



Monitoring and Reporting on Ireland's implementation of the UNCRC



Concluding Observations and OCO Activities

May 2023



ombudsman
do leanaí
for children

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Message from the Ombudsman for Children

In February 2023, the Committee on the Rights of the Child published its Concluding Observations on Ireland’s progress since 2016 to implement children’s rights under the UN Convention on the Rights of the Child.

The Committee has recommended that the State should “take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented”.

The Committee’s Concluding Observations and recommendations provide the State with a significant opportunity to harness the Committee’s independent children’s rights expertise to advance children’s rights and drive improvements in children’s lives in Ireland over the coming years.

In light of the observations made by the Committee, the Ombudsman for Children’s Office calls on:

- o **The Government, the Oireachtas, and all Government Departments and State agencies to use the Committee’s Concluding Observations as a resource in their work, when they are making decisions and pursuing actions that impact on children’s lives**
- o **To invite children and young people to address the Oireachtas so that their views can inform the debate**

1. UN Convention on the Rights of the Child

The United Nations adopted the [UN Convention on the Rights of the Child](#) (UNCRC) in 1989. This international agreement provides the most comprehensive definition of children's rights to date and almost every country in the world has ratified it.

The UNCRC defines a child as a "human being below the age of 18 years". It recognises children as rights-holders who are entitled to special care, assistance and protection due to their age and stage of development.

The Convention acknowledges the primary role of parents and families in caring for children and in supporting children to exercise their rights, in accordance with their evolving capacities.

It also identifies States as having primary responsibility for undertaking the measures needed to implement children's rights under the UNCRC.

2. Children's rights under the UNCRC

The UNCRC sets out the different rights that children have. These rights are indivisible and interdependent¹. They can be grouped under the following headings:

- **Survival rights** concern children's basic needs and include children's rights to nutrition, adequate housing, clothing, clean water and access to health care services.
- **Development rights** include children's rights to information, education, play, leisure and cultural activities, and freedom of thought, conscience and religion.
- **Protection rights** focus on children's rights to protection from all forms of harm, abuse and exploitation and include children's right to supports to recover from abuse or exploitation they have experienced.
- **Participation rights** include children's rights to freedom of expression and peaceful assembly as well as children's right to be heard, and to have due weight given to their views, in all matters affecting them, in accordance with their age and maturity.

The UNCRC identifies four rights as vital to realising all rights of the child under the Convention. Known as the UNCRC's 'general principles', these rights are:

- Children's right not to be discriminated against on any grounds.
- Children's right to have their best interests treated as a primary consideration in all decisions and actions affecting them.
- Children's right to life, survival and development.
- Children's right to express their views freely in all matters affecting them and to have due weight given to their views, in accordance with their age and maturity.

1 The term 'indivisible' is used to refer to the idea that all human rights are part of an inseparable whole. The term 'interdependent' is used to refer to the idea that enjoyment of a particular right is dependent on enjoyment of all other rights.

3. Committee on the Rights of the Child

The [Committee on the Rights of the Child](#) is a body of independent experts on children's rights that monitors States' implementation of children's rights under the UNCRC. The Committee also monitors States' implementation of the three Optional Protocols to the UNCRC:

- o The [Optional Protocol](#) on the involvement of children in armed conflict
- o The [Optional Protocol](#) on the sale of children, child prostitution and child pornography
- o The [Optional Protocol](#) on a communication procedure.
- o In addition, the Committee publishes [General Comments](#) about children's rights under the UNCRC in order to guide States on how to interpret and implement the UNCRC.

The Committee monitors States' progress with implementing the UNCRC and its Optional Protocols by periodically examining the actions individual States are taking to fulfil children's rights under the Convention.

Following its examination of a State, the Committee publishes Concluding Observations. These observations set out the Committee's assessment of the State's progress and the Committee's recommendations about what measures the State concerned should take to advance children's rights.


4. Ireland and the UNCRC

Ireland signed the UNCRC in 1990 and ratified it in 1992. Through ratifying the Convention, the Irish State has an obligation under international law to respect, protect and fulfil children's rights under the UNCRC.

The Committee on the Rights of the Child has examined Ireland's progress to implement children's rights under the UNCRC on four occasions to date – in [1998](#), [2006](#), [2016](#) and 2023.

The Committee's most recent examination of Ireland was under a process called the Simplified Reporting Procedure (SRP). Ireland opted in to the SRP on 1 October 2019.

The steps in the Committee's recent examination of Ireland under the SRP, and the OCO's participation in this process, are summarised below.



July 2020 The OCO, and other organisations, submitted an [initial report](#) to the Committee on the Rights of the Child. The purpose of these initial reports was to inform and support the Committee’s work to prepare a List of Issues for the Irish State to respond to in the State’s report to the Committee. The OCO’s initial report addressed a diverse range of issues affecting children’s rights in Ireland. In it, we acknowledged positive developments, highlighted areas of concern, and proposed information that the Committee might usefully seek from the State through its List of Issues.

November 2020 The Committee published its [List of Issues for Ireland](#).

February 2022 The Irish State submitted its [combined fifth and sixth reports](#), and an accompanying [statistical annex](#), to the Committee.

August 2022 The OCO submitted our [alternative report](#) to the Committee. Our report made wide-ranging recommendations on measures the Irish State should take to advance the implementation of children’s rights in Ireland. The OCO also submitted a report by children - [Pieces of Us](#) - to the Committee. This children’s report highlighted the experiences, views and recommendations of almost 6,000 children in Ireland. Other organisations also submitted alternative reports to the Committee.

September 2022 The OCO took part in a pre-sessional meeting with the Committee. Members of the OCO’s Youth Advisory Panel had a separate meeting with the Committee to discuss issues raised by children in Pieces of Us. These meetings formed part of the Committee’s preparations for a constructive dialogue with representatives of the Irish State.

December 2022 The OCO submitted information to update the Committee on developments affecting children’s rights in Ireland since the pre-sessional meeting in September.

January 2023 The Committee held its [constructive dialogue](#) with the Irish State delegation, which was led by the Minister for Children, Equality, Disability, Integration and Youth. During this dialogue, members of the Committee asked the State delegation questions about the adequacy of measures the State is taking to address a range of issues affecting children’s lives and children’s rights in Ireland.

February 2023 The Committee published its [Concluding Observations for Ireland](#), which set out the Committee’s recommendations for what the State needs to do to progress the implementation of children’s rights over the coming years.

5. OCO's role in the UNCRC monitoring process

The OCO is an independent human rights institution for children. One of the OCO's core statutory functions under the Ombudsman for Children Act 2002 (as amended) is to promote the rights and welfare of children. Implementing this function includes a duty to collect and disseminate information on matters relating to the rights and welfare of children.

The OCO has participated in all three of the reporting cycles relating to the Committee's examination of Ireland's implementation of the UNCRC that have taken place since the OCO's establishment in 2004.

Our work to engage with the most recent monitoring and reporting process included:

- Preparing and submitting an initial report to the Committee in July 2020, to inform and support the Committee's preparation of a List of Issues for Ireland
- Preparing and submitting an alternative report to the Committee in August 2022, in which we offered our independent assessment of positive developments affecting children's rights in recent years, highlighted areas of particular concern to us, and recommended actions that the State needs to take to advance the implementation of children's rights in Ireland
- Leading an initiative to prepare Pieces of Us, a report by children to the Committee, which was also submitted in August 2022
- Taking part in a pre-sessional meeting with the Committee in Geneva in September 2022 and supporting members of our Youth Advisory Panel (YAP) to have their own meeting with the Committee to highlight issues raised by children in Pieces of Us
- Submitting information to the Committee in December 2022 to update the Committee on developments concerning children's rights since the pre-session in September
- Holding a roundtable meeting in January 2023 between members of our YAP and the Minister for Children, Equality, Disability, Integration and Youth as well as representatives from a range of Government Departments and State agencies
- Attending the constructive dialogue between the Committee and the Irish State, which took place in Geneva on 24 and 25 January 2023
- Hosting a live screening of this constructive dialogue at our office in Dublin so that organisations that submitted reports to the Committee could come together to watch the dialogue.

Our substantial engagement with this process is grounded in our belief that the Committee's periodic monitoring of the State's progress to implement its obligations to children under the UNCRC is an important opportunity for all concerned, and in particular the State:

- To take stock, reflect and identify progress the State is making to implement children's rights as well as gaps and shortfalls that need to be addressed and how this might be done
- To benefit from and harness the independent expertise and perspectives of an international body of children's rights experts
- To renew commitment and identify priority areas for action to advance the realisation of children's rights in Ireland.

Through participating in this process, our aims are:

- To support children and young people to highlight their experiences and priorities to the Committee so that the Committee can hear and learn from children and young people themselves
- To draw on our work as an independent human rights institution for children to inform and support the Committee's work to hold the State to account and to advise the State on what measures it needs to focus on to progress the implementation of children's rights
- To encourage the State to work with the Committee's Concluding Observations and recommendations to bring forward changes that impact positively on children's rights and children's lives.

OCO's alternative report to the Committee on the Rights of the Child

Our work to develop the OCO's alternative report to the Committee, which was submitted in August 2022, took a range of factors into account, including:

- The Committee's Concluding Observations for Ireland in 2016
- The Committee's List of Issues for Ireland in November 2020
- The State's combined fifth and sixth reports to the Committee and accompanying statistical annex in February 2022
- The OCO's statutory remit under the Ombudsman for Children Act 2002, as amended, and associated strategic priorities set out in our strategic plans 2016-2018, 2019-2021 and 2022-2024
- Issues affecting children's rights in Ireland that the OCO has engaged with in recent years in the context of implementing our statutory duties.

Our report offered the Committee an independent assessment of developments, and made corresponding recommendations for action, relating to:

- General measures for implementing children’s rights (including law, public policy, allocation of resources, data collection, and awareness raising and capacity building)
- The four general principles of the UNCRC (non-discrimination; best interests of the child; life, survival and development; and respect for the views of the child)
- A diverse range of issues affecting children and their rights in Ireland, including issues regarding:
 - birth registration and nationality
 - identity
 - children’s access to information and protection from harmful information
 - child abuse and neglect
 - domestic violence
 - bullying among children
 - family law
 - childcare
 - children in alternative care
 - aftercare
 - health services, including mental health services
 - child poverty
 - housing and homelessness
 - education
 - leisure and cultural activities
 - child justice
- Specific groups of children who face particular barriers to enjoying their rights, including disabled children, refugee and asylum-seeking children, migrant children, Traveller children and Roma children.

Having reviewed the Committee’s Concluding Observations and recommendations published in February 2023, the OCO is pleased that many of the Committee’s recommendations align with recommendations for action that we highlighted in our alternative report as well as with priorities highlighted by children in Pieces of Us.

Pieces of Us: Children's Report to the Committee on the Rights of the Child

The OCO began planning the Children's Report to the Committee in early 2021. With support from a wide range of other organisations, we conducted an online survey for children about life in Ireland and used the 5,515 responses to this to identify seven key themes. We then further explored these themes through 23 focus groups with children across Ireland. Many of these focus groups were with particularly vulnerable groups of children, including children with disabilities, children in care, children in detention and Traveller and Roma children. The seven key themes explored and included in the Children's Report to the Committee were:

- Early Years
- Education
- Services that support children
- Equality and non-discrimination
- Community and leisure
- Children's voice
- Children in need of special protection

Both the survey and the focus groups generated a vast amount of data during 2021. Our focus in 2022 was the analysis and presentation of this data in a report and on a dedicated website. The role and work of our Youth Advisory Panel (YAP) was central in this.

The Role of the Youth Advisory Panel

The OCO Youth Advisory Panel (YAP) was keen to be a part of this reporting process from the start. Having advised on the survey, identification of key themes and focus groups, during 2022 they dedicated a significant amount of time to the analysis of the resulting data and the design of both the report and website.

Throughout Spring and Summer 2022, the YAP co-analysed the qualitative data that we collected from our focus groups. We began this process by taking the YAP through the issues that some of the children involved in the focus groups faced on a daily basis, ranging from a lack of support in education for disabled children, to discrimination experienced by Traveller and Roma children. We then introduced them to the direct quotes from the children involved in the focus groups. We grouped the quotes into cohorts of children and themes and stuck them on the walls around the OCO's office. We either read the quote aloud or gave the YAP some quiet time to explore the words of the children themselves.

We then asked the YAP to pick a quote that meant something to them personally. This could be because they had experience with the issue, empathised with the child or found the quote shocking. The YAP then shared their thoughts and feelings on the quote that they had chosen. Throughout this process, the staff took notes to record their opinions and provided space for the YAP to express their feelings through art and writing. This gave us an additional rich bank of data that allowed us to include a section on the YAP's opinion on every theme in Pieces of Us.

The YAP developed a deep sense of empathy towards the children who were involved in the focus groups, as they explain:

“There were different quotes, stories and points of views from the focus groups stuck up on the walls all around the Ombudsman for Children’s Office. We were asked to pick ones that spoke to us. Some of the quotes felt like they came out from your own soul. Others stood out to you because they were about issues you never could have imagined that children are experiencing. Whatever quote we picked, we discussed it, we wrote down and drew how it made us feel and I thought that was really impactful. It was powerful to explore other children’s opinions.”

— Anna, YAP member

“That really stuck with me too because some people picked quotes that they really related to and some people picked quotes about issues that they had no had no experience of. I thought that was really interesting because both are really important, and that comes out in the report, I can see the quotes and think I could have written that quote myself. But the good thing is that there are lots of issues in the report that I couldn’t have written because that wasn’t my experiences. That shows how diverse the report is.”

— Amy, YAP member

The process of co-analysing qualitative data was new to all of the YAP members, and on occasion it proved to be an emotional experience, as the YAP explain:

“Working with the children’s quotes was challenging at times. It was also emotional. There were topics that are hard to talk about. I think that the hard issues are the ones that stick with you the most.”

— Ayushi, YAP member

“I didn’t realise children could be so overlooked. Working with the children’s views was a bit eye opening. It helped us empathise with other children and understand who they are and what they go through.”

— Mohammad, YAP member

“It was hard hitting and so disappointing that these children have to go through difficulties. The whole experience was emotional but it was totally worth it.”

— Karolina, YAP member

The empathy and emotional responses that the YAP had about the data developed into a profound sense of responsibility towards the children who contributed their views and experiences to Pieces of Us, as they explain:

“It’s a big responsibility but an opportunity I am grateful for. It helped me think about the types of

problems I'm facing myself. There are children in the focus groups who are younger than me and they talk about big issues, that was an eye opener. It helped me talk about my feelings too. So I've learned that from the children in the focus groups."
— Jimmy, YAP member

"I agree. There are some children that I still think about sometimes. When I'm going about my day and I think 'I wonder how they're doing?' or I'm reminded and I think about the quote again and that's a very powerful thing."
— Ciaran, YAP member

This level of passion and engagement made the YAP members powerful representatives of the children of Ireland in Geneva.

Presentation to Committee on the Rights of the Child

In September 2022, the OCO accompanied 13 YAP members to present Pieces of Us to the Committee on the Rights of the Child. To prepare for the Children's Meeting the YAP members arranged themselves into pairs to cover the seven themes identified in Pieces of Us. We held a mixture of in person and online meetings to help them prepare their statements to the Committee and to develop questions that they wanted the Committee to ask the Irish State. Child Rights Connect (an NGO which supports children to engage with UN Committee process) held an online meeting for the YAP and two other children from UNICEF and Plan International to prepare them for the Children's Meeting.

Before they travelled to Geneva to speak to the Committee, the YAP remained mindful of their role to amplify the voices of children in Ireland; as such they wrote a message to the children who took part in the survey and focus groups:

“We want you, every child who took part in the online survey and focus groups, to know that we will do everything we can to amplify your voices. We stand by you. We want you to know that we will get the world to understand what you have gone through. We want you to feel safe. You need to know that we are here to help. You poured your heart and soul into all of this. Your honesty brought the whole report together. It took a lot of bravery. You have talked about some very personal experiences and that makes the report powerful. You are all an inspiration, we listened to all of your experiences and the problems you face. We are inspired by the way you continue to go on. We could feel your personalities through the quotes. You expressed so many emotions and it makes us feel connected to you. You are not alone. We read everything. We will fight for you.”

In their meeting with the Committee, they highlighted the seven themes identified above and recommended questions and issues that they thought the Committee should raise with the State. It is noteworthy that all of the YAP members recognised the significance of this work and the meeting with the Committee and that they were representing all of the children who contributed to the report.

In January 2023 the YAP planned a discussion forum with high-level Irish policy-makers prior to their meeting with the UN Committee.

My UNCRC Journey by Ailís, YAP member

“I went to the United Nations in Geneva, Switzerland in September 2022 together with my friends on the Youth Advisory Panel (YAP).”

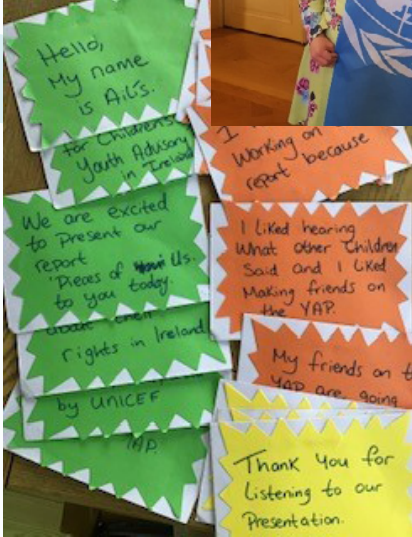


“We spent a year and a half in person and online learning about the United Nations Convention on the Rights of the Child.”



“We created a survey for the children of Ireland to give us information on how they understand their rights.”

“We heard from 5,700 young people. This gave us information to put in a report to the United Nations. The report is called “Pieces of Us.””



“Each member on the Youth Advisory Panel created a speech based on “Pieces of Us.””

“I also shared that I liked working on YAP because it was fun to make new friends from all over Ireland and it was interesting to hear what other young people said about their rights”

“We met with members of the United Nations Committee on the Children’s Rights Convention. The Committee members were excited to have young people in the room and to hear our views.”



“My hope is that what we said in Geneva may make a difference for the children of Ireland. I feel proud to have been a member of the YAP. It has given me more confidence to use my voice to work for the rights of all children.



6. Committee on the Rights of the Child: Concluding observations on the combined fifth and sixth periodic reports of Ireland

United Nations

CRC/C/IRL/CO/5-6



Convention on the Rights of the Child

Distr.: General
28 February 2023

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Committee on the Rights of the Child

Concluding observations on the combined fifth and sixth periodic reports of Ireland*

I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Ireland¹ at its 2682nd and 2683rd meetings,² held on 24 and 25 January 2023, and adopted the present concluding observations at its 2698th meeting, held on 3 February 2023.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party, under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the legislative, institutional and policy measures taken by the State party to implement the Convention, including the Children First Act, Children and Family Relationships Act and Irish Sign Language Act; and adoption of many new progressive pieces of legislation and strategies, including the National Traveller and Roma Inclusion Strategy 2017–2021, the third National Strategy on Domestic, Sexual and Gender-based Violence 2022, the National Strategy for Women and Girls 2017–2020, the LGBTI+ National Youth Strategy 2018–2020, the National Disability Inclusion Strategy 2017–2021, the Youth Justice Strategy 2021–2027. It notes with appreciation the ratification of the Convention on the Rights of Persons with Disabilities in 2018.

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 15), violence (para. 24), mental health (para. 32), standard of living (para. 35), education (para. 37) and child justice (para. 45).

* Adopted by the Committee at its ninety-second session (16 January–3 February 2023).

¹ [CRC/C/IRL/5-6](#).

² See [CRC/C/SR.2682](#) and [CRC/C/SR.2683](#).



5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

6. Recalling its previous recommendations,³ the Committee recommends that the State party fully incorporate the Convention into national legislation, conduct a comprehensive review of all its legislation to align it with the Convention and address any inconsistencies, and develop systematic child-rights impact assessment procedures for national and subnational legislation and policies relevant to children.

Comprehensive policy and strategy

7. The Committee notes that a new policy will succeed the policy framework for children and young people 2014–2020, and recommends that the State party ensure that the new policy:

- (a) Is developed with the meaningful participation of children;
- (b) Encompasses all areas covered by the Convention;
- (c) Provides guidance to relevant bodies, including non-State actors in the context of public procurement;
- (d) Includes a focus on mainstreaming children's rights and a child rights-based approach to decision-making affecting children and on addressing inequality and discrimination;
- (e) Is accompanied by a strategy and action plan for implementing the policy that includes specific time-bound and measurable goals and is supported by sufficient human, technical and financial resources.

Coordination

8. The Committee recommends that the State party review the effectiveness of existing mechanisms for facilitating inter-agency coordination on activities affecting children and identify measures to strengthen the monitoring and coordination of all activities related to the implementation of the Convention across all sectors.

Allocation of resources

9. The Committee recommends that the State party incorporate a child rights-based approach into the State budgeting process:

- (a) To implement a tracking system for the allocation, use and monitoring of resources for children in all areas of their rights, with a view to eliminating disparities and ensuring equitability, and assess how investments in all sectors serve the best interests of the child;
- (b) To define specific budget lines for all children, including in the national recovery and resilience plan, paying special attention to those in disadvantaged situations that may require affirmative social actions, especially Traveller and Roma children and children with disabilities;

³ CRC/C/IRL/CO/3-4, paras. 9 and 11.

(c) To encourage all government entities to participate in the performance budgeting and equality budgeting initiatives, including by providing incentives and building relevant capacities;

(d) To ensure transparent and participatory budgeting processes at national and local levels in which civil society, the public and children can participate effectively.

Data collection

10. The Committee recommends that the State party:

(a) Ensure that the upcoming national equality strategy includes the comprehensive and systematic collection and analysis of both qualitative and quantitative indicators encompassing all areas of the children's rights under the Convention, disaggregated by age, sex, disability, geographical location, ethnic origin, nationality and socioeconomic background;

(b) Ensure that the strategy is applied to all government entities with adequate human, financial and technical resources to implement it, as well as to non-State actors in the context of public procurement, and that equality data on children is published in accessible and age-appropriate formats for children and for its use by relevant bodies, professional groups and civil society for the evaluation of policies and programmes on children's rights;

(c) Strengthen the collection and analysis of data on children in disadvantaged situations including children with disabilities, children in alternative care, children experiencing homelessness, children without a regular residence status, migrant children and Roma children.

Independent monitoring

11. The Committee recommends that the State party:

(a) Ensure that the Office of the Ombudsman for Children has sufficient financial resources allocated directly to it and a clear statutory mandate to receive, investigate and competently address children's complaints on all matters affecting them by amending the Ombudsman for Children Act 2002 to remove or clarify the limits to the jurisdiction of the Office concerning the investigation of complaints in certain areas;

(b) Raise awareness among children of their right to file a complaint under existing mechanisms.

Dissemination, awareness-raising and training

12. The Committee recommends that the State party:

(a) Continue its awareness-raising regarding children's rights among the public and promote the active involvement of children in public outreach activities;

(b) Ensure systematic training on children's rights, the Convention and its Optional Protocols, and a child rights-based approach to actions and decisions affecting children for all professionals working for and with children.

Children's rights and the business sector

13. The Committee recommends that the State party:

(a) Ensure that the second national plan on business and human rights includes a specific focus on children's rights and has time-bound and measurable goals, in line with the 2021 review of the current National Plan on Business and Human Rights 2017–2020;

(b) Introduce mandatory requirements for the business sector to undertake assessments of, consultations on and full public disclosure of the environmental, health-related and children's rights impacts of their business activities and their plans to address such impacts;

(c) Ensure full implementation of the European Union corporate sustainability reporting directive;⁴

(d) Enhance accountability in public procurement to ensure the availability, accessibility and quality of goods and services for children by non-State actors, including by requiring their compliance with the Public Sector Equality and Human Rights Duty and establishing the clear jurisdiction of independent monitoring mechanisms to receive and address complaints against them;

(e) Ensure that access to effective remedies is available in the State party for child victims living within or outside the State party concerning violations of their rights by companies operating in or managed from the State party's territory;

(f) Ensure that tax policies do not contribute to tax abuse by companies registered in the State party but operating in other countries, leading to a negative impact on the availability of resources for the realization of children's rights in those countries.

B. General principles (arts. 2–3, 6 and 12)

Non-discrimination

14. The Committee welcomes the establishment of the Anti-Racism Committee but remains concerned about persistent discrimination against children of minority groups and those in disadvantaged situations.

15. The Committee recommends that the State party:

(a) Ensure that the legal framework on discrimination adequately protects children from discrimination and expeditiously conclude and implement its review of the Equality Acts, that children effectively know how to report cases of discrimination, and that cases of discrimination against children are fully investigated and the perpetrators held to account;

(b) Launch without delay the national action plan against racism and allocate sufficient resources for its implementation, designate an entity responsible for the implementation and monitoring of the plan and ensure that children of minority groups can participate in the evaluation and optimization of the plan;

(c) Ensure systematic training on the protection of children from discrimination, including hate speech and hate crime, for law enforcement officials, the judiciary, prosecutors and other professionals working with and for children;

(d) Strengthen measures to eliminate discrimination against Traveller and Roma children, children of African descent, children of minority faith or non-faith backgrounds, children in socioeconomically disadvantaged situations, lesbian, gay, bisexual, transgender and intersex children, children without regular residence status, children of Catholic priests, children of unmarried parents, and asylum-seeking, refugee and migrant children. Also, where appropriate, ensure their access to adequate accommodation, health care, education and a decent standard of living, and ensure regular and systematic monitoring and impact assessments of the measures taken.

Best interests of the child

16. Recalling its previous recommendations,⁵ the Committee recommends that the State party:

(a) Ensure that the principle of the best interests of the child is consistently applied in all programmes and legislative, administrative and judicial proceedings involving children;

⁴ Directive 2022/2464.

⁵ CRC/C/IRL/CO/3-4, para. 30.

(b) Provide guidance to all relevant persons in authority for determining the best interests of the child and for giving those interests due weight as a primary consideration.

Right to life, survival and development

17. The Committee recommends that the State party strengthen the national suicide prevention strategy and its other efforts to prevent suicide and self-harming behaviours among children, especially within the Roma and Traveller community, and address the root causes thereof through psychological, educational and social measures and therapies for children and their families.

Respect for the views of the child

18. The Committee recommends that the State party:

(a) Ensure the right of all children to express their views and to have them taken into account in all decisions affecting them, including in the courts and in all forms of family law proceedings, and that they are given adequate support to engage an expert to present their views at no cost to them or their family;

(b) Strengthen measures to promote the meaningful and empowered participation of all children, including children in disadvantaged situations, within the family, the community, schools and in the realm of policymaking at the local, municipal and national levels;

(c) Ensure that teachers, childcare professionals and other professionals working with and for children systematically receive training on the right of the child to be heard, including on the implementation of recent legislative and policy reforms such as the Child Care (Amendment) Act 2022 and the child and youth participation strategy;

(d) Act on the State party's previous commitments to hold a referendum on lowering the voting age to 16 years and ensure that a decision to lower the voting age is supported by active citizenship and human rights education and measures to prevent undue influence.

C. Civil rights and freedoms (arts. 7–8 and 13–17)

Birth registration and nationality

19. Noting with deep concern the barriers faced by some groups of children in accessing birth registration and the restrictive legislative framework for obtaining Irish nationality, the Committee recommends that the State party:

(a) Ensure the right of all children, without exception, to be registered at birth, including by simplifying documentation requirements for children of minority groups, asylum-seeking and migrant children, and children without regular residence status;

(b) Adopt legislative amendments to the courts and civil law (miscellaneous provisions) bill to reduce residency requirements for acquiring nationality;

(c) Remove legal barriers and strengthen legal pathways for all children to acquire a nationality, such as by:

(i) Excluding children from the application of the “good character” ground;

(ii) Preventing the deprivation of nationality to children born through surrogacy arrangements;

(iii) Allowing naturalization applications to be submitted by the Child and Family Agency (Tusla) on behalf of children in care and by children themselves;

(d) Ensure the timely submission by Tusla of applications for international protection or residence permission, as appropriate, on behalf of separated children in care, in order to prevent delays in acquiring nationality;

(e) Develop a procedure to determine the stateless status of children in order to properly identify and protect stateless children.

Right to identity

20. The Committee recommends that the State party:

(a) Ensure that all children, including those born through assisted reproduction technologies (including surrogacy), have access to information about their origins, including by revising the Birth Information and Tracing Act, the Children and Family Relationships Act 2015 and the health (assisted human reproduction) bill;

(b) In line with the health (assisted human reproduction) bill, amend the Gender Recognition Act of 2015 to allow children aged 16 and 17 to achieve legal recognition of their gender identity through a simplified procedure;

(c) Ensure that the research on introducing a system of gender recognition for children under 16 years of age is conducted in close consultation with children, including transgender children, and that if the research results in the introduction of such a system, it is implemented in line with children's rights, including the right to be heard and the right to identity, in accordance with their evolving capacities, to free and informed consent and with appropriate safeguards;

(d) Ensure that children who experience bullying, discrimination or harassment in relation to their gender identity receive protection and support.

Freedom of thought, conscience and religion

21. The Committee urges the State party to guarantee the right of all children to practise freely their religion or belief, including by:

(a) Amending the Education (Admission to Schools) Act 2018 and the Equal Status Acts to remove any exceptions to ensuring a child's right to education in all primary and secondary schools based on religious or "ethos" grounds, and establish statutory guidelines to ensure children's right not to attend religious classes;

(b) Developing a time-bound strategy, with adequate resources, for meeting its targets for increasing the availability of multi-denominational schools by 2030 and setting a target with a time-bound strategy and adequate resources for increasing the availability of non-denominational schools.

Right to privacy and access to appropriate information

22. Recalling its general comment No. 25 (2021), the Committee recommends that the State party:

(a) Improve digital inclusion for children in disadvantaged situations and promote the equality and affordability of online services and connectivity, while ensuring that public services remain accessible to children who do not use or have access to digital technologies;

(b) Further develop regulations and safeguarding policies to protect the rights and safety of children in the digital environment, and ensure that the Online Safety Commissioner pays particular attention to the protection of children who fall under its mandate, including the individual complaints mechanism, in line with children's rights standards;

(c) Ensure that laws on access to information and the digital environment protect children from harmful content and materials and online risks, including by instituting effective regulations for Internet service providers and ensuring the effective implementation of the Online Safety and Media Regulation Act, including the complaint mechanisms under the Act;

(d) Continue efforts to enhance the digital literacy, awareness and skills of children, teachers and families.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Violence against children, including neglect and sexual exploitation and abuse

23. The Committee welcomes the measures taken to combat violence against children, but is concerned about:

(a) The high prevalence of violence against children, including sexual exploitation, online violence and bullying;

(b) Low rates of reporting, prosecution and conviction in cases of violence against children and severe delays and inconsistencies in related investigations;

(c) Insufficient measures to prevent the secondary victimization of children.

24. **The Committee recommends that the State party:**

(a) **Revise the national strategy on domestic, sexual and gender-based violence to ensure refuge accommodation for victims, in line with Council of Europe standards, and ensure its effective implementation, including through sufficient resources and the training of the judiciary and prosecutors;**

(b) **Amend the Domestic Violence Act 2018 to enable children to apply for protection and safety orders and ensure that children have access to legal support and confidential and child-friendly complaints mechanisms in schools, alternative care settings, foster care systems and emergency accommodation for reporting all forms of violence and abuse;**

(c) **Ensure the prompt and effective sociolegal investigation of and intervention in all cases of violence against children, including neglect and sexual abuse, in and outside the home, and in the digital environment, and that perpetrators are brought to justice;**

(d) **Strengthen measures aimed at preventing violence against children, with an emphasis on children in alternative care, children in socioeconomically disadvantaged situations, children with disabilities, asylum-seeking children and children of minority groups;**

(e) **Take vigorous measures for preventing, investigating and prosecuting the exploitation of children online, including by strengthening the professional capacity to do so and ensuring that Internet service providers control, block and promptly remove online sexual abuse material;**

(f) **Ensure that all children who are victims or witnesses of violence have prompt access to child-friendly and multisectoral remedies and comprehensive support and are not subjected to secondary victimization, including by allocating sufficient resources for expansion of the *barnahus* model;**

(g) **Consider as a standard procedure the acceptance of audiovisual recordings of the child victim's testimony as evidence, followed by cross-examination without delay in child-friendly facilities;**

(h) **Ensure the effective implementation of the new action plan on bullying, implement measures to address cyberbullying and ensure effective data collection and analysis of data on bullying;**

(i) **Ensure that all professionals working with and for children in the education, health, justice and other sectors receive specialized training on identifying and effectively responding to cases of violence, including on applying the Children First: National Guidelines for the Protection and Welfare of Children;**

(j) Further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children, to raise public awareness of child sexual abuse and exploitation, including the need for online safety;

(k) Ensure the systematic collection and analysis of data on violence against children, including gender-based violence and sexual exploitation, and on cases that have been reported, investigated and prosecuted, to inform the implementation of the national strategy on violence;

(l) Ensure that child victims of past abuse by the clergy and in Magdalene laundries, mother and baby homes and reformatory and industrial schools have access to justice and effective remedies, and in particular examine the situations of persons whose complaints have not received adequate attention.

Harmful practices

25. The Committee welcomes legislative measures to remove exceptions allowing for marriage under 18 years of age and recommends that the State party:

(a) Strengthen measures to prevent child marriages that still occur in minority groups, including Roma and Traveller populations, and raise awareness of the harmful consequences of child marriage;

(b) Adopt a national action plan aimed at preventing female genital mutilation, with the participation of affected children, and ensure that it is adequately resourced and includes awareness-raising campaigns, specialized support for victims and the training of relevant professional groups to identify potential victims;

(c) Continue to encourage reporting of female genital mutilation and other harmful practices to the relevant authorities and ensure that perpetrators are brought to justice.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

Family environment

26. Noting with appreciation the publication of the family court bill and the family justice strategy, the Committee recommends that the State party:

(a) Prioritize the reform of the family law system based on the family court bill, with a view to ensuring that proceedings on custody and other family matters are promptly resolved in a child-friendly manner by professionally trained staff;

(b) Address the overrepresentation of children in disadvantaged situations, including children with disabilities, children of single parents and children of ethnic minority groups, in child and family law proceedings;

(c) Ensure that children's views and best interests are taken into consideration in childcare proceedings, including by allocating sufficient resources for the implementation of the Child Care (Amendment) Act 2022;

(d) Increase the availability of affordable childcare options for working parents, particularly for those in disadvantaged situations, including by significantly increasing the resources allocated to childcare and transitioning towards a publicly funded model of childcare, in line with the recommendations of the Citizens' Assembly on Gender Equality.

Children deprived of a family environment

27. The Committee recommends that the State party:

(a) Ensure sufficient family-based and community-based care options for children who cannot stay with their families, including by allocating sufficient financial resources for foster care, adoption and specialized support for children with disabilities,

with a view to reducing the number of children who are placed in informal or so-called “voluntary” care arrangements;

(b) Establish a maximum duration for the placement or continued placement of children in “voluntary” care;

(c) Continue to monitor the use of all types of care through regular and substantive reviews of placements;

(d) Increase the number and strengthen the capacity of professionals working with children to ensure prompt access to social workers and individualized care responses;

(e) Develop a policy on the rights of children in informal kinship care;

(f) Ensure the availability of accessible and child-friendly channels for reporting, monitoring and remedying violence and abuse for children in care;

(g) Urgently investigate and prosecute cases of violence against and sexual abuse of children in the care system, especially children with disabilities, and ensure access for victims to child-friendly reporting channels, legal aid, reparation and free assistance of interpreters, including in sign language;

(h) Expand the eligibility criteria for aftercare to ensure access for children experiencing homelessness or receiving childcare services and develop community-based services to provide adequate education, support and opportunities for independent living for children leaving care;

(i) Ensure that the ongoing study on children in care includes a review of the experiences of children in disadvantaged situations, including Roma children, children with disabilities and children of ethnic minority groups.

Adoption

28. The Committee recommends that the State party investigate and prosecute those involved in illegal birth registrations, in line with the recommendations of the Special Rapporteur on Child Protection, and ensure that those affected receive legal and other support in finding out about their origins.

F. Children with disabilities (art. 23)

29. The Committee recommends that the State party:

(a) Review relevant legislation, including the Equality Acts, the Disability Act and the Education for Persons with Special Educational Needs Act, to bring them in line with a human rights-based approach to disability, particularly with regard to the definition of disability and with due regard to the needs of Roma and Traveller children;

(b) Revise the standard operating procedure for assessments of need by the Health Service Executive to include diagnoses, in line with the Disability Act, and reduce the waiting time for such assessments and diagnoses, with a view to ensuring their prompt access to the necessary services and support, including by urgently addressing the shortage of staff and qualified experts;

(c) Strengthen support for the social integration and individual development of children with disabilities, including by ensuring their access to early detection and early intervention programmes, providing capacity-building to child protection professionals on the rights and specific needs of children with disabilities, ensuring their personal assistance, rehabilitation and assistive devices, and allocating sufficient resources for the implementation of the Irish Sign Language Act;

(d) Ensure the right of children with disabilities to be heard in all decisions that affect them;

- (e) Undertake awareness-raising campaigns to combat discrimination against children with disabilities and promote a positive image of them as rights-holders.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services

30. The Committee recommends that the State party:

(a) Strengthen the availability and affordability of quality health-care services for children, including by:

- (i) Extending the free general practitioner scheme to all children;
- (ii) Abolishing in-patient hospital charges and emergency charges for children of all ages;
- (iii) Addressing the barriers faced by children in accessing health services due to the two-tier system;
- (iv) Ensuring that Traveller and Roma children, migrant children, children of single parents and children living in poverty are issued with medical cards;

(b) Establish maximum waiting times for children in need of hospital care, with a view to reducing the long waiting lists currently faced by children;

(c) Update the national rare disease plan to incorporate the needs of children in disadvantaged situations;

(d) Ensure that the national Traveller health action plan 2022–2027 is adequately resourced and implemented through results-based budgeting;

(e) Enact legislation that explicitly provides for children’s consent to and refusal of medical treatment;

(f) Continue to implement the International Code of Marketing of Breastmilk Substitutes and the baby-friendly hospital initiative;

(g) Provide adequate social, medical and psychological services, counselling and support to intersex children and their families.

Mental health

31. The Committee welcomes the adoption of a mental health policy in 2020 but is seriously concerned about:

- (a) Insufficient and inadequate mental health services for children;
- (b) Long waiting lists for children seeking mental health services, with some waiting for more than a year for an appointment;
- (c) The placement of children with mental health issues in adult psychiatric wards;
- (d) The identification of racism and discrimination as having the most detrimental impact on the mental health of children of ethnic minority groups;
- (e) Insufficient progress in adopting a Traveller and Roma mental health action plan, despite commitments in this regard.

32. The Committee urges the State party:

(a) To ensure the availability of therapeutic mental health services and programmes for children, including by:

- (i) Significantly increasing the resources allocated for the implementation and monitoring of the mental health policy;

- (ii) Providing comprehensive mental health promotion, screening for mental health issues and early intervention services in schools at all levels and in communities;
 - (iii) Ensuring that the number of qualified professionals, including child psychologists and psychiatrists, is sufficient to meet children's mental health needs in a timely manner;
 - (iv) Ensuring regular follow-up of children in treatment beyond the initial consultation and that the status of children under medication is adequately monitored;
- (b) To ensure that the revisions of the Mental Health Act and the Assisted Decision-Making (Capacity) Act include:
- (i) An explicit prohibition of the practice of placing children with mental health issues in adult psychiatric units;
 - (ii) A recognition of children's right to be heard in decisions regarding their mental health care and assistance from an independent advocate;
- (c) To progress the Traveller and Roma mental health action plans and develop a designated mental health support service for children of minority ethnic groups, with a focus on providing support to those who have experienced racial discrimination and related trauma;
- (d) To invest in preventive measures, address the underlying causes of suicide and poor mental health among children and ensure that children's perspectives are included in the development of response services;
- (e) To allocate sufficient resources for the expansion of the mental health advocacy and information service for children.

Adolescent health

33. The Committee welcomes the decriminalization of abortion in 2018 and recommends that the State party:

- (a) Ensure the access of adolescent girls to age-appropriate reproductive health services, including free and safe abortion and post-abortion services;
- (b) Integrate comprehensive, age-appropriate and evidence-based education on sexual and reproductive health into mandatory school curricula at all levels of education and into teacher training, and ensure that it includes education on gender equality, sexual diversity, sexual and reproductive health rights, responsible sexual behaviour and violence prevention;
- (c) Strengthen measures to provide adolescents with access to information on family planning and modern contraception, and ensure that relevant professionals receive appropriate training on adolescents' right to sexual and reproductive health-care services;
- (d) Ensure that the teen parents support programme includes measures to raise awareness of and foster responsible parenthood, with particular attention paid to boys, and protect the rights of pregnant teenagers, adolescent mothers and their children;
- (e) Strengthen measures to prevent and address the incidence of drug, alcohol and tobacco use by children and adolescents, including by providing them with accurate and objective information on the harmful effects of alcohol, drug and substance abuse, as well as education on preventing substance abuse.

Standard of living

34. The Committee welcomes the social welfare bill 2022 and the road map for social inclusion and housing for all policies, but remains seriously concerned about the large number of children living in poverty, food insecurity and homelessness and children of ethnic

minority groups who do not have access to child benefit payments due to the habitual residence condition.

35. The Committee urges the State party:

(a) **To strengthen its policies to ensure that all children have an adequate standard of living, including by increasing social benefits to reflect the rising cost of living, expanding the school meals programme and providing nutrition services to address food insecurity;**

(b) **To address the root causes of homelessness among children, strengthen measures to phase out temporary and emergency accommodation schemes and significantly increase the availability of adequate and long-term social housing for families in need;**

(c) **To assess the impact of the habitual residence condition on children of ethnic minority groups, including Traveller and Roma children and children of African descent, and amend social welfare payments accordingly to ensure that policies do not have a discriminatory effect on such children;**

(d) **To ensure that measures to combat poverty comply with a child rights-based approach and include a particular focus on children from disadvantaged families, especially children of single parents, refugee children and children of ethnic minority groups.**

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

36. The Committee welcomes the measures to guarantee the right to education for children, including the free education scheme and increased funding under the 2023 budget but is concerned about:

(a) The persistent barriers faced by children in disadvantaged situations to accessing quality education;

(b) The discriminatory effect of the school-leaving certificate and alternative methods of certification on children in disadvantaged situations;

(c) The lack of education-related data, disaggregated by ethnic origin, socioeconomic background and residence status, to assess the impact of educational policies on such children;

(d) The establishment of special classes for children with disabilities;

(e) Racist and negative stereotyping of migrant and ethnic minority communities in curricula that perpetuate discrimination against such groups of children.

37. The Committee recommends that the State party:

(a) **Strengthen measures for ensuring the equal access of children in disadvantaged groups, including Roma and Traveller children, asylum-seeking, refugee and migrant children, children with disabilities and socioeconomically disadvantaged children, to quality education, including by:**

(i) **Amending legislation on school admissions to prohibit the practice of granting priority admission to children or grandchildren of former students in oversubscribed schools;**

(ii) **Providing financial support to cover the hidden costs of education;**

(iii) **Developing guidelines for the use of suspension and exclusion in schools;**

(b) **Collect and analyse data disaggregated by ethnic origin, socioeconomic background and residence status on attendance and completion rates, educational outcomes, use of reduced timetables and participation in afterschool activities to inform**

policies and programmes aimed at ensuring the equal access of children in disadvantaged groups to quality education;

(c) Ensure inclusive education in early childhood education and mainstream schools for all children with disabilities by adapting curricula and training and assigning specialized teachers and professionals in integrated classes, so that children with disabilities and learning difficulties receive individual support and due attention, and ensuring reasonable accommodation within the school infrastructure and for transportation;

(d) Implement targeted measures to improve the educational outcomes of Roma and Traveller children at all levels of education, in particular at secondary level, develop the national Traveller education strategy and ensure that such measures are adequately resourced and independently evaluated;

(e) Ensure that parents of refugee children have information on how to register their children in school and that such children have access to quality multilingual and intercultural education, including through appropriate materials and educational technologies, multilingual teachers who are trained on cultural inclusiveness and trauma, and transportation to participate in afterschool activities;

(f) Ensure the effective implementation of the guidelines on the use of reduced timetables and develop measures to address their overuse, with a view to preventing their disproportionate use on Traveller children and children with disabilities;

(g) Reform the leaving certificate and alternative methods of certification, based on an analysis of the impact of the coronavirus disease (COVID-19) pandemic on children's access to education, including remote learning, with a view to addressing inequalities and improving educational outcomes for children in disadvantaged situations;

(h) Explicitly prohibit the use of restraint and seclusion in educational settings;

(i) Adopt the Traveller culture and history in education bill and establish an expert advisory group within the National Council for Curriculum and Assessment to eliminate racist and negative stereotyping of ethnic minority groups in textbooks and curricula and develop educative materials that promote intercultural dialogue and foster respect for and appreciation of racial, cultural, gender and other diversities.

Human rights education

38. The Committee recommends that the State party strengthen the teaching of children's rights and the principles of the Convention within the mandatory school curricula in all educational settings and in the training of teachers and education professionals, taking into account the framework of the World Programme for Human Rights Education.

Rest, leisure, recreation and cultural and artistic activities

39. The Committee recommends that the State party:

(a) Strengthen support for initiatives aimed at promoting children's right to leisure, play, recreational activities, cultural life and the arts, including the sports action plan, the national network of sports inclusion disability officers and the creative youth plan;

(b) Ensure that such activities are available and accessible for girls, children with disabilities, asylum-seeking and migrant children and socioeconomically disadvantaged children;

(c) Fully involve children in planning, designing and monitoring the implementation of relevant policies and programmes.

I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

Asylum-seeking, refugee and migrant children

40. Recalling joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, the Committee recommends that the State party:

(a) Prioritize measures to phase out the direct provision system by 2024, including through clearly defined targets, timelines and sufficient resources, in line with the recommendations of the Advisory Group on Direct Provision;

(b) Assess the impact of the visa requirement for refugees arriving from outside the European Union, with a view to lifting the requirement;

(c) Ensure that vulnerability assessments for all unaccompanied children are conducted in a child-friendly manner by trained professionals, within 30 days of their arrival, and that applications for legal residency are promptly processed;

(d) Ensure that all asylum-seeking children, including children with disabilities, have prompt access to housing, education, health services, social protection, psychosocial and integration support and reasonable accommodation;

(e) Amend section 24 (2) (c) of the International Protection Act 2015 to allow for multidisciplinary assessments of unaccompanied persons' maturity and level of development to determine their age and in cases of doubt ensure respect for the principle of the benefit of the doubt;

(f) Develop national guidelines on ensuring the rights of unaccompanied children;

(g) Review its system of family reunification involving unaccompanied children, with a view to broadening the definition of "family member", simplifying application procedures and ensuring that the best interests of the child are a primary consideration in all related decisions.

Children without a regular residence status

41. Recalling its previous recommendations,⁶ the Committee recommends that the State party implement long-term solutions for the regularization of children without a regular residence status who were born in the State party, ensure their access to independent legal representation and strengthen measures to prevent their social exclusion.

Children of minority groups

42. Recalling its previous recommendations,⁷ the Committee urges the State party:

(a) To set a clear timeline for the next national Traveller and Roma inclusion strategy and strengthen measures to ensure the enjoyment of Traveller and Roma children of all rights under the Convention, including with regard to full and equal access to education, health services and adequate housing and freedom from discrimination and violence;

(b) To clarify the rights of Travellers as an official minority group.

Trafficking

43. The Committee is concerned about the lack of information on children who are victims of trafficking and recommends that the State party:

⁶ CRC/C/IRL/CO/3-4, para. 68.

⁷ CRC/C/IRL/CO/3-4, para. 70.

(a) **Establish a national referral mechanism for the identification and referral of children who are victims of trafficking and ensure their access to psychological support, legal assistance and other support services, in line with the recommendations of the National Rapporteur on the Trafficking of Human Beings;**

(b) **Ensure that guardians ad litem, social workers and other relevant professionals receive training on trafficking;**

(c) **Investigate and prosecute cases of trafficking of children and ensure appropriate convictions for perpetrators.**

Administration of child justice

44. The Committee remains seriously concerned about the low age of criminal responsibility, the access of children to justice, the insufficient training of relevant officials, the use of detention and the overrepresentation of children belonging to minority groups therein, the limited use of non-custodial measures throughout the State party, racial profiling of children by law enforcement officials and insufficient measures for ensuring the social reintegration of children leaving the justice system.

45. **Recalling its general comment No. 24 (2019), the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant standards and:**

(a) **To raise the minimum age of criminal responsibility to at least 14 years of age;**

(b) **To ensure that children below the age of 18 are not prosecuted as adult offenders, without exception;**

(c) **To consider replicating the child justice court model in Dublin throughout the State party, with a view to ensuring that all children in the State party have access to a child justice court and/or specialized judges and prosecutors;**

(d) **To provide systematic training on children's rights and child-friendly proceedings for the judiciary, lawyers, law enforcement officials and other relevant officials working with children in the justice system;**

(e) **To avoid the use, and limit the duration, of pretrial detention by ensuring that children arrested and deprived of their liberty are promptly brought before a competent authority to examine the legality of deprivation of liberty or its continuation, and that pretrial detention is regularly and judicially reviewed;**

(f) **To actively promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences, and, wherever possible, the use of non-custodial sentences for children, such as probation or community service;**

(g) **To ensure that detention is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis, with a view to its withdrawal, and address the overrepresentation of children belonging to minority groups in detention;**

(h) **To develop measures, in consultation with affected children and their families, to prevent racial profiling by law enforcement authorities;**

(i) **To strengthen measures to provide community-based social reintegration services for children leaving the justice system;**

(j) **To consider opting into, or transpose the most important elements of, the European Union directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings.⁸**

⁸ Directive 2016/800.

J. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention

Optional Protocol on the involvement of children in armed conflict

46. Recalling its previous recommendations,⁹ the Committee recommends that the State party:

(a) Explicitly criminalize the recruitment, and the use in hostilities, of children below the age of 18 years by non-State armed groups;

(b) Consider extending extraterritorial jurisdiction for the crimes of recruitment and involvement of children in hostilities without the criterion of double criminality;

(c) Ensure the early and effective identification, including through strengthened capacity-building of the relevant authorities, of all children who may have been involved in armed conflicts abroad upon their entering the State party and provide support for their physical and psychological recovery, rehabilitation and integration into Irish society.

K. Ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography

47. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography.

L. Ratification of international human rights instruments

48. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

M. Cooperation with regional bodies

49. The Committee recommends that the State party continue to cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the Council of Europe.

IV. Implementation and reporting

A. Follow-up and dissemination

50. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations. The Committee also recommends that the combined fifth and sixth periodic reports and the present concluding observations be made widely available in the languages of the country.

⁹ CRC/C/IRL/CO/3-4, paras. 74 and 76, and CRC/C/OPAC/IRL/CO/1.

B. Next report

51. The Committee will establish and communicate the due date of the combined seventh and eighth periodic reports of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines¹⁰ and should not exceed 21,200 words.¹¹ In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

¹⁰ [CRC/C/58/Rev.3](#).

¹¹ General Assembly resolution 68/268, para. 16.

