

IT TAKES A VILLAGE TO RAISE A CHILD:

CHILDREN OF AFRICAN DESCENT IN IRISH STATE CARE



AkiDwa
AKINA DADA WA AFRICA

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It Takes a Village to Raise a Child: Children of African Descent in Irish State Care

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Introduction

The history of people of African descent in Ireland can be traced back as late as the 1700s.[1] As reported by Deirdre Finnerty of BCC news (December 2020) the mid-20th Century saw thousands of students travelling from African countries to study at Irish universities. Some had children outside of marriage leading to thousands of black and mixed-race children being born in Ireland during the 1950s and 60s. At the time these children were often placed in Ireland's notorious mother and baby homes. Today these children, now adults, are searching for their families. The voices and visibility of mixed-race people of African descent are only recently being uncovered by organisations such as the Association of Mixed-Race Irish.

Ireland in the last 30 years has seen a huge influx of inward migration. According to the last Census conducted in Ireland in 2016, there are 57,850 people living in Ireland that identify as people of African descent (1.4 % of the Irish population).[2] Some have citizenship while others hold varying immigration statuses which include refugees, asylum seekers, students, religious, migrant workers, spouses of Irish or EU citizens or victims of trafficking.

People of African descent in Ireland face many challenges. The 2018 Monitoring Report on Integration shows that the employment rate of Africans is only 45% compared to an average of 70% for other minority nationality groups.[3] The employment of African women is 38%, 17% below the average female employment rate in Ireland.[4] In healthcare, people of African descent experience greater difficulty in accessing appropriate services and have worse health outcomes.[5] For example, women of African descent are more likely to suffer maternal deaths and complications during childbirth.[6] Racism and discrimination are evident at the community, professional and institutional levels.[7]

[1] W A Hart, "Africans in Eighteenth-Century Ireland" (2002) *Irish Historical Studies* 33(129), 19-32, 19

[2] Central Statistics Office, "Census 2016 Summary Results – Part 1" April 2017, p60 Available at: <https://www.cso.ie/en/media/csoie/newsevents/documents/census2016summaryresultspart1/Census2016SummaryPart1.pdf> Accessed on 12.06.2022

[3] Frances McGinnity, Éamonn Fahey, Emma Quinn, Samantha Arnold, Bertrand Maître and Philip O'Connell, "Monitoring Report on Integration 2018" Economic and Social Research Institute; Department of Justice and Equality 2018; p25 Available at: <https://www.esri.ie/system/files/media/file-uploads/2018-11/BKMNEXT364.pdf> Accessed on 12/06/2022

[4] *ibid*

[5] *ibid*

[6] Neil Michael, "Perinatal mortality within African community in Ireland needs 'urgent' investigation", 08 May 2021, *The Irish Examiner*, Available at: <https://www.irishexaminer.com/news/arid-40283846.html> Accessed: 10.06.2022

[7] n 3 Monitoring Report on Integration 2018; 26

A large number of Africans have gone through the Direct Provision system while seeking international protection, spending an average of 24 months, notably some persons have spent even 10 years, in limbo whilst waiting for their applications to be processed.[8] This has shown to have devastating effects on their mental health and wellbeing.[9] Bringing up children in these institutions has the worst effect on African children and families. [10]

The way in which African parents rear a child ensures that the child will imbibe the cultural values of their native land and grow to be a responsible adult. This is done through the mother's care, the support of the extended family, traditional rites, attention and love. The substantial involvement of the extended family, and sometimes neighbours, in child-rearing helps to develop a strong sense of social responsibility in the child from their early years and teaches them to be a respectful, responsible and supportive member of the extended family and by extension, of society.

By virtue of their own upbringing and cultural parenting practices, migrant African parents often do not have parenting skills or resources considered to be in line with the standard set by the Irish legal system. Additionally, appearing before the childcare court becomes a new and stressful trend that is outside of their cultural norm. They lack accessible and appropriate information on children and families and are barely aware of the law in Ireland on children and child protection.[11] Quite often they find themselves in Irish childcare courts without legal representation or the appropriate knowledge on how to navigate the system or access information on the rights of parents in the court system.[12] Some encounter challenges in accessing visits to their children who have been taken into care. This leads to a cultural shock which is exacerbated by the lack of an extended family, information, and support structures for these migrant parents.

[8] Doras, "Direct Provision" Available at: <http://doras.org/direct-provision/> accessed on 10.06.2022

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

[10] *ibid*

[11] *ibid*

[12] Child Care Law Reporting Project, "Ripe of Reform: An Analytical Review of Three Years of Court Reporting on Child Care Proceedings" October 2021; p56 Available at: <https://www.childlawproject.ie/wp-content/uploads/2021/11/CCLRP-Ripe-for-Reform-Report-October-2021.pdf> Accessed on 10.06.2022

Ireland must acknowledge and recognize the vast cultural diversity that exists today and consequently the different culturally based child-rearing standards. Based on AkiDwA's work with African parents, mainly mothers, in this area we can argue that childcare as evaluated under the Irish Childcare Protection Guidelines reflects the mainstream cultural norms of good parenting and family functioning in Ireland. On the other hand, for example, leaving children with neighbours or siblings is termed as neglect, and difference in physical care and tone of voice used by the African parent towards their children may sound harsh among white professionals and frontline services, yet to them it is the norm.

The current assessments used by social workers and child protection services are inadequate in their 'one size fits all' approach. There is a need for a multidimensional and culturally sensitive approach which acknowledges the different parenting styles of the various minority groups in Ireland. Furthermore, there is a current lack of culturally competent professionals and service providers in this area who can often make drastic, life-altering decisions on behalf of children based on their own biases and ethnocentrism. Training should be provided in cultural awareness to members of child protection services, gardai and any professionals practising family law. There is also a lack of diversity in the foster care system in Ireland – it should be endeavoured that any child taken into state care be placed in an environment of similar cultural understanding and background to that of the child/birth parent. There is of course also the issue of the blatant power structures in court jurisdictions which may prevent migrant parents from fully exercising their rights.

AkiDwA

Akina Dada wa Africa (Swahili for sisterhood), also known as AkiDwA, is a registered charity organisation which consists of a national network of African and other migrant women living in Ireland. Since its inception in 2001, the organisation has worked earnestly to promote equality and justice for migrant women, particularly African women, to realise its vision for a fair and just Ireland with equal access to resources in all aspects of society: social, cultural, economic, civic and political. AkiDwA advocates and fosters the integration of African women into Irish society and provides assistance where possible to ensure that these migrant women live a life free of gender and racial discrimination and the disadvantage that can come from such prejudice by adopting a human rights and gender-specific approach in line with international and European human rights standards. AkiDwA's credibility is legitimised by decades long co-operative inter-organisational work and community engagement and mobilisation of members of usually hard to reach, marginalised communities of migrants which enables production of relevant and insightful evidence-based submissions to government departments.

One major manifestation of the discrimination faced by women of African descent in Ireland is the fact that a disproportionate share of children of African descent is taken away from their mothers and placed into state care. In 2013 the interim report on the Child Law Reporting Project indicated that African families are 20 times more likely to end up in the child care courts.[13] In 2013, AkiDwA CEO, Dr Salome Mbugua, engaged with the 2013 report which was the very first report on child care law reporting in Ireland by way of a publication.[14] Dr Mbugua on behalf of AkiDwA called for state engagement with the structural and societal issues that manifest in the ongoing challenging issues of children being taken into State care through dialogue with the community of African families especially African women who are often the primary child carers.[15] AkiDwA's recommendation was triggered by the fact that in the course of its work with the African community, it has come across several instances of African families being torn apart and African youth becoming violent or engaging in anti-social behaviour. The organisation has also been advocating for the implementation of the International Decade for People of African Descent since 2017 and the organisation has held meetings with relevant government departments seeking state support and intervention. The International Decade for People of African Descent emerged in 2001 with the third World Conference against Racism, which led to the adoption of the Durban Declaration and Programme of Action. The Durban Declaration, in addition to declaring that the people of Africa had been victimized by slavery and continued to suffer as a result, called for states to adopt specific steps to help combat racism and xenophobia and to protect its victims.

The objectives of the International Decade for People of African Descent are to:

- Promote respect, protection and fulfilment of all human rights and fundamental freedoms by people of African descent, as recognized in the Universal Declaration of Human Rights.
- Promote a greater knowledge of and respect for the diverse heritage, culture, and contribution of people of African descent to the development of societies.
- Adopt and strengthen national, regional, and international legal frameworks according to the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination

[13] Child Care Law Reporting Project, 'Second Interim Report', October 2013 Available at: <https://www.childlawproject.ie/wp-content/uploads/2013/11/correctedinterimreport.pdf> Accessed on 28.06.022.

[14] Salome Mbugua, "Concern over African children in State care", The Irish Times, 07.11.2013, p15

[15] ibid

The Decade requires states to implement a plan of activities that addresses 3 key themes:

- Recognition: The right to equality & non-discrimination
- Justice: facilitating access to justice,
- Development: the right to development & measures against poverty

In 2019, a national steering committee made up of 12 organisations working with people of African descent was set to work with the Irish government towards the implementation of the decade in Ireland and a public consultation meeting organised by the department of Justice and equality was held in March 2019. AkiDwA is therefore uniquely positioned to address the difficulties faced by African women in raising up their children. This project is framed within the International Decade for people of African descent and contribute towards all the three objectives.

Thus, AkiDwA, with the gracious funding and support of the United Nations High Commissioner for Human Rights (OHCHR), has undertaken this project titled “It Takes a Village to Raise a Child” in reference to an African proverb, which means that child upbringing is a communal effort. This project serves as an opportunity to understand and address misunderstandings of African culture in parenting and child raising, which too often lead to many African children being taken into care of the State, causing the breakup and subsequent dysfunction of families. This in turn raises awareness about cultural differences and challenges in child upbringing of children of African descent by migrant parents in Ireland among service providers, frontline services and decision makers in a bid to realise change and policy reform for a more equal, fair and just Ireland.

Background

The Irish demographic has changed significantly, albeit gradually, over the last three decades. There is now a significant proportion of children of African descent in the polity. While some children entered Ireland as unaccompanied minors, a good number travelled to Ireland with their parents, and others were born in Ireland to the influx of adult migrants, popularly migrant women, who have settled in Ireland. Notably, the accommodation of unaccompanied minors is a significant issue; this project focuses on the African children who are in state care as a result of separation from their families by the state on the grounds of protection of the rights of children. The inflow of migrants means the inflow of culture and a diverse pool of parents and children.

When immigrants migrate to their destination country, they lose their social capital and social network which they had in their country of origin, and on which they could rely for support on several issues particularly childcare.[16] Thus there is a need for the state to support immigrant families to ensure that immigrant children in Ireland receive adequate care in the ideal familial environment.

Childcare services play an important role in ensuring that children are protected from abuse by the provision of support for parents and children where appropriate. [17] Since childcare is essential to the development of children, it is essential that childcare services adopt culturally sensitive and appropriate techniques in order to effectively cater to families of ethnic minorities and immigrants especially those in the complicated situation of seeking asylum.[18] Whilst this can prove difficult for social workers who might not be knowledgeable of non-Irish cultures, the laudable approach is for social workers to approach culturally different people with respect and be open and willing to learn.[19] Moreover, the Department of Justice, Equality and Reform in 2005 affirmed its dedication to the development of an inclusive and intercultural approach to childcare policy in line with the principle and state policy of equality and diversity.[20]

Due to the vulnerability of children, childcare proceedings were to be held in private, that is away from public eye.[21] This meant that there was no transparency during proceedings between the might of the state and a parent in deciding whether children remain with their parents or go into state care.[22]

[16] Hernandez-Plaza, S., Alonso-Morillejo, E., & Pozo-Munoz, C., 'Social Support Interventions in Migrant Populations'(2006) *British Journal of Social Work* 39,(1) 1151-1169, 1153

[17] Gilligan, R, 'Family Support and Child Welfare: Realising the Promise of the Child Care Act' 1991 in H. Ferguson & P. Kenny (Eds.), *On behalf of the child: Child welfare, child protection and the Child Care Act 1991* (Betaprint, Dublin, 1995) pp. 81 114

[18] Nicola Dolan and Catherine Sherlock, 'Family Support through Childcare Services: Meeting the Needs of Asylum-seeking and Refugee Families' (2010) *Child Care in Practice* 16(2), 147 – 165, 151

[19] O'Hagan K, *Cultural Competencies in the Caring Professions* (Jessica Kingsley Publications, London 2001) 235

[20] Department of Justice, Equality and Law Reform, *Planning for diversity: The National Action Plan against Racism* (Dublin: Stationery Office, Dublin, 2005) 120

[21] (n 1) CCLRP 2013, 1

[22] *ibid*

Thus, there was very little reporting and public knowledge about the reasoning behind a majority of children going into state care.[23] There was also very little discourse or debate about the balance between the constitutional rights of parents and the rights of children to protection against domestic abuse and maltreatment.[24] However, the Child Care (Amendment) Act 2007 changed the law by allowing access to childcare proceedings which was limited to only legal professionals or authorised personnel and reporting of childcare proceedings under the condition that the identification of the child or children remains concealed.[25] The first ever Child Care report was published in 2013 wherein, it was reported that African families were 20 times more likely to be involved in child care proceedings.[26] According to the 2014 Childcare Law report, cultural differences involving members of ethnic minorities, neglect, and physical chastisement were among the main reasons featured in state cases for which children were taken into state care.[27]

Since 2014, no action has been taken to address the issues highlighted in the 2014 Child Law Project report, particularly, the factors that put migrant families more at risk of conflict with the Childcare laws. Certainly, cultural disparities in parenting are a significant reason why migrant women are parenting in conflict with Irish parenting norms and law. For example, many African mothers come from backgrounds where they can leave a child (under 18 years) to take care of their siblings, while in Irish law this would be looked upon as negligence and child labour. Most African communities would leave their neighbour to keep an eye on their children when they go to shop or to the market, but the living condition in Ireland does not provide such opportunities. The 2021 report by Childcare law reform highlighted that Ethnic minority parents – migrants, Travellers and Roma – were disproportionately represented in childcare proceedings.[28]

[23] *ibid*

[24] *ibid*

[25] Child Care (Amendment) Act 2007

[26] (n 1) CCLRP 2013, 20

[27] Child Care Law Reporting Project, 'Second Interim Report', October 2014 Available at: <https://www.childlawproject.ie/wp-content/uploads/2014/10/Interim-report-2-Web.pdf> Accessed on 28.06.2022

[28] Child Care Law Reporting Project, 'Ripe for Reform: An Analytical Review of Three Years of Court Reporting on Child Care Proceedings', 2021. Available at: <https://www.childlawproject.ie/wp-content/uploads/2021/11/CCLRP-Ripe-for-Reform-Report-October-2021.pdf> Accessed on 28.06.2022

The issues posed in such cases included trans-national or trans-ethnic placements, children being left behind by a parent, language barriers, and cultural sensitivity. Some cases involved engagement with cultural and traditional practices like early marriage and strict parenting styles. The report recommends commissioning research on the reasons for and implications of a disproportionate number of children subject to care proceedings being from Traveller and ethnic minority backgrounds.[29]

The periodic reporting of childcare proceedings has facilitated an ongoing open space in which childcare discourse such as this project can take place. AkiDwA as a women's organisation through the It Takes a Village to Raise a Child Project tackled the issue of high numbers of African children in state care from the perspective of African mothers and therefore adopted a familial approach to issues surrounding childcare. This is in accordance with the obligation of states by the United Nation Convention on the Rights of the Child (UNCRC) to provide the family with the necessary protection and assistance to assume its responsibility as "the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children". It is essential that this obligation be effectively balanced with the UNCRC's requirement that all actions concerning children by any institution, body or authority in the state be done with the best interests of the child shall be a primary consideration".[30]

Project Objectives

The objectives of the project are as follows:

- A.** Raise awareness among women of African descent about cultural differences in child upbringing and the Irish Children Act and other laws and policies related to children.
- B.** Raise awareness about cultural differences in child upbringing and promote positive aspects of the African culture among service providers, frontline services and decision makers.
- C.** Advocate for cultural differences to be better taken into account in decisions related to children of African descent in state care, and hence improve the way in which frontline officers and service providers engage with mothers and children of African descent
- D.** Advocate for amendment and development of new policies and laws that better take into account the "best interest of the child" in line with CRC.

[29] *ibid*

[30] UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, Article 3

Project Summary

This project comprised of the following activities:

A. Community Discussion: AkiDwA organised and facilitated six community discussions in line with the objectives of this project. Due to the restrictions on movement and social gatherings put in place during the covid-19 pandemic, five of the community discussions took place online via Zoom. However, the sixth and final community discussion took place in person after the restrictions were lifted. The underlying aim of these discussions was to raise awareness among women of African descent about cultural differences in child upbringing and the Irish Children Act and other laws and policies related to children. In order to effectively tease out the issues relevant to the subject of African children in state care, the discussions were broken down into subtopic. These discussions were attended by an average of 19 parents in all discussions. However, only three men every attended the discussions. Whilst the community discussions were advertised to all African parents, mostly African mothers turned up. The topics and dates of the community discussions of the previous community discussions are as follows:

1. ***Children of African parents in state care: 24/07/2021***
2. ***Children of African parents in foster care: 22/09/2021***
3. ***Parenting Children of African descent: 06/11/2021***
4. ***Understanding the Law on Child Protection: 27/11/2021***
5. ***Developing an inter-cultural parenting training: 15/01/2022***
6. ***Children of African parents in state care: 26/03/2022***

B. High-level Roundtable Discussions: Having discussed with members of the African community, AkiDwA arranged to raise awareness about cultural differences in child upbringing and promote positive aspects of the African culture among service providers, frontline services and decision makers. The first roundtable discussion took place online on 22nd February 2022. The second high-level roundtable discussion was held in person at the Maldron Hotel in County Cork, Ireland on 3rd May 2022. The audience at this event consisted of representatives of the following groups:

1. **Policy Makers**
2. **Frontline services**
3. **Legal professionals**
4. **Garda Child Protection Unit –“Garda Divisional Protective Services Unit**
5. **Human/child rights stakeholder organisations**
6. **NGOs interested in child rights in Ireland**
7. **NGOs interested in parenting in Ireland**
8. **NGOs interested in migrant-specific matters in Ireland**

C. Story Book: Compiling and publication of a book featuring stories on African mothers in Ireland on child upbringing and their experiences raising a child in Ireland. 10 migrant women of African descent were engaged in 40 minutes to an hour long private and anonymous discussions where they told stories of their experiences of motherhood in Ireland. Highlighting disparities between this and how they were raised, and the encounters underpinned with racial discrimination where present. A good number of these women found these story telling sessions empowering and somewhat therapeutic as it served as an opportunity to reflect introspectively on their parenting practices.

D. National Conference: A national conference on African Children in State care was held on the 31st May 2022 at the EPIC, The Irish Emigration Museum in Dublin. This conference was a culmination of efforts in the project and speakers at various roundtable discussions and community discussions as well as academics and migrant mothers spoke at this event. The members of the Association of African Social Workers in Ireland also took part in panel discussions at the conference. In addition, Senator Marie Sherlock was the guest speaker at this event. This conference was an avenue to advocate for cultural differences to be better taken into account in decisions related to children of African descent taken to state care, and hence improve the way in which frontline officers and service providers engage with mothers and children of African descent.

E. Final Report: The publication of this project report documenting project outcomes and providing policy recommendation is the final action of this project which is a culmination of the preceding activities. It is intended to be a useful tool in guiding the next steps and advocating for the amendment and development of new policies and laws that better take into account the “best interest of the child” in line with CRC.

The Legal Framework on Child Care in Ireland

The United Nations Convention on the Rights of the Child comprehensively provides the range of civil, political, economic, social and cultural rights of children.[31] Every child is entitled to the right to life, survival and development as well as a right to be protected from any and all forms of abuse, violence and harm. [32] In all matters concerning children, the best interest of the child must be given the primary concern and the view and voice of the child must be taken into account in such matters.[33] It is important to emphasize the obligations of the state under Article 18 of the UNCRC to provide “appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities”. [34] Ireland ratified this convention in 1992 and all children, without discrimination, in the state are protected by these international rights.[35]

In Article 42A of the Irish Constitution, the state’s duty to protect the best interest of the child and their right to safety and good welfare is emphasized.[36] The Child Care Act 1991 and the Children First Act 2015 are the primary source of the law on childcare in Ireland. Under the Children Care Act, children can only be taken into care upon the decision of the court to do so in the form of care orders. This project is not concerned with voluntary care orders[37] or special care orders[38] where parents opt for their children to be taken into care to enable the state to support their families in ensuring children are given optimum care. This project focuses on emergency care orders, care orders and supervision orders which are made upon proof by the state agency that it is necessary for the court to compel the removal of children from their family home where the parents might not necessarily want to willingly give up their children in care.

1. Emergency Care Order: This type of order is awarded where there is reasonable cause to believe that there is an immediate risk to the health or welfare of children that necessitates removal from their present environment and placement in the care of the Child and Family Agency. The interim care order lasts for a maximum of eight days[39]

[31] *ibid* UNCRC

[32] *ibid* Article 6 and Article 19

[33] *ibid* Article 3 and Article 12

[34] *ibid* Article 18

[35] *ibid* Article 2 U

[36] Bunreacht na hÉireann 1937, Article 42

[37] Children Care Act 1991, Section 4

[38] *Ibid* Section 23B

[39] *Ibid* Section 13

2. Care Order: A order awarded where the court is satisfied under the application of the CFA that child placement in state care is necessary to protect its welfare in circumstances where its health or welfare is neglected, impaired or at risk of impairment, or has suffered or is suffering assault, ill treatment, neglect, sexual abuse or neglect.[40] A court will often award an interim care order where the criteria set above is met and leave room for consideration of circumstances and an option for reunification once the period of care is completed. However, a court can also award a full care order which means that a child will remain in the custody of Tusla until they become an adult or until the time as the court determines. In effect, Tusla performs the role of the parent.

3. Supervision Order: This order permits the CFA, Tusla to visit the home to monitor and supervise the environment and welfare of the child or children of concern therein.[41] The supervision order is awarded when the health or welfare of a child is neglected, impaired or at risk of impairment or a child has suffered or is suffering assault, ill treatment, neglect, sexual abuse or neglect which does not require removal from the home.[42]

The Child Care Act 1991 empowers the Garda to remove children from a vehicle or building without a warrant to move a child to safety where there is reasonable grounds to believe that the health or welfare of a child is in danger. [43] Once removed from home the child would be placed either in foster care, residential care, with a suitable person with a view to child adoption or in the care of a relative or such other arrangements deemed appropriate by Tusla in light of the circumstances.[44]

The 1991 Act states that a statutory body be responsible for overseeing the welfare of children and providing support to the family. The Children and Family Agency Act 2013 was enacted to establish the Child and Family Agency (CFA), Tusla which came into being on 1st January 2014 to serve as the sole, comprehensive state agency responsible for child protection, early intervention, and family support services in Ireland.[45] The CFA is the sole body with the authority to bring childcare proceedings to court in Ireland.

[40] Ibid Section 17; Section 18

[41] Ibid Section 19

[42] ibid

[43] Ibid Section 12

[44] Ibid Section 36(c)

[45] Child and Family Agency Act 2013

African Parents in Conflict with the Childcare System

The Child Law Project (CCLRP) identified the three major reasons for admitting children into state care as: mental illness or emotional and psychological distress, domestic violence, and neglect. Throughout the community discussions undertaken in this project, these three reasons for admission of children into care were used as a framework to highlight and discuss certain aspects of childcare norms in African families which conflict with the law. This allowed for the structured and intrinsic exploration of factors, cultural or environmental, that often placed African families in conflict with the law.

a. Child Neglect

The childcare norms in regard to being physically present to supervise children all day every day is a cultural shift for African parents. Back home, life was more communal, and a parent could leave her child at home and have her neighbour check in on that child periodically while she quickly went to the market, for instance. Children were given more responsibility to take care of their younger siblings once they got to about 14 years of age. Indeed, the child is not seen as just the parent's responsibility in African culture as the idea that it takes a village to raise a child implies that it is a communal effort and therefore childcare and the load of child supervision was easily shared by extended family members such as grandparents, aunties and uncles who often lived with or around the parents of the child. Thus, several stories were recounted in the discussions of how shocking it was to learn that mothers could not leave their children unsupervised for even brief periods of time and mothers were often overwhelmed by this.

Environmental factors also made it difficult to comply with the child supervision norms. One mother cited an example of when her daughter was so sick and could not go to school and refused to go to the pharmacy with her because she was simply too weak. This mum had to dash to the nearest pharmacy to get her drugs for her daughter in constant panic throughout the entire trip. A young mum in the direct provision centre explained that when she moved to a new centre, it was particularly difficult as she had yet to establish whom she could trust enough to leave with her infant child. This made it particularly difficult to even take showers in the communal shower room as she did not want to take her rather fragile infant daughter in there. She would therefore leave her daughter in her room when she went to shower or to pick up things from the communal kitchen for brief periods, however, she was met with constant threats from the accommodation manager, and she was even reported to a social worker for this supposed neglect. This young mum even regarded the supervision requirement as impractical in the direct provision centres as she stated,

“To me, it was still impractical because I cannot trust people in the DP centre with my child, it was not a family setting! ... I had some friends that could help but sometimes it was hard to trust people in the centre”

Indeed, third party childcare is a luxury that a significant number of African mothers especially those who are asylum seekers or new refugees simply cannot afford due to economic disadvantage. This creates added difficulties with taking up a job. One nursing mother in the direct provision centre recounted her ordeal as follows:

“I couldn’t take my infant child everywhere with me especially when she is asleep. Friends have their own schedule, so it is difficult. I found myself confined to my room more often than I would have preferred and this made me more unhappy.”

The isolation experienced by ethnic minority families has been well documented. [46] In the absence of a community here, migrant parents struggle with providing child supervision/care and this is often the reason they get in trouble with the law, as the absence of an adult who is responsible for the child is regarded as neglect.

b. Domestic Abuse

There is a significant clash in child upbringing norms between African and Irish parenting when it comes to correcting, cautioning, and disciplining children. Physical chastisement is seen as a norm in Africa. In fact, it is common practice even in primary and secondary schools. Thus, striking a child is not seen as abuse but as a form of correction so long as this not done in anger and with the use of unreasonable and excessive force. The zero-tolerance policy on any form of physical chastisement and its categorisation as domestic abuse is a culture shock to most African parents. As a result of this, African parents have to upskill on non-physical chastisement and engage in alternative measures of disciplining children as caretakers, as children having discipline and respect is a deep-rooted societal norm in African culture across the continent. Indeed, parents reaffirmed their resolution that their non-negotiable value to pass down to their children was discipline and respect for elders. The CCLRP affirmed that while physical violence against children featured in many Irish child protection cases, it was often present in African families as a means of preserving the sense of authority in the household. [47]

[46] Child Care Law Reporting Project, ‘Final Report’, 2015, Available at: https://www.childlawproject.ie/wp-content/uploads/2015/11/CCLRP-Full-final-report_FINAL2.pdf Accessed on 28.06.022

[47] Ibid CCLRP 2015, p28

However, ignorance of childcare law was realised to be a key issue for new African parents coming into Ireland. Due to the culture clash involved with parenting without physical chastisement, some African parents struggled to comply, so parenting was not a matter that was openly discussed in communal settings as this was also considered private family life. However, these community discussions created a space for sharing and exchanging alternative methods of discipline among parents. Popular techniques were allocating chores, such as washing the dishes, as punishment, others included restricting access to Wi-Fi, video games and mobile phones in a bid to teach children not to misbehave. Nonetheless it was evident that this was one area that migrant parents, particularly those from the African community needed support in from parenting support services provided by the state.

c. Mental Illness or Emotional and Psychological Distress

Mental health challenges of African mothers in the direct provision community have been serially documented. The CCLRP also highlighted this challenge when examining these challenges as one of the reasons for taking children into care,

"Mental illness featured significantly in the African cases, and in a number of these cases the mother (often parenting alone) was referred from a direct provision centre for asylum seekers to psychiatric services, and her children were then taken into care."[48]

Migrants coming into the asylum system are often experiencing trauma from the trials of their journey into Ireland or/and from their experience in direct provision centres. This often makes it difficult to parent.

African parents explored several challenges of inter-cultural parenting during the community discussions that can weigh heavily on the mental, emotional and psychological state of parents. A reoccurring theme in the discussions was that migrant parents saw themselves as "gatekeepers" of their culture to their children. However, when African children are growing up as minority in Ireland, majority of parents agreed that they go through a phase where it seems these children "want to be white". There is a struggle for identity and culture as these children are being groomed with and in the African culture at home but outside the house are educated with Irish orientation. Navigating the complexities of an inter-racial upbringing forms an additional emotional burden for migrant parents.

[48] (n 1) CCLRP 2013, 37

In addition, migrant parents have the added challenge of dealing with the racial bullying of their African children in schools. In these situations, African parents reported feeling helpless and indeed powerless in protecting their children from this harm, a harm they themselves sometimes suffer and find it difficult to navigate. Inter-cultural parenting in Ireland often creates cultural shock for the African mother who is often parenting a child alone in a community that is very different from her own, with norms different from hers which she herself is adapting to. Indeed, a lot of African mothers appear to be pouring out of an empty cup as they do not have the skills to parent in line with Irish legal system as they can only parent the way they were parented. Parents therefore emphasised the need for support and awareness raising about the availability of these support services.

The Challenges of African Parents in Childcare Proceedings

Having come in conflict with childcare regulation in Ireland when childcare matters advance into the stage of court proceedings, African families are faced with new challenges. The input from legal professionals such as barristers and solicitors who attended the high-level roundtable discussions as well as the community discussions was very insightful in this regard. African parents also recounted challenges they had faced which in their opinion obstructed their access to justice in family no court proceedings. Some of the challenges highlighted are explored below:

1. Language barriers: A significant number of African families are unable to fluently communicate in English. This affects their ability to present as a strong reliable witness in defence of their cases at court. It also affects their ability to understand the proceedings of the court. The interpretation services available in court are not consistently available and there is always a risk of misinterpretation.

2. Lack of information: African families are not well informed about the workings of the court process. In fact, the phenomenon of childcare courts and the ability of the state to take away their children from them is a rather alien concept in African culture as family disputes are settled at a family or communal level. Thus, such parents might not conduct themselves as they ought to through the proceedings and do all that is necessary to prove their competence as child carers. Against this background, the absence of sufficient information and guidance through court proceedings is insufficient.

3. Lack of good representation: While most judges insist that parents have legal representation at childcare proceedings, migrant parents, including African parents for whatever reasons, go through childcare proceedings representing themselves. The importance of representation by a formidable legal advocate cannot be overemphasized. There is also a need for such lawyers to be trauma informed and free of any racial and cultural prejudice in order to effectively advocate on behalf of and in the best interest of African parents in childcare proceedings.

4. Mistrust in the system: A lot of African parents expressed mistrust in the state, the court, the childcare system in total and particularly, social workers. For them, social workers were the face of the state which was taking away their beloved children for raising them the African way. Members of the African Association of social workers attested to this and explained how frustrating it was to assist African parents and African families as a whole because of this mistrust. In situations where there were care orders in place, it was imperative that the parents took steps to show that they were setting infrastructures in place to make the home a harm free environment for the child. However, the lack of trust coupled with the language barrier often made it difficult for social workers to work with families in setting up such infrastructures. Thus, interim care orders were often renewed, and children were kept away from their parents longer because the parents failed to meet the required standard of childcare. In essence, the door of the courthouse became a revolving door for families who for reasons such as mistrust could not work well with the social workers and comply with the childcare standards.

5. Ignorance of the law: African parents do not appear to get sufficiently orientated on the law on childcare when they come into Ireland. While some parents attested to receiving a leaflet advising them that it is not acceptable to hit their children in Ireland, others said they received no such information. It seems to be case that a good number of African parents are learning about the law when they are already in conflict with the law, from a social worker at their door.

6. Cultural conflict: There is an absence of cultural mediators to speak to the cultural difference between African and Irish culture in the law courts and present this perspective. Indeed the 2021 CCLRP report highlighted the need for cultural sensitivities to effectively address the complexities of various cultural and traditional practices.[49]

[49] (n 16) CCLRP Report 2021 59, 60

7. Unconscious bias – Unfortunately, the misunderstandings and conflicting culture between the Irish and African style of parenting leaves room for conscious and unconscious bias, prejudice and racial profiling. Some African parents expressed their concerns about their issues with their children being escalated by frontline services to child protective services because of their race. At the court level, there bias, especially unconscious bias was a real possibility. It is important for judges to perform their duties in the absence of any bias.

The Quagmire of Fostering

Foster care placement proved to be a complex and interesting aspect of the childcare system especially because African parents could not really relate to the idea of fostering. A male attendee of the community discussions commented that “fostering is not very African”. While there are orphanages in Africa and orphans do get adopted, there were no foster care children as such, where families took in children and assumed the role of their parents when their parents were still alive and wanted them.

However, the importance of African children accessing the appropriate placements was repeatedly highlighted. Taking a child from an African household often meant uprooting the child from the African community and African culture as there was a lack of African foster parents. Indeed, African mothers present at the meeting emphasised that it would be important for foster parents who take in African children to make effort to ensure the child remains in touch with the African community and African culture as much as possible by involvement in sports with African children or attending African religious institutions at least once a week. Complete removal of African children from the African community because of foster placement could lead to an identity crisis within such children and other mental health challenges that come from potential othering in non-African settings.

Placement of children in foster homes brought its share of challenges when they returned home. African mothers at community discussions shared experiences of instances where children seemed to prefer staying at their foster parents’ houses as they were not as strict as African family settings. In addition, foster parents would reportedly provide foster children with nearly anything they wanted, including fast food, gadgets, and toys and this created a toxic bar of comparison by the child where they would seek to return to their foster parents’ houses due to the comfort available therein. African mothers struggled with this as the standard set in foster care settings with regards to provision was often too high to meet. Notably the voice of the child in care placement is very highly valued and accordingly African parents struggled in this regard especially because children are quite ignorant and unaware of the long-term effects of such familial separation.

Emerging Recommendations

The following recommendations emerged from the African parents in the community discussions as well as stakeholders attending the high-level roundtable discussions and the national conference:

A. Recommendations for the state

1. Provision of country-wide parental support services has proven to be an essential development that supports African mothers, African parents and African families.
2. Preparation and distribution of the Children First Act Leaflet to serve as a blueprint for new migrant parents, especially mothers, coming into Ireland would be a necessary proactive step to aid integration of migrant families.
3. It is recommended that the government attend to the cultural aspect of foster care by keeping children in contact with the African community through activities that involve engaging with gatherings in community spaces such as churches or mosques.
4. It is recommended that the state organise a campaign for people to understand fostering and to have more registered foster parents from ethnic minority communities, particularly African parents.
5. It is recommended that the state support an organisation that can provide cultural mediation between state institutions and African communities.
6. The Law on care orders should be reformed, in particular section 17 of the Childcare Act 1991 should be amended to provide a maximum period of care orders as family reunification, after an interim care order is awarded, is particularly difficult in the present system.

B. Recommendations for frontline service providers

1. There needs to be increased intervention for the mental health of parents before parenting capacity assessment is carried out in order to help parents be in a position to engage and pass such assessment and enable reunification.
2. Frontline service providers must undertake continuous training in cultural competence and cultural sensitivities as well as work in partnership with community organisations to better support migrant communities.

C. Recommendations for AkiDwA as a cultural mediator

1. Developing an Intercultural Parenting Training for Parents and Service Providers
2. Developing peer parenting programmes to create an avenue for positive parenting.
3. There is a need for AkiDwA to rise to the role of cultural mediator as an organisation with grassroots reach; AkiDwA is uniquely positioned to be the Africa-specific agency providing services that bridge the gap between the system and the state and fostering multi-agency corporation to better support the families in Ireland.

Conclusion

By international standards, the best interest of the child should be the paramount concern in matters relating to childcare and the voice of the child should be taken into consideration. However, the best interest of the child ought to be interpreted in light of the role of the family being the primary body responsible for the care of the child and the state obligations to support parents in their role of child upbringing. Removal of children from their families should be a measure of last resort. However, in practice the removal of African children from their families on grounds of neglect, physical chastisement of children and mental health challenges of parents is a rampant occurrence.

This project explored the three common reasons for the admission of children into care: parental mental, emotional or psychological distress, neglect and domestic abuse. It tackled these issues from the perspective of the African community, which appears to be largely in conflict with childcare laws in Ireland. By highlighting the cultural disparity and challenges in inter-cultural parenting, the gaps in state policy and state support for parents were highlighted. A key outcome of this programme was the identification of risk factors that create a revolving door through which African families continue to come into conflict with childcare norms and law in Ireland. These risk factors include ignorance of the law, lack of information, absence of communal support, language barriers, systemic and unconscious bias, racial prejudice, mistrust in the system, cultural conflict, mental health challenges and socio-economic disadvantage which makes engaging childcare services an inaccessible luxury. The foster care system is fraught with its own challenges; there is a lack of appropriate fostering as there are very few African foster parents, which often results in the cultural displacement of African children.

It has therefore been recommended that the state take the steps listed above to balance the parental right to perform its role as the primary carer of the child and the rights of children to protection from harm from the perspective of true equality for African parents. AkiDwA as a cultural mediation agency potentially has a key role to play in bridging the gap between the state, frontline services and the African community in an effort to realise the best interest of the child and the sustenance of the migrant family unity in Ireland.

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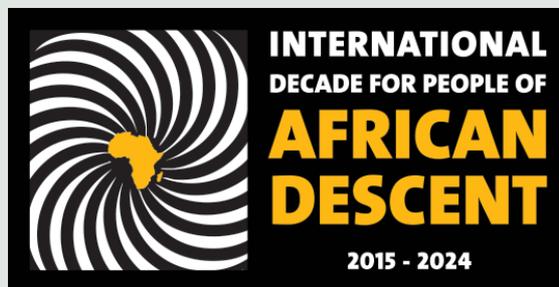
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