required? <p>It would be very useful to have three other reviews conducted at the St. Catherine's Halting Site:</p> <ol style="list-style-type: none"> 1. A Health and Safety Audit, to include the twelve foot high wall built without planning permission at the sides and rear of the site 2. An Environmental Assessment of conditions on the site, using the <i>Assessing Conditions on Traveller Sites Toolkit</i> developed by the Galway Traveller Movement. This can be downloaded from the Internet. 3. A review of small capital projects that are required to maintain, repair and upgrade the dwellings, the boundaries and surrounds on the site 	
4. CONSULT <i>Asking children and young people and other stakeholders and experts for their views</i>	
4.1 Have children and young people or any stakeholders been consulted in the development of the proposal? <p>No, and there are no plans in place to do so.</p>	
4.2 Is consultation necessary or appropriate? <p>Consultation with the thirteen children in the 7 to 17 age group would be very appropriate and important to give effect to the rights contained in Article 12 of the UNCRC</p>	
4.3 If 'yes' to above, who should be consulted? <p>The children in the 7 to 17 age group, their teachers, and the volunteers who support them in after-school homework and in sporting and other activities; as well as the health and welfare staff of the various agencies that provide direct services to the children and young people on the site.</p>	
4.4 Should we consult particular groups of children or young people for their views? <p>Answered at 4.2 and 4.3 above</p>	
4.5 What format should the consultation take? <p>Small group discussion while engaged in creative play with toy building materials, such as Lego, play animals, cardboard, colouring materials</p>	4.6 What questions should be asked? <p>What would you like your house to look like; who would you like to live near; would you like a garden; would you like to be in a town, a village or in the countryside; would you like your own bedroom; what would you like in your house? It would not be effective to conduct a traditional 'talking heads' type question and answer session - the children and young people have little experience or developed concepts about</p>

	houses and cannot be expected to easily identify what their preferences are. Genuine consultation has to be based on a conviction that they have something valuable to contribute, and care has to be taken in developing an appropriate and effective methodology.	
4.7 Is a children's and young people's impact assessment available or required? Not yet available, but is required		Yes [<input checked="" type="checkbox"/>] No [<input type="checkbox"/>]
Consultation action officer: To be decided	Date consultation to be completed by: To be decided	
5. ANALYSE <i>Assessing the proposal for its impact on children and young people's rights</i>		
5.1 What impact will or might the proposal have on the rights of children and young people? Improved living conditions will ensure that some rights currently denied to the children at St. Catherine's Halting Site will be asserted and upheld		
5.2 Will the rights of one group of children in particular be affected? Only one group is involved	5.3 Are there competing interests between groups of children, or between children and other groups? Not really	
5.4 How does the proposal relate to, promote or inhibit the provisions of the UNCRC, other relevant international treaties and standards, or domestic law? The proposed developments have to comply with all of the items on the checklist, in a real way; and the local authority has to commit to respect, protect and fulfil the human rights contained in these conventions and legislative provisions	UNCRC ECHR EU Law Irish Law	[<input checked="" type="checkbox"/>] [<input checked="" type="checkbox"/>] [<input checked="" type="checkbox"/>] [<input checked="" type="checkbox"/>]
5.5 How does the proposal relate to the Concluding Observations of the UN Committee on the Rights of the Child on the implementation of the UNCRC? The specific paragraphs 78 and 79 of the 2005 Concluding Observations are relevant and are quoted here in full: <p>78. The Committee notes the information provided in the State party report, in particular in Chapter III under non-discrimination and child welfare, and the written replies to the list of issues in particular with respect to the report of the High Level Group on Traveller Issues. The Committee remains concerned, however, that adequate recognition, action and positive measures have not yet been taken to enhance the enjoyment of the rights of children belonging to the Traveller community and in particular to facilitate their access to education, housing and health services.</p> <p>79. The Committee recommends that the State party:</p> <p>(a) Work more concretely towards the recognition of the Traveller community as an ethnic group as called for by the Committee on the Elimination of Racial Discrimination (CERD/C/IRL/CO/2 para.20);</p> <p>(b) Undertake or use existing research or comprehensive needs assessment with a particular focus on children belonging to the Traveller community in the fields of health, housing and education to further serve as a basis for policies and strategies and concrete measures for the improvement of the well-being of the children;</p> <p>(c) Implement the recommendations of the Task Force on the Traveller community; and</p>		

(d) Provide in its next report detailed information on measures taken in order to enhance the enjoyment of the rights of children belonging to the Traveller community, in particular with regard to enjoyment and access to education, health services and housing facilities.

5.6 How does the proposal contribute to the achievement of national goals for children and young people?

The national goals for children and young people in Ireland as stated in The Agenda for Children's Services: A Policy Handbook, December 2007 (Office of the Minister for Children), are that all will be:

- healthy, both physically and mentally
- supported in active learning
- safe from accidental and intentional harm
- economically secure
- secure in the immediate and wider physical environment
- part of positive networks of family, friends, neighbours and the community
- included and participating in society

The families on the St. Catherine's Halting Site have lost their dedicated Public Health Nurse for Traveller Families, as well as the Visiting Teacher for Travelling Children.

The proposal can contribute to an improvement in the health, safety and welfare of the children and young people who live on the St. Catherine's Halting Site, depending on how it is implemented.

5.7 Is there disagreement as to the likely impact of the proposal on the rights of children and young people?

No

5.8 Is the proposal the best way of achieving its aims, taking into account children's rights?

If the proposed plans are for housing development based on real consultation and that takes the needs and rights of children and young people into account, then yes.

If however what is envisaged is a cheap and substandard replacement of the dreadful living conditions that obtain at the St. Catherine's Halting Site, then this will lead to very predictable negative outcomes for these children and their families.

5.9 Has the 'do-nothing' option been considered?

This is not an option due to the dire living conditions that have to be addressed as a matter of priority

5.10 Can alternatives to the proposal be suggested?

There is always more than one option in the solution to a housing problem. It needs to be asked whether investing in a large group housing development at Wetlands is a good idea, or whether more environmentally suitable locations can be found. The name of the townland indicates that it is an historical flood plain. It is a miserable place that has been associated with a number of tragedies.

5.11 What compensatory measures may be needed to avoid / mitigate a negative impact?

In addition to the Community Development approach that has been used to try to assist these families to improve their life skills and opportunities, a planned and tailored Family Support approach is recommended, where the individual assessed needs of each family unit are addressed in a dedicated manner.

5.12 What overall impact will the proposal entail for other policy areas or agendas, or other professionals or groups in their work with children?

If a well planned and viable resettlement strategy and housing, site and environs development happens, then the local authority will have a successful outcome, learning from the project can be shared, and all agencies working with the residents will get a boost of renewed energy

6. RECOMMEND

Drawing together conclusions and making recommendations

6.1 What overall conclusions have been reached?

The current provision for children who live at the St. Catherine's Halting Site is such that their basic needs and rights are not being met and they are being avoidably disadvantaged. A planned solution based on genuine consultation and a commitment to very best practice is required as a matter of urgency. Some of the adults living on the site were themselves small children when the first talk of building adequate housing took place.

6.2 What recommendations should be made?

That an Interagency initiative be launched to work in partnership with each other and with the Traveller families to plan a viable way forward
That any tendency to employ a harsh or punitive approach to the residents on the site be ceased

6.3 Who should be informed of the recommendations?

All statutory and voluntary stakeholder agencies, and the Traveller families at St. Catherine's Halting site

6.4 Does the assessment have any gaps in information, data collection or expertise?

This is unavoidable due to the short term and part time nature of this review. The gaps will be more easily identified by those who know the situation longer than the author and who have more Traveller specific experience than he does.

6.5 Is further research or consultation required?

Three pieces of work are suggested at 3.3 above
A plan for consultation with and participation by Traveller adults and children is required

6.6 Are there any other relevant issues?

The management of the political dimension of this development

Negotiating the provision of an adequate budget

7. PUBLICISE			
<i>Making the results of the impact assessment known</i>			
7.1 Should the assessment be made known publicly?			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7.2 If 'yes', in what formats?			Website <input checked="" type="checkbox"/> Hard copy <input checked="" type="checkbox"/> CYP Version <input checked="" type="checkbox"/>
7.3 Should particular individuals or groups be made aware of the assessment?	Checklist CYP Groups <input checked="" type="checkbox"/> Government <input checked="" type="checkbox"/> Statutory agencies <input checked="" type="checkbox"/> Local authorities <input checked="" type="checkbox"/>		HSE <input checked="" type="checkbox"/> Voluntary groups <input checked="" type="checkbox"/> TDs and Senators <input checked="" type="checkbox"/> Media <input checked="" type="checkbox"/>
All identified on the checklist, perhaps in a phased or staggered basis. All can have a supportive role			
7.4 Has the assessment and additional feedback been provided to those consulted during the assessment process?			
Not fully yet; but this will be done in a planned way			
8. MONITOR			
<i>Monitoring and evaluating impact of the proposal</i>			
8.1 Is follow-up monitoring / evaluation of the proposal and its implementation required?			
Yes			
8.2 Have the recommendations made as a result of the impact assessment been considered or acted upon?			
Not yet			
8.3 Should the progress of the proposal be monitored?			
Yes - The children at St. Catherine's Halting Site could request that the Ombudsman for Children would undertake this monitoring role			
8.4 Should the implementation of the proposal be monitored?			
Yes - The children at St. Catherine's Halting Site could request that the Ombudsman for Children would undertake this monitoring role			
8.5 Is research required to assess the proposal's impact on children, once implemented?			
Yes – this could be commissioned from a Third Level college in the South East			
8.6 As a result of monitoring of the proposal, are further recommendations required?		8.7 Who should be informed of the recommendations?	
They may well be; and this will become clear as monitoring provides information		All stakeholders	
Impact assessment conducted by: Peter Kieran		Date: August 2013	

Further observations

It needs to be acknowledged that the two local authorities in Co. Kilkenny have performed best of all local authorities in Ireland in providing permanent housing for Traveller families in the five year period between the Census of 2006 and the Census of 2011.

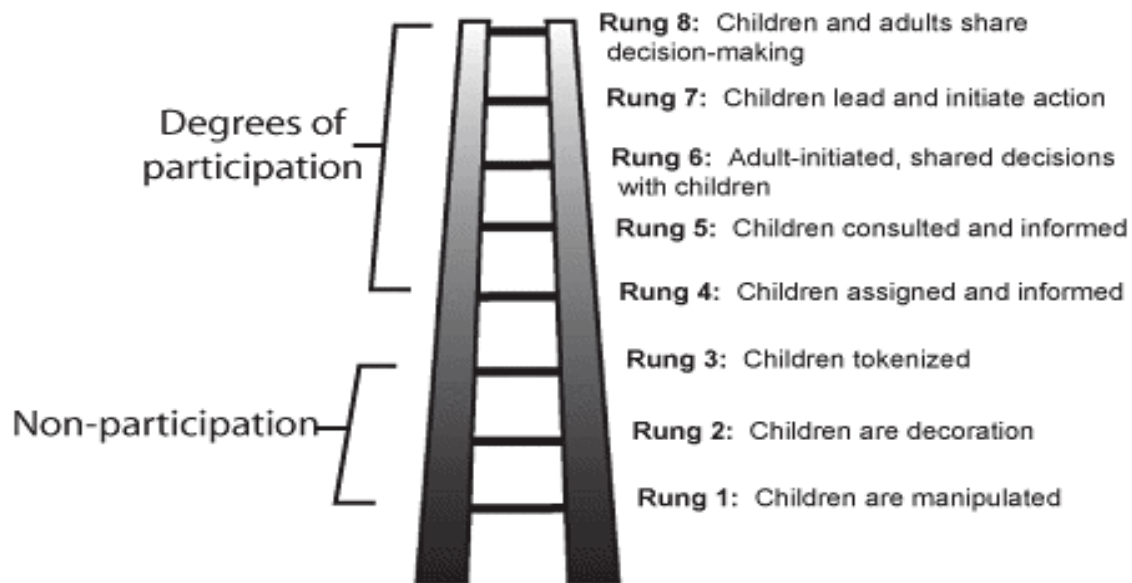
The county that saw the biggest increase in the number of Travellers living in permanent accommodation was Kilkenny (202 per cent), followed by Kildare (137 per cent), Donegal (135 per cent), Cavan (131 per cent) and Leitrim (111 per cent) ¹⁸.

The Traveller Accommodation Programme 2009 – 2013 is reaching its end, and the achievement of its targets will be evaluated in the forthcoming programme. The Councils of The City and County of Kilkenny have advertised on August 27th 2013 for submissions to be made to the Traveller Accommodation Programme 2014 – 2018, with October 4th 2013 as the closing date for submissions. It is essential, irrespective of the stated closing date for submissions, that a well planned and prepared for consultation exercise is conducted with the families resident on the St. Catherine's Halting Site to avoid developing a five-year plan that does not take their individual needs and wants into account. The new plan is due to be placed before the elected members of the Kilkenny Local Authorities in April 2014 for adoption

The National Children's Strategy of 2000 contains a section on children's consultation and participation in decisions that impact on their lives. This is illustrated by a diagram showing Hart's Ladder of Consultation, which is reproduced overleaf. While this refers to consultation with children specifically, it highlights the difference between genuine involved consultation and token consultation, and this applies to consultation exercises with both children and adults. ¹⁹

¹⁸ <http://www.thejournal.ie/census-2011-fall-in-number-of-travellers-living-in-mobile-homes-400686-Mar2012/>

¹⁹ Hart, R. (March 1992), Children's Participation: From Tokenism to Citizenship, UNICEF International Child Development Centre, Spedale degli Innocenti Florence, p.8



Adapted from Hart, R. (1992). *Children's Participation: from Tokenism to Citizenship*. Florence: UNICEF Innocenti Research Centre.

Children's rights are more likely to be upheld and protected if they live in well functioning families. It is noteworthy that only one parent of the children and young people who live on the St. Catherine's Halting site has any form of paid employment; this is a mother who works as a part-time Community Health Worker in a scheme operated by Kilkenny Leader Partnership in conjunction with HSE. This means that there is a 94% unemployment rate among the adults who live on the site. Even when economic conditions were much more robust than they now are, no adult living on this site was recruited to a Community Employment Scheme of any sort.

As well as providing financial benefits, employment provides workers with a sense of purpose and improved self esteem, an opportunity to develop skills, a social outlet and an increase in social status. The absence of meaningful activity is harmful to psychological and emotional health, and the congregation of adults who share this experience on a long-term basis is not conducive to positive mental health. Depression, frustration and anger, and resort to alcohol or other mood altering substances can be predicted for such a population, whether they are Travellers or settled people. One way of improving the life opportunities

and overall welfare of the children and young people who live on the St. Catherine's Halting Site is to support their parents in finding outlets for their inherent skills, as well as training and work.

There is some very committed and valuable work being undertaken with and on behalf of the Traveller families that live on the halting site. Without wanting to be in any way unfairly selective, great credit is due to the Caretaker who works on the site for the exceptional lengths he has gone to in order to be helpful to and supportive of the residents there. The local authority has also provided the services of a Social Worker for Travellers and a Community Development Worker for Travellers. These staff, along with other local authority staff and in cooperation with staff and volunteer workers from other agencies, attempt to deliver on the targets outlined in the various local authority plans that exclusively or otherwise address the housing and other needs of this population in Kilkenny. These plans are referenced in the Bibliography at the end of this report.

It was noted in the assessment template earlier that the HSE dedicated PHN for Travellers post remains unfilled, and the Teacher for Traveller children service has been withdrawn. These two service cuts have not been explained to the residents of the St. Catherine's halting site by the statutory services involved, despite having a significant on the children who live there. The service withdrawals and the lack of consultation about their impact are unacceptable and hard to justify, despite the economic downturn. The impacts of these decisions have been mitigated to some degree by the work of the HSE Traveller Community Health Project, and the Kilkenny Traveller Community Movement Homework and After-schools Club.

The Traveller Community Health Project has supported Travellers to access health services by holding weekly clinics at the halting site; the Project Coordinator engages with families who live on site as well as with those who have moved from the site and supports parents to access primary care appointments for their children.

The Kilkenny Traveller Community Movement Homework and After-schools Club supports all school going children on the site, both primary and secondary level students, and has

done so since 1997. This service supports the engagement, attendance and participation of Traveller children in school and has had an impact in improving their educational attainments

Historically, Travellers have owned horses, as modes of transport, objects of value and for sporting and leisure pursuits. In the absence of work or other activities, breeding, training, exercising and looking after horses is an extremely important part of the life of adolescent and adult male Travellers; and this is true of those who live on the St. Catherine's Halting Site. Owning and caring for horses requires land, which these men do not have. This has led to intractable problems in the Wetlands area, the solution to which has been a targeted campaign by the local authority to have horses impounded. This is a very punitive approach to dealing with the challenge presented by the ownership of horses by Travellers; and if they cannot gather up and pay over very substantial release fees, these men have to accept that their animals will be destroyed. The loss of treasured horses in such circumstances causes real emotional distress.

There are a very large number of dogs on the St. Catherine's Halting Site, most of which seem to be whippets or mongrels that are part whippet. While some of these dogs are kept as pets or for use in hunting, there seem to be more dogs than can be adequately cared for on such a tight site, and they contribute to very unhygienic conditions for the children living there. These dogs also roam in the locality and are a cause of nuisance to neighbouring households. It is outside the remit of this report to give detailed consideration to this issue, but it does impact on the children and young people who are the focus of this report; and a negotiated and humane resolution to this problem is required. The local authority Dog Warden does visit the site on a weekly basis to collect unwanted dogs, and this important intervention has curtailed the number of uncared for animals.

Overall, the Traveller children and families who live on the St. Catherine's Halting Site are affected by the same national policies that impinge on all Travellers in the Republic of Ireland. In April 2013, Pavee Point published a report authored by social researcher, Brian Harvey, entitled *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*. This systematic study clearly shows how Travellers have been disproportionately

and unfairly subjected to much more stringent public expenditure cutbacks than the general population. While it is somewhat lengthy, the following quote from the executive summary from that report provides the figures that support the report's findings²⁰.

The period from the breaking of the economic and social crisis in 2008 has seen a dramatic disinvestment by the state in the Traveller community. Using the government's own figures, it is possible to identify the scale of the austerity cuts, as follows, but they should be compared to the overall reduction in government current spending of -4.3% over 2008-2013, the baseline.

Programmes for Travellers

Interagency activities -100%
 Traveller education -86.6%
 Traveller accommodation -85%
 Equality -76.3%
 National Traveller organisations -63.6%
 FAS Special Initiative for Travellers -50%
 National Traveller Partnership -32.1%
 Traveller SPY youth projects -29.8%
 Health -5.4%

Programmes and funding lines of importance to Travellers

Equality and rights agencies -69%
 Local & Community Development Programme -42.3%
 Initiatives against drugs -32.5%

One of the most striking aspects of these cuts was that statutory agencies did not even spend all their allocations, so the picture is even more difficult. This is a table of the proportions actually spent (and, conversely, the under-spend):

	Spend	Under-spend
Health	82%	18%
Equality	72%	28%
Accommodation	64%	36%
FAS Special Initiative for Travellers	60%	40%

The only exceptions to the pattern of cuts were the Traveller social economy programme and the National Traveller Money Advice and Budgeting Service, which show that it is possible to protect or even increase specific budget lines.

There can be absolutely no justification for any statutory agency that has responsibility for the safety, accommodation, health and welfare of Travellers to not utilise to the full the budgets allocated to them. The level of the cutbacks itemised above indicates that there is

²⁰ Pavee Point Publications April 2013, Travelling with Austerity: Impacts of Cuts on Travellers, Traveller Projects and Services

institutional government discrimination against this minority population of Irish citizens; no other explanation can be sustained.

Recommendations

- That a well-planned and comprehensive consultation is conducted with the families who live on St. Catherine's Halting Site, together and individually, before any plan for the improvement in their housing and environmental conditions is agreed and finalised;
- That a well-planned and comprehensive consultation is conducted with the children in the age range 7 years to 17 years who live on St. Catherine's Halting Site before any plan for the improvement in their housing and environmental conditions is agreed and finalised;
- That the three reviews recommended at 3.3 in the Children's Rights Assessment Framework on page 23 of this report are conducted, namely
 1. A Health and Safety Audit, to include the twelve foot high wall built without planning permission at the sides and rear of the site
 2. An Environmental Assessment of conditions on the site, using the *Assessing Conditions on Traveller Sites Toolkit* developed by the Galway Traveller Movement. This can be downloaded from the Internet.
 3. A review of small capital projects that are required to maintain, repair and upgrade the dwellings, the boundaries and surrounds on the site
- That an Interagency Traveller Strategy to improve the quality of life of Kilkenny Travellers, including the families living on St. Catherine's Halting Site, is developed along the lines of what has been completed in Kerry. The Kerry strategy addresses the areas of Health, Accommodation, Education, Employment, and Discrimination and Equality, and concludes with a section on Implementation, Monitoring and Evaluation;
- That the Ombudsman for Children be invited to monitor the response of the statutory agencies in Kilkenny to the challenges of vindicating and upholding of the rights of Traveller Children, including those who live on St. Catherine's Halting Site.

Appendix 1

Summary of main legislative and policy initiatives impacting on Traveller accommodation in Ireland 1963-2008

[Taken from Case study – Traveller participation in decision-making on housing issues, Ireland, October 2009]

Date	Act/initiative	Main aims / Focus on law/initiative
1963	Reports of the Commission on Itinerancy	The first Government initiative on Traveller accommodation in Ireland. It advocated absorption (assimilation) of 'itinerants' (Travellers) into standard housing and temporary sites for those refusing standard housing. Travellers were largely absent from the work of the Commission.
1983	The Report of the Travelling People Review Body	Concluded that 'absorption' was not an adequate solution to Traveller accommodation needs and proposed 'integration' instead. Serviced halting sites continued to be provided reluctantly and only for those Travellers refusing to go into standard housing. The 1983 report is now widely recognised as lacking in ambition and vision.
1995	Report of the Task Force on the Travelling People	The groundbreaking informed by active participation of Travellers and Traveller groups, in particular Pavee Point (1985) and Irish Traveller Movement (1990).
1996	A National Strategy for Traveller Accommodation was adopted	A dedicated Traveller Accommodation Unit was established in the Department of the Environment, Heritage and Local Government. A National Traveller Accommodation Consultative Group was set up under the aegis of the Department of the Environment, Heritage and Local Government.
1998	The Housing (Traveller Accommodation) Act was enacted	Local Traveller Accommodation Consultative Committees were subsequently established in each local authority area.
1999	The National Traveller Accommodation Consultative Committee (NTACC)	NTACC established on a statutory basis.
2000	Traveller Accommodation Plans (TAPs)	Each local authority adopted the first of their recurrent five- (later four-) year Local Traveller Accommodation Action Plans.
2000	Evaluation of Local Traveller Accommodation Consultative Committees	Published by NTACC/DOEHLG.
2003	High Level Officials Group established	Under auspices of Cabinet sub-committee on social inclusion. South Dublin County Council one of two local authorities represented on the group.
2004	Review of the Operation of the Housing (Traveller Accommodation) Act, 1998	
2005	Second Traveller Accommodation Programme (TAP)	Each local authority adopted their second five-year Local Traveller Accommodation Action Plans.
2006	High Level official's group report	Recommends establishment of interagency groups under the auspices of city/county development boards (part of the local authority).

2007	Pilot local interagency initiative	Interagency groups established in Meath and South Dublin.
2008	Circular on consultation guidelines for Traveller specific accommodation circulated	
2009	Third Traveller Accommodation Programme (TAP)	Each local authority adopted their third (now) four-year Local Traveller Accommodation Action Plans, 2009-2013.

Appendix 2 – Professional Practitioners and Agency Representatives Interviewed

Ms. Patricia Brennan, Community Development Worker, Kilkenny Local Authorities

Ms. Majella Cunningham PHN, HSE South, Kilkenny

Ms. Marion Darmody, Kilkenny VEC Word Aid

Ms. Claire Fitzpatrick, Traveller Health Unit, HSE South, Kilkenny

Mr. Liam Keane, Policy Advisor to Mr. Phil Hogan TD

Ms. Claire Kenealy, KTCM After-Schools Programme

Ms. Marie Kennedy, Area Manager Children and Family Services, HSE South, Kilkenny

Ms. Catherine Lennon, Manager Early Years Services, Fr. McGrath Centre, Kilkenny

Mr. John McCormack, Director of Services, Kilkenny Co. Council

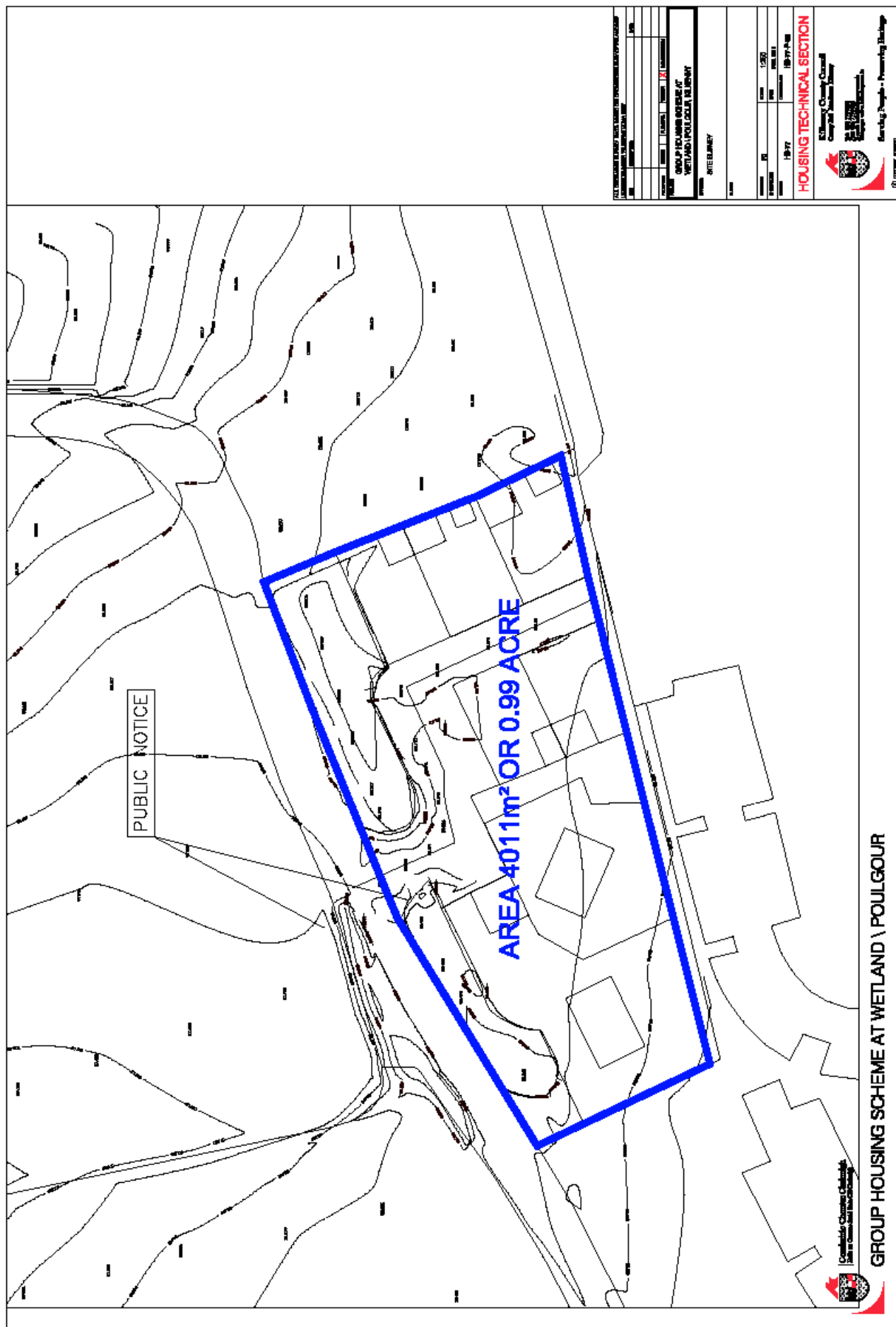
Ms. Margaret Newport, Social Worker for Travellers, Kilkenny Local Authorities

Fr. Sean O'Connor, Chaplain to Travellers, Ossory Diocese

Mr. Michael Pyke, Caretaker, Kilkenny Local Authorities

Ms. Siobhan Teahan, Primary Health Care Coordinator, Traveller Health Unit, Kilkenny

Appendix 3 – Map of St. Catherine’s Halting Site, Wetlands, Kilkenny



Appendix 4 – UN Convention on the Rights of the Child

Article 2 – Non-Discrimination - Implementation Checklist

- *General measures of implementation*

Have appropriate general measures of implementation been taken in relation to article 2, including:

- identification and coordination of the responsible departments and agencies at all levels of government (the principle of non-discrimination in article 2 is relevant to **all government departments**)?
- identification of relevant non-governmental organizations/civil society partners?
- a comprehensive review to ensure that all legislation, policy and practice is compatible with the article, for all children in all parts of the jurisdiction?
- adoption of a strategy to secure full implementation
 - which includes where necessary the identification of goals and indicators of progress?
 - which does not affect any provisions which are more conducive to the rights of the child?
 - which recognizes other relevant international standards?
 - which involves where necessary international cooperation?

(Such measures may be part of an overall governmental strategy for implementing the Convention as a whole.)

- budgetary analysis and allocation of necessary resources?
- development of mechanisms for monitoring and evaluation?
- making the implications of article 2 widely known to adults and children?
- development of appropriate training and awareness-raising?

- *Specific issues in implementing article 2*

- Is the Convention's principle of non-discrimination with special reference to children included in the constitution, if any, and in legislation?
- Are rights recognized for all children in the jurisdiction, without discrimination, including
 - non-nationals?
 - refugees?
 - illegal immigrants?
- Has the State identified particularly disadvantaged and vulnerable groups of children?
- Has the State developed appropriate priorities, targets and programmes of affirmative action to reduce discrimination against disadvantaged and vulnerable groups?
- Does legislation, policy and practice in the State ensure that there is no discrimination against children on the grounds of the child's or his/her parent's/guardian's
 - race?

- colour?
 - gender?
 - language?
 - religion?
 - political or other opinion?
 - national origin?
 - social origin?
 - ethnic origin?
 - property?
 - disability?
 - birth?
 - other status?
- Is disaggregated data collected to enable effective monitoring of potential discrimination on all of these grounds in the enjoyment of rights, and discrimination between children in different regions, and in rural and urban areas?
 - Has the State developed in relation to girls an implementation strategy for the Platform for Action adopted at the Fourth World Conference on Women, taking into account the recommendations of the 2000 and 2005 Reviews?
 - Has the State developed measures and programmes, relevant to the Convention, in order to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance?
 - Does monitoring of the realization of each right guaranteed in the Convention include consideration of the principle of non-discrimination?
 - Does legislation, policy and practice in the State ensure that the child is protected against all forms of discrimination or punishment on the basis of the child's parents', legal guardians' or family members'
 - Status, including marital status?
 - Activities?
 - Expressed opinions?
 - Beliefs?

Reminder: The Convention is indivisible and its articles are interdependent.

Article 2, the non-discrimination principle, has been identified as a general principle by the Committee on the Rights of the Child, and needs to be applied to all other articles.

Particular regard should be paid to:

The other general principles

Article 3(1): the best interests of the child to be a primary consideration in all actions concerning children

Article 6: right to life and maximum possible survival and development

Article 12: respect for the child's views in all matters affecting the child; opportunity to be heard in any judicial or administrative proceedings affecting the child.

Bibliography

Beirne, L, and Jaichand, V, (March 2006), *Breaking Down Barriers: Tackling racism in Ireland at the level of the State and its institutions*, Irish Centre for Human Rights, National University of Ireland, Galway

Brown, P, (2009), *Assessing Local Housing Authorities' Progress in Meeting the Accommodation Needs of Gypsy and Traveller Communities in England*, Equality and Human Rights Commission, Manchester

Centre for Housing Research Good Practice in Housing Management, (2008), *Guidelines for Local Authorities Management and Maintenance of Traveller-Specific Accommodation*, Dublin

Centre for Housing Research (November 2008), *Traveller Accommodation in Ireland: Review of Policy and Practice*, Dublin

Cemlyn, S et al, (2009), *Inequalities Experienced by Gypsy and Traveller Communities: A Review*, Equality and Human Rights Commission, Manchester

Child Rights International Network (CRIN), *Becoming a rights-based Organisation*
www.crin.org/docs/chapter9.pdf (accessed July 10th, 2013)

Children's Rights Alliance, (March 2006), *From Rhetoric to Rights: Second Shadow Report to the United Nations Committee on the Rights of the Child*, Dublin

Children's Rights Alliance, (April 2006), *All Our Children: Child Impact Assessment for Irish Children of Migrant Parents Report*, Dublin

Corrigan, C, (March 2006), *The Development and Implementation of Child Impact Statements in Ireland*, Office of the Minister for Children, Dublin

Council of Europe, (2006), *Seven Good Reasons for Building a Europe for and with Children*, Strasbourg

Council of Europe, (2010), *Convention for the Protection of Human Rights and Fundamental Freedoms*, Strasbourg

Council of Europe, (2012), *Advisory Committee on the Framework Convention for the Protection of National Minorities: Eighth Activity Report*, Strasbourg

Council of Europe, European Commission against Racism and Intolerance, (February 2013), *ECRI Report on Ireland*, Strasbourg

Council of Europe, European Committee of Social Rights, (April 2013), *European Roma Rights Centre v. Ireland, Complaint No. 100/2013*, Strasbourg

Culleton, J, (2007), Institutional Racism in Ireland: Ethnic and Religious Minorities in Criminal Justice and Social Care Provision Systems, European Journal of Social Education, A Periodical of FESET, No. 12/13, pp. 51-62, www.feset.org

Department of Children and Youth Affairs, (2011), Research Programme, Note No. 3 Research Briefing, *The Development and Implementation of Child Impact Statements in Ireland*, Dublin.

Department of Children and Youth Affairs, (December 2012), *State of the Nation's Children Ireland 2012*, Dublin

Department of Education, (2006), *Report and Recommendations for a Traveller Education Strategy*, Dublin

Department of Environment, Heritage and Local Government, (August 2008), *Department Memorandum on the Preparation Adoption and Implementation of Local Authority Traveller Accommodation Programmes 2009 – 2013*, Dublin

Department of Justice, (March 2006), *Report of the High Level Group on Traveller Issues*, Dublin

Department of Public Expenditure and Reform, (November 2011), *Infrastructure and Capital Investment 2012-16: Medium Term Exchequer Framework*, Dublin

Equality Authority, (July 2006), *Traveller Ethnicity - An Equality Authority Report*, Dublin

Equality Commission for Northern Ireland, (March 2009), *Outlining Minimum Standards for Traveller Accommodation*, Belfast

Equality and Human Rights Commission, (2009), *Gypsies and Travellers: Simple solutions for living together*, Manchester.

European Commission, (2011) *Children's rights, as they see them*, Publications Office of the European Union, Luxembourg

European Union Agency for Fundamental Rights, (October 2009) *Case study - Traveller participation in decision making on housing issues, Ireland*, Luxembourg

Galway Traveller Movement, (April 2009), *Travellers' Health Matters: A Retrospective Health Impact Assessment of Low-Grade Traveller Accommodation*, Galway

Glackin, D, (2008), *Health Impact Assessment of Doneraile Traveller accommodation Proposal*; HIA Ireland

Government of Ireland, Housing Act, 1966, Government Publications Office, Dublin

Government of Ireland, Ombudsman for Children Act, 2002, Government Publications Office, Dublin

Government of Ireland, (2012), *Ireland's National Traveller / Roma Integration Strategy*, Dublin – http://ec.europa.eu/justice/discrimination/files/roma_ireland_strategy_en.pdf) accessed October November 15th, 2013)

Hamamy, H, (2012), *Consanguineous marriages: Preconception consultation in primary health care settings*. Journal of Community Genetics 3: 185–192, Published online November 22nd, 2011 <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3419292/> (accessed July 18th, 2013)

- Hart, R. (March 1992), *Children's Participation: From Tokenism to Citizenship*, UNICEF International Child Development Centre, Spedale degli Innocenti Florence
- Irish Human Rights Commission, (2004), *Travellers as an ethnic minority under the Convention on the Elimination of Racial Discrimination – A Discussion Paper*, Dublin
- Irish Human Rights Commission, (2012), *European Convention on Human Rights Guide for the Civil & Public Service*, Dublin
- Irish Traveller Movement in Britain, (March 2012), *Gypsy and Traveller Site Funding under the Coalition*, London
- Kerry County Development Board, (2007), *Interagency Traveller Strategy*, Tralee
- Kilkenny County Development Board, (2002), *Kilkenny 2002-2012 A Strategy for Economic, Social and Cultural Development*, Kilkenny
- Kilkenny County Development Board, (December 2012), *Uniting the Diverse – Kilkenny Integration Strategy 2013 – 2017*, Kilkenny
- Kilkenny Local Authorities, (June 2008), *Kilkenny County Development Plan 2008-2014*, Kilkenny
- Kilkenny Local Authorities, (June 2008), *Kilkenny County Development Plan 2008-2014, Appendix A: Kilkenny Population Study & Housing Strategy*, Kilkenny
- Kilkenny Local Authorities, (2009), *Corporate Plan 2009-2014*, Kilkenny
- Lansdown, G, (May 2005) *Can you hear me? The right of young children to participate in decisions affecting them*, Bernard van Leer Foundation, The Netherlands
- Lansdown, G, (2011), *Every Child's Right to be Heard*, The Save the Children Fund, London
- Lentin, R., and McVeigh, R., (undated), *Anti-Travellerism: Towards a final solution to the Traveller Problem*, in, *After Optimism? Ireland, Racism and Globalisation*, pp. 127 – 144
www.tara.tcd.ie/bitstream/2262/25156/1/after%20optimism.pdf (accessed September 7th 2013)
- Loftus, L, and Fitzpatrick, M, (2012), Section 4, *Working with Young Travellers*, in *Access All Areas – a Diversity Toolkit for the Youth Work Sector*, NYCI and Youthnet, Dublin
- Mason, N, and Hanna, K, (February 2009), *Undertaking Child Impact Assessments in Aotearoa New Zealand Local Authorities: Evidence, practice, ideas*, Institute of Public Policy, Auckland
- McCann, M, O'Siochain, S and Ruane, J, (Eds.) (1995), *Irish Travellers: Culture and Ethnicity, Introduction*, Institute of Irish Studies, Queen's University,
eprints.nuim.ie/1087/1/IrishTravellersSOS.pdf (accessed July 16th, 2013)
- Ministry for Health and Social Affairs and Ministry for Foreign Affairs, Sweden, (2001), *Child Impact Assessments: Swedish Experience of Child Impact Analyses as a tool for implementing the UN Convention on the Rights of the Child*, Stockholm

National Traveller Accommodation Consultative Committee, (undated), *Consultation Guidelines for Traveller-specific accommodation projects*

National Traveller Accommodation Consultative Committee, (June 2004), *Review of the Operation of the Housing (Traveller Accommodation) Act 1998*, Report by the National Traveller Accommodation Consultative Committee to the Minister for Housing and Urban Renewal, Dublin

Office of the Ombudsman, (2002), *Public Bodies and the Citizen - The Ombudsman's Guide to Standards of Best Practice for Public Servants*, Dublin

Office of the Ombudsman, (undated), *The Ombudsman and Local Authorities*, Dublin

Office of the Ombudsman, (2013), *Six Rules for Getting it Right The Ombudsman's Guide to Good Public Administration*, Dublin

Paquette, D and John Ryan, J, (2001), *Bronfenbrenner's Ecological Systems Theory*, www.cmskids.com/providers/early_steps/training/documents/bronfenbrenners_ecological.pdf (accessed August 9th, 2013)

Paton, L, and Munro, G, (October 2006), *Children's Rights Impact Assessment: The SCCYP Model*, Office of the Children's Commissioner, Edinburgh

Pavee Point, (2011), *Irish Travellers and Roma - Shadow Report - A Response to Ireland's Third and Fourth Report on the International Convention on the Elimination of all Forms of Racial Discrimination (CERD)*, Pavee Point Publications, Dublin

Pavee Point, (April 2013), *Travelling with Austerity: Impacts of Cuts on Travellers, Traveller Projects and Services*, Pavee Point Publications, Dublin

The Early Childhood Forum National Children's Bureau, (2007), *Championing young children's rights and entitlements*, London

The Institute of Public Health in Ireland, (2006), *Health Impacts of the Built Environment: A Review*, Dublin

Theis, J, (September 2002), *Rights-based Monitoring and Evaluation – a Discussion Paper with Special Emphasis on Child Rights Programming*, Save the Children, London

Thomas, N, (2011), *Children's Rights: Policy into Practice*, Centre for Children and Young People Background Briefing Series, No.4. Lismore: Centre for Children and Young People, Southern Cross University

Trotman, A, (May 2009), *Developing a Coordination of Services Model to Support Travellers at the Hollyhill Halting Site*, Cork City Interagency Traveller Group, Cork

UN Committee on the Rights of the Child, (2003), General Comment No. 5 *General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)*, Geneva

UN Committee on the Rights of the Child, (September 2006), *Concluding observations: Ireland Forty-third session*, Geneva

UN Committee on the Rights of the Child, (2009), General Comment No. 11 *Indigenous children and their rights under the Convention*, Geneva

United Nations Children's Fund, (2007), *Implementation Handbook for the Convention on the Rights of the Child*, Geneva

University College Dublin, (September 2010) *All Ireland Traveller Health Study: Summary of Findings*

Van Cleemput, P, *Social exclusion of Gypsies and Travellers: health impact*, Journal of Research in Nursing 15(4) 315–327 www.researchgate.net/ (accessed July 10th, 2013)

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Peter Kieran has dual professional training, as a social worker and as a counsellor. He has studied in UCD, Glasgow University and NUI Cork. He has worked in the South Eastern Health Board as a Senior Social Worker and as the Regional Coordinator of Child Care Services. When the Health Service Executive was formed, Peter worked as Regional Specialist for Children and Families for HSE South.

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Peter is married, with three adult children, and he lives with his wife Aileen in Clonmel, Co. Tipperary.