

CONTENTS

1	Introduction	1
1.1	<i>Introduction</i>	2
1.2	<i>International Standards on National Human Rights Institutions for Children</i>	3
1.3	<i>The Emergence of National Human Rights Institutions for Children</i>	5
1.4	<i>Ombudsman for Children in Ireland</i>	7
1.5	<i>Methodology</i>	9
1.6	<i>Structure of the Book</i>	10
1.7	<i>Conclusion</i>	10
	<i>References</i>	11
2	National Human Rights Institutions for Children—The International Experience	13
2.1	<i>Introduction</i>	14
2.2	<i>International Standards on National Human Rights Institutions</i>	14
2.3	<i>CRC Standards on Independent Human Rights Institutions for Children</i>	16
2.4	<i>Strengths and Weaknesses of NHRIs for Children</i>	18
2.5	<i>Conclusion</i>	26
	<i>References</i>	27

3	The Irish Model—The Ombudsman for Children	29
3.1	<i>Introduction</i>	30
3.2	<i>Background to the Establishment of the Ombudsman for Children</i>	30
3.2.1	<i>Ireland’s History of Child Abuse</i>	30
3.2.2	<i>Advocacy, Research and the Role of Civil Society</i>	31
3.2.3	<i>The Role of the UN Committee on the Rights of the Child</i>	33
3.2.4	<i>Further Influences on the Ombudsman for Children</i>	34
3.3	<i>Ombudsman for Children Act 2002</i>	34
3.3.1	<i>Compatibility with International Standards</i>	37
3.4	<i>Conclusion</i>	40
	<i>References</i>	41
4	Raising Awareness	45
4.1	<i>Introduction</i>	46
4.2	<i>Powers to Promote Children’s Rights</i>	47
4.3	<i>Participation of Children</i>	49
4.3.1	<i>The Participation Lab</i>	50
4.4	<i>The ‘Big Ballot’</i>	51
4.4.1	<i>Phase 1: The Academic Research</i>	52
4.4.2	<i>Phase 2: Testing the Findings of the Academic Research with Children</i>	53
4.4.3	<i>Phase 3: The Vote</i>	54
4.4.4	<i>Reflections on the Big Ballot</i>	58
4.5	<i>Conclusion</i>	59
	<i>References</i>	60
5	Advising Government	65
5.1	<i>Introduction</i>	66
5.2	<i>Accountability to Parliament</i>	68
5.3	<i>Guidance and Advice to Government</i>	71
5.4	<i>Constitutional Reform</i>	77
5.5	<i>Conclusion</i>	81
	<i>References</i>	82
6	Complaints and Investigations	85
6.1	<i>Introduction</i>	86
6.2	<i>The Powers of the Ombudsman for Children</i>	87

6.3	<i>The Ombudsman for Children's Approach to Complaints</i>	88
6.4	<i>Substance of Complaints Before the Ombudsman for Children</i>	95
6.5	<i>Improving Administrative Practice Among Public Bodies</i>	97
6.6	<i>Conclusion</i>	99
	<i>References</i>	100
7	Children in Prison	103
7.1	<i>Introduction</i>	104
7.2	<i>St. Patrick's Institution and the Background to the Project</i>	105
7.3	<i>The Ombudsman for Children's Project</i>	107
7.3.1	<i>Beginning the Project, Building Trust</i>	108
7.3.2	<i>Approach to the Participation of the Children and Young People</i>	108
7.4	<i>The Findings of the Consultation</i>	109
7.4.1	<i>Committal, Orientation and Sentence Planning</i>	109
7.4.2	<i>Separation from Adults</i>	110
7.4.3	<i>Accommodation</i>	111
7.4.4	<i>Health</i>	112
7.4.5	<i>Education, Training and Recreation</i>	112
7.4.6	<i>Contact with Family and Community</i>	113
7.4.7	<i>Safety, Protection and Disciplinary Measures</i>	114
7.4.8	<i>Complaints and Inspections</i>	114
7.5	<i>Reaction and Response</i>	116
7.6	<i>Engaging International Support</i>	117
7.7	<i>Conclusion</i>	118
	<i>References</i>	120
8	Separated Children Seeking International Protection	123
8.1	<i>Introduction</i>	124
8.2	<i>Separated Children in Ireland</i>	125
8.3	<i>The Ombudsman for Children's Project</i>	127
8.4	<i>Building the Case for Reform</i>	129
8.4.1	<i>Legislative Reform</i>	129
8.4.2	<i>Article 2 Non-Discrimination</i>	130
8.4.3	<i>Asylum Process</i>	130

8.4.4	Education	130
8.4.5	<i>Absence of an Independent Guardian/Adviser</i>	131
8.4.6	<i>Complaints Mechanisms</i>	131
8.4.7	<i>Aftercare and Protection</i>	132
8.4.8	<i>Out of Hours Support</i>	132
8.5	<i>Creative Approaches to Chronicling the Children's Experience</i>	132
8.5.1	<i>Dublin—Your City, Our City</i>	132
8.5.2	<i>'All I Have to Say'</i>	133
8.5.3	<i>Creative Art and Photography</i>	133
8.6	<i>Conclusion</i>	134
	<i>References</i>	135
9	Conclusions	139
9.1	<i>Introduction</i>	139
9.2	<i>Origins of the Institution and the Legislation</i>	140
9.3	<i>Exercising the Ombudsman's Powers</i>	142
9.4	<i>Reviewing for the Future</i>	143
	Index	145