

UNESCO Chair, Munster Technological University, submission to the request for input from the Department of Children, Equality, Disability, Integration and Youth on the Draft Combined Fifth and Sixth State Report of Ireland to the UN Committee on the Rights of the Child

This contribution comes from the UNESCO Chair "Transforming the Lives of People with Disabilities their Families and Communities Through Physical Education, Sport, Recreation and Fitness". UNESCO established the UNESCO Chair in 2013 in the Institute of Technology Tralee, which became Munster Technological University in January 2021.

This document responds to the request for submissions on Ireland's draft Combined Fifth and Sixth State Report of Ireland to the UN Committee on the Rights of the Child. The submission focuses on cross-cutting data and resources issues and responds directly to several specific sections of the draft report.

Cross-cutting issues

Data, monitoring, and evaluation

The collection and use of robust, high-quality data are essential for making evidence-based judgments regarding monitoring and evaluation. Decisions about data collection and disaggregation can have important knock-effects on how different groups are considered in policy. In 2013, the UN High Commissioner for Human Rights, Navi Pillay noted "*Only robust and accurate statistics can establish the vital benchmarks and baselines that translate our human rights commitments into targeted policies, and only they can measure how effective those policies truly are*"¹.

There are many policies and action plans referenced throughout the draft report. However, there is often a lack of follow-up information on these measures' impact and reach, making assessing their effectiveness difficult. Many of the policies referenced do include actions, targets, and indicators. Therefore, there should be a correspondent monitoring and evaluation process, which would provide insights into the impact of policy on lived experiences of children in Ireland. Sharing existing relevant data and committing to strong, rights-based data collection practices in the future would be a welcome inclusion that would strengthen the overall report.

While there are many policies and legislation mentioned in the report, and the burden of collecting data on all of them may seem onerous, much data collection can be used for a multiplicity of purposes. In section 3 of the draft report, there is reference to the fact that "data is regularly collected to monitor targets and indicators associated with SDGs." Given the SDGs' rights-based nature, much data gathered to monitor progress on the SDGs and can also be used to monitor progress towards human rights. The Central Statistics Office's SDG Division is publishing a series of e-publications that monitor

¹ Navi Pillay (2013) The factual backdrop for human rights protection and development agendas
<https://www.ohchr.org/EN/NewsEvents/Pages/ThefactualbackdropHRprotectiondevelopmentagendas.aspx> accessed 26/03/2021

how Ireland is progressing towards meeting its targets under the 17 UN Sustainable Development Goals (SDGs) <https://www.cso.ie/en/statistics/unsustainabledevelopmentgoals/>. These existing data sources can be utilized for reporting to the CRC. The table included in Annex 1 of this document outlines the synergies between articles of the CRC and specific SDGs.

Further developments relating to data gathering are ongoing in Ireland following the Budget 2021 announcement of plans for a well-being index to measure living standards in Ireland. The development of the index with data transferability in mind could see the availability of large and disaggregated data samples suitable for reporting on human rights treaties, the SDGs, and individual policies and action plans. The headline indicators, including indicators specific to children, and a dashboard were published in June 2021 and work to align with the CSO and identify data gaps are ongoing. Engaging with this project could provide useful data for this report.

Rights based financing and resources.

There are many interesting references to aspects of rights-based financing and allocation of resources throughout the report, most notably section 6, but Section 5 (a), 9 (c) and 23 (d) also refer to various aspects of financial measures and funding for implementation of the Convention on the Rights of the Child. This information is appreciated and shows welcome steps are being taken to integrate a right-based approach to financing and resource allocation. However, in a few places, this information could be expanded upon. Most notably:

- *5(a) Measures taken to ensure that the development and implementation of national policies affecting children encompass all areas covered by the Convention and are supported by sufficient human, technical and financial resources.* While this section does provide information on some financial and human investment in specific policies and programmes, information on investments made to ensure governmental and public sector wide human resources have the technical capacity to fully implement the Convention would be welcomed. In particular what efforts have been made to educate the civil and public service on the Convention and on integrating and implementing a human rights-based approach throughout their work?
- *Section 9(c) Include the Public Sector Equality and Human Rights Duty in procurement processes and Service Level Agreements with the private and voluntary sector for the delivery of social and health care services for children.* The example of Tusla's Commissioning Strategy and Toolkit is valuable in this regard. However, further information on whether such a process is unique to Tusla or common throughout procurement processes for social and health care services would be useful. If it is unique to Tusla, are there plans to expand and standardise the approach throughout the public sector?
- *23(d) Provide children with disabilities with rehabilitation, assistive devices and reasonable accommodation for full inclusion in all areas of public life, including education and leisure, play and cultural activities.* The final paragraph of this section notes that capital funding is provided to refurbish or incorporate natural play elements to existing play and recreation facilities, aiming to improve access and inclusivity. Information on how it is ensured that funding is directed towards inclusive measures and whether there are any monitoring and reporting requirements attached to said funding to ensure the efficacy of inclusive measures would be welcomed.

Section specific

Children with disabilities

23(a) Review relevant legislation and national disability inclusion strategy 2017-2021 to ensure a human rights-based approach to disability.

To provide full information on ensuring a rights-based approach to disability in relation to the National Disability Inclusion Strategy 2017-2021, we recommend that the State report provide information on plans for a new National Disability Inclusion Strategy beginning in 2022, given that the current Strategy runs from 2017 to 2021. In particular, information on ensuring that the new strategy takes a rights-based approach in line with the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities would be valuable. Furthermore, information on how the views of rightsholders, in particular children with disabilities, will be integrated into any review of the previous strategy and into the development of the new strategy would be welcomed. Any public consultation should be accessible to people with disabilities and ensure a youth appropriate format where children with disabilities can be heard.

If any review of the impact of the Strategy has taken place as it comes to a close, information on the findings would be useful. In particular, reporting on outcome indicators and any updates from the mid-term review should be referenced.

In light of the fact that Ireland's ratification of the Convention on the Rights of Persons with Disabilities took place after the adoption of the National Disability Inclusion Strategy 2017-2021 and after Ireland's previous constructive dialogue with the Committee on the Rights on the Child, any information on the impact that ratification has had in relation to legislation should be referenced here.

Rest, leisure, recreation and cultural and artistic activities

29 (a) Provide children, in particular children with disabilities, asylum-seeking, refugee and migrant children, and children in disadvantaged socioeconomic situations, with accessible and inclusive sporting, recreational, leisure, cultural and artistic activities.

We welcome the information provided in this section and particularly the focus given to sport. Throughout our work, the UNESCO Chair uses the Kazan Action Plan definition of sport: "The term "sport" is used as a generic term, comprising sport for all, physical play, recreation, dance, organised, casual, competitive, traditional and indigenous sports and games in their diverse forms."² In light of this internationally agreed and endorsed definition of sport, we encourage the State report not to consider competitive and organised team sports as entirely separate to play, but rather to take an integrated approach to policy and reporting, which reflects the broader concept of sport.

We note the information provided on SIDOs. In the context of the Convention on the Rights of the Child, it would be helpful to include any information specific to their work with children with disabilities.

It would also be useful to include reference to efforts to engage children from the other specific groups listed in question 29(a) including asylum-seeking, refugee and migrant children, and children in

² UNESCO (2017) *Kazan Action Plan*

disadvantaged socioeconomic situations in sport and play, as well as cross cutting and intersectional efforts to increase participation, such as any education and training on inclusivity and human rights across the sports sector. The development of the new Sports Action Plan is very significant in this regard. Any further information on the development of this plan, in particular whether consultations with these rightsholder groups were held and how views were integrated, would be useful. It would also be helpful to note whether human rights obligations, including those under the CRC as well as the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination Against Women, will be used as reference points in the Action Plan.

The UNESCO Chair is currently undertaking research on the realities of accessing sport in Ireland for minority groups in Ireland through TRUST Ireland. TRUST Ireland is funded by IHREC and involves a partnership of the UNESCO Chair, GAA, Sport Against Racism Ireland, the Federation for Irish Sport, Sport Ireland and the Central Statistics Office. The partnership is currently planning a series of rightsholder workshops with representatives from the following groups: migrants including refugees and asylum seekers; Travellers; socio-economically disadvantaged people; the LGBTI+ community; women and girls; people with disabilities; people with intellectual disabilities. These workshops will provide a forum for discussing specific barriers and facilitators they have faced in accessing sport in Ireland. We are happy to share insights from these workshops with Government Departments to assist in inclusive and right-based sport policy development. A dialogue will also be held with a cross-departmental Governmental group after the rightsholder workshops, which representatives from DCEDIY are very welcome to attend.

Following the Kazan Action Plan's adoption in 2017, the UNESCO Chair was charged with leading a global consortium to advance the inclusive policy actions of the Kazan Action Plan and its five follow-up actions. This action (action 1) focuses on respecting, protecting and fulfilling human rights in and through sport. Under action 1, the UNESCO Chair, in collaboration with many international partners, has developed a series of draft tools for states, NHRIs and civil society to assist them in reporting to the UN human rights monitoring bodies on human rights in and through sport. The State guides to reporting to monitoring bodies, including the CRC, can be found [here](#).

29 (b) Develop a curriculum of physical leisure activities that can be enjoyed by all students, including girls.

A 2014 policy brief by the Peterson Institute for International Economics entitled [Women, Sports, and Development: Does It Pay to Let Girls Play?](#) reported that “Girls who play sports do better in school, suffer fewer health problems, achieve more in areas dominated by men, such as science, and hold better jobs as adults.” Moreover, the review found that this effect was magnified among minority populations who “appear to experience greater social and economic mobility, more confidence, and even more personal safety if they have participated in sports.”³

Women and girls participate in sport and physical activity at significantly lower rates than men and boys. This divergence begins in childhood and becomes very pronounced during adolescence. According to [Sport Ireland](#) just 7% of girls aged 14-15 years are meeting recommended physical activity levels compared to 14% of boys. Boys are more likely to meet the Physical Education guidelines at post-primary school level than girls.⁴

³ Barbara Kotschwar (2014) *Does It Pay to Let Girls Play?* Peterson Institute for International Economics Policy Brief14-8

⁴ Woods CB, Powell C, Saunders JA, O'Brien W, Murphy MH, Duff C, Farmer O, Johnston A., Connolly S. and Belton S. (2018). *The Children's Sport Participation and Physical Activity Study 2018 (CSPPA 2018)*. Department of Physical Education and Sport Sciences, University of Limerick, Limerick, Ireland, Sport Ireland, and Healthy Ireland, Dublin, Ireland and Sport Northern Ireland, Belfast, Northern Ireland.

Given that disparities exist between boys and girls in participation levels in the current physical education system and in sport more generally, the curriculum and schools need to go beyond a “gender neutral” approach to embrace an approach that actively acknowledges and attempts to redress the existing imbalances.

Many of the reasons for girls dropping out of physical activity and physical education are specific to their gender and gender inequalities. Therefore, a gender-conscious approach, rather than a gender-neutral approach, should be taken. It would be useful if the State report could reference any efforts to provide gender sensitivity training to PE teachers and coaches, or any resources developed on increasing participation by girls specifically, while also looking intersectionally at the participation of girls from across various groups with lower participation rates.

For further information:

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Annex 1:

Table outlining alignment between SDGs and articles of the CRC prepared by the UNESCO Chair to highlight synergies between human rights and SDGs as they relate to sport.

SDG	Target	CRC
<p>Goal 3. Ensure healthy lives and promote well-being for all at all ages</p>	<p>3.4 By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being</p>	<p>Article 24 – Health Article 23 - Rights of children with disabilities to special care, and to education, health care, training and recreation</p>
<p>Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all</p>	<p>4.1 By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes 4.2 By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education 4.3 By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university 4.4 By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship 4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations 4.a Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all 4.c By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States</p>	<p>Article 28 and 29 – Education Article 19 - freedom from violence, injury, abuse, neglect and exploitation Article 23 - Rights of children with disabilities to special care, and to education, health care, training and recreation</p>

<p>Goal 5. Achieve gender equality and empower all women and girls</p>	<p>5.1 End all forms of discrimination against all women and girls everywhere 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation 5.5 Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life 5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels</p>	<p>Article 19 - freedom from violence, injury, abuse, neglect and exploitation Article 34 - sexual exploitation Article 35 - child trafficking</p>
<p>Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all</p>	<p>8.5 By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value 8.6 By 2020, substantially reduce the proportion of youth not in employment, education or training 8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms 8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers in particular women migrants, and those in precarious employment 8.b By 2020, develop and operationalize a global strategy for youth employment and implement the Global Jobs Pact of the International Labour Organization</p>	<p>Article 19 - freedom from violence, injury, abuse, neglect and exploitation Article 35 - child trafficking, slavery and child labour</p>
<p>Goal 10. Reduce inequality within and among countries</p>	<p>10.2 By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status 10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard</p>	<p>Article 2 - non-discrimination</p>
<p>Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable</p>	<p>11.7 By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities 11.a Support positive economic, social and environmental links between urban, peri-urban and rural areas by strengthening national and regional development planning</p>	<p>Article 31 - Right to play and recreational activities</p>

<p>Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels</p>	<p>16.1 Significantly reduce all forms of violence and related death rates everywhere 16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all 16.6 Develop effective, accountable and transparent institutions at all levels 16.7 Ensure responsive, inclusive, participatory and representative decision making at all levels</p>	<p>Article 19 - Right to freedom from violence, injury, abuse, neglect and exploitation Article 34 - sexual exploitation Article 35 - child trafficking</p>
<p>Goal 17. Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development</p>	<p>17.18 By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts 17.19 By 2030, build on existing initiatives to develop measurements of progress on sustainable development that complement gross domestic product, and support statistical capacity-building in developing countries</p>	<p>Article 42 – awareness raising</p>