



**ombudsman
do leanaí
for children**

Ombudsman for Children's Office Ireland

**Submission to the 53rd session of the Universal Periodic Review
Working Group**

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The Ombudsman for Children's Office (OCO) is an independent human rights institution which was established in 2004 under primary legislation to promote the rights and welfare of children in Ireland. Since the OCO was established, we have dealt with thousands of complaints regarding the administrative actions of public bodies, schools and hospitals and regularly provide analysis of legislative and policy proposals concerning children's rights. In discharging our statutory duties, we work to ensure that Ireland complies with its human rights obligations in relation to children.

Ombudsman for Children's Office (OCO)

Millennium House, 52-56 Great Strand Street,
Dublin 1, Ireland

Telephone: +353 (0) 1 865 6800

Email: oco@oco.ie

Website: www.oco.ie

International obligations

1. The OCO welcomes Ireland's accession to the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities (UNCRPD).¹ However, we remain concerned about the delay in ratifying other human rights treaties.
2. Signed in 2000, Ireland has not ratified the Optional Protocol to the UN Convention on the Rights of the Child (UNCRC) on the sale of children, child prostitution and child pornography, despite repeated assurances of its commitment. Following multiple recommendations during its previous UPR (**Recommendations 157.7-157.9**), Ireland was expected to ratify the treaty following enactment of the Criminal Law (Sexual Offences and Human Trafficking) Act 2024² in July 2024.³ In March 2026, the government confirmed that all barriers to ratification have been addressed.⁴
3. Ireland has not ratified the Optional Protocol to the Convention Against Torture (OPCAT), signed in 2007. The European Committee for the Prevention of Torture recommended that government "ensure rapid progress" of the legislation and appropriately resource the National Preventative Mechanism.⁵ The legislation was listed for priority drafting in the Spring 2026 Legislative Programme.⁶

The State should:

- Ratify the Optional Protocol to the UNCRC on the sale of children, child prostitution and child pornography without further delay.
- Prioritise the passage of the relevant legislation to enable OPCAT ratification without further delay.

Constitutional and legislative framework

4. The OCO welcomes Young Ireland, the national policy framework for children and young people 2023-28.⁷ It aims to ensure that UNCRC rights and obligations are central to law and policy development. A review of Ireland's legislative compliance with the UNCRC was completed in 2025 but has not been published. We welcome the development of a Child Rights and Youth Impact Assessment toolkit by the Department of Children, Disability and Equality.⁸ Further detail is needed on plans to roll out the toolkit across Government and ensure uptake.
5. However, Ireland's legal framework concerning children's rights remains deficient, including in housing, mental health, and disability. The State should give effect to all UNCRC rights and obligations by fully and directly incorporating the Convention, as recommended by the CRC Committee and during the previous UPR (**Recommendation 157.214**).

The State should:

- Publish the review of legislative compliance with the UNCRC and take steps to address any inconsistencies in law.
- Fully incorporate the Convention into national legislation and ensure the rollout of systematic child-rights impact assessment procedures for legislation and policies relevant to children.

Children with disabilities

6. We welcome the prioritisation of disability, including the National Human Rights Strategy for Disabled People 2025-30⁹, the establishment of a Disability Unit in the Department of the Taoiseach¹⁰, increases in disability-specific funding¹¹ and the designation of an Independent Monitoring Mechanism for the UNCRPD¹². However, we remain seriously concerned about issues highlighted during Ireland's last UPR (**Recommendation 157.22**). Children with disabilities experience multiple barriers, including significant difficulties in accessing an assessment of their needs¹³, health services¹⁴, school placements¹⁵ and educational supports. We are further concerned that partial reforms to reduce burdens on resources could erode children's statutory rights.¹⁶

The State should:

- Establish a national, independent advocacy service to support children with disabilities and their families in navigating complex health, disability and education systems.
- Bring relevant legislation in line with a human rights-based approach to disability, particularly regarding the definition of disability.
- Reduce the waiting time for assessment of need and ensure children's prompt access to necessary services and support, including by urgently addressing staff shortages.

Asylum and immigration

7. Ireland transposed the EU Migration and Asylum Pact through the International Protection Bill 2026, introducing significant changes to the international protection system. We have serious concerns that this new system will make children seeking asylum more vulnerable to breaches of their rights.¹⁷ For the first time in Ireland, the Act permits the detention of children solely due to their immigration status. It allows the use of medical exams to determine a young person's age, which is neither evidence-based nor human rights compliant. New rules for family reunification place onerous requirements on those who receive refugee status, including unaccompanied minors.¹⁸

The State should:

- Commission an independent assessment on the child rights impacts of the International Protection Bill 2026 covering the first six months of implementation.

Education

8. Recent measures to improve education access for children facing educational disadvantage include the development of a DEIS plus scheme¹⁹ and an increase in universal supports, such as free hot school meals²⁰ and free schoolbooks²¹. However, we remain concerned about the inappropriate and disproportionate use of reduced school days for certain groups of children, including Traveller and Roma children,²² and the lack of a framework to monitor schools with higher rates of suspension or permanent exclusion. There are inadequate levels of support for disadvantaged children in non-DEIS schools. School absences are more prevalent in disadvantaged areas and have worsened since the pandemic.²³
9. We welcome new Guidelines on Understanding of Behaviours on Concern, which focus on prevention and de-escalation to prevent the need to restrain a child in school and the explicit ban on the use of seclusion in any circumstances.²⁴ However, the CRC recommends the express prohibition of restraint.

The State should:

- Strengthen measures for ensuring equal access to education for children in disadvantaged groups.
- Collect and analyse disaggregated data on attendance and completion rates, educational outcomes, and participation in afterschool activities to inform policies and programmes aimed at ensuring equal access to quality education.
- End the use of restraint in schools and education settings.

Health

10. Healthcare waiting times are consistently raised with the OCO by children and their families. In March 2026, more than 80,000 children were waiting for an inpatient, outpatient or day case appointment.²⁵ Of these, 13,728 had been waiting for more than 12 months.
11. Of particular concern is the persistently high waiting lists for Child and Adolescent Mental Health services (CAMHS), with over 25% of children waiting more than nine months.²⁶ The right to the highest attainable standard of mental health has been continuously breached for many children.²⁷ In addition to long waiting lists, there is a lack of capacity to provide appropriate therapeutic interventions, “lost” cases, a lack of emergency and out of-hours services, difficulties in accessing Primary Care and Disability Services, and the absence of monitoring of certain

medications.²⁸ We welcome the development of the first National Standards for CAMHS.²⁹

12. Ireland introduced a Free Contraception Scheme in 2022, which covers 17–35-year-olds.³⁰ However, under 17s are excluded from the scheme. The National Sexual Health Strategy 2025-35 notes the need to strengthen legal frameworks underpinning consent for under 18s to support contraception access, however this is not prioritised in the associated action plan.³¹
13. The Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) recommends Ireland consider fully decriminalising abortion and abolishing the mandatory waiting period.³² Evidence from the WHO demonstrates that access barriers such as these disproportionately impact adolescent girls.³³

The State should:

- Strengthen timely access to healthcare services for all children, including through the establishment of child-specific waiting lists with maximum waiting times.
- Ensure the mental health system upholds children's right to the highest attainable standard of mental health, including through investment in CAMHS, out-of-hours facilities and inpatient units for children and young people.
- Extend the free contraception scheme to under 17s and clarify the legal position regarding consent for under 16s who need contraceptive services.
- Ensure the access of adolescent girls to age-appropriate reproductive health services, including abortion care.

Child poverty

14. The establishment of the Child Poverty and Well-being Programme Office in the Department of the Taoiseach has improved cross-departmental coordination.³⁴ However, we are concerned by the increase in child poverty across all three national indicators since Ireland's previous UPR.³⁵ Across all three measures, children are over-represented when compared with the general population. As of 2024, more than 250,000 children are experiencing enforced deprivation. This represents 21.2% of children, up from 17.3% in 2021. The proportion of children at risk of poverty rose from 14.5% in 2021 to 15.3% in 2024. In 2021, 6.3% of children were living in consistent poverty. Following an initial decline to 4.8% in 2023, there was a sharp increase to 8.5% in 2024: this means that over 100,000 children are experiencing consistent poverty. Certain groups continue to be disproportionately affected by poverty, including children in one-parent families and disabled children.³⁶ Traveller and Roma children, children in the international protection system and children experiencing homelessness are not currently counted in official poverty statistics, reflecting concerns regarding the deficits in disaggregated data on marginalised groups of children as highlighted by the CRC Committee.

15. Insufficient progress has been made on child rights budgeting, which hampers efforts to evaluate expenditure.³⁷ There are also deficits in the collection of comprehensive disaggregated data on marginalised groups.³⁸ Increased investment is needed in prevention and early intervention measures, and Ireland should provide access to universal basic services in line with its commitments under the EU Child Guarantee.³⁹

The State should:

- Ensure that measures to combat poverty comply with a child rights-based approach and focus on both adequate income supports and access to services.
- Incorporate a child rights-based approach into the State budgeting process.
- Strengthen the collection and analysis of data on children in disadvantaged situations.

Child welfare and protection

16. We welcome the government's commitments to developing a National Policy Framework for Alternative Care and updating the Child Care Act 1991.⁴⁰ The care system is not operating in the best interests of children, leading to profound breaches of children's rights. Key challenges include an acute shortage of appropriate care placements; a lack of investment in prevention and family support services; a lack of interagency collaboration; insufficient supports and safeguards for unaccompanied children; the repeated failures of special care and the placement of vulnerable young people in unregulated settings.⁴¹

17. Since 2007, the OCO has recommended that a mechanism to systematically review child deaths be established.⁴² There is no central system to track and learn from the deaths of children from unnatural causes.⁴³ While we welcome plans to place the National Review Panel on a statutory footing⁴⁴, this mechanism only applies to the deaths of children known to Tusla services. Therefore, a statutory national Child Death Review mechanism with the ability to review all unexpected child deaths in the State is also required.

The State should:

- Publish and implement a new National Alternative Care Framework that is grounded in children's rights. Provide adequate resources to ensure the Child and Family Agency can guarantee adequate and appropriate placements for children in care, an effective child protection and welfare system and holistic support to children.
- Prohibit the placement of children in unregulated special emergency arrangements.

- Prioritise family-based care and early intervention by investing in early intervention and prevention services, increasing support for foster carers and formally recognising kinship carers.
- Establish a statutory national Child Death Review mechanism.

Homelessness

18. Homelessness among children continues to increase with 5,457 children living in homeless emergency accommodation in February 2026.⁴⁵ The current government has not committed to a referendum on the right to housing, and children are currently invisible in our housing legislation
19. We welcome the commitment to develop a dedicated cross-departmental and agency-led Child and Family Homelessness Action Plan.⁴⁶ We remain concerned about the challenges faced by homeless families in accessing appropriate accommodation and supports.^{47,48} Ireland must address the root causes of homelessness among children, including by strengthening early intervention measures to prevent homelessness, strengthen measures to phase out temporary and emergency accommodation schemes and significantly increase the availability of adequate and long-term social.

The State should:

- Fully reflect the best interests of the child principle (Article 3, UNCRC) in the Housing (Miscellaneous Provisions) Bill.
- Develop, implement and effectively resource a child rights-based Child and Family Homelessness Action plan.

LGBTI+ children

20. The OCO welcomes the National LGBTIQ+ Inclusion Strategy II 2024-28⁴⁹ and its action plan.⁵⁰ Under the strategy, the clinical model of care for gender healthcare will be updated, with the aim of improving transgender healthcare for adults and young people. We welcome plans to develop a national clinical guideline for the care of children with variations in sex characteristics and the commitment to stakeholder engagement. Legislation to ban conversion practices is in preparation and this should be prioritised.⁵¹ Research commissioned by the Departments of Social Protection and Children on gender recognition for under 16s has not been published.⁵² As recommended by the CRC Committee, the State should simplify the path to gender recognition for 16- and 17-year-olds.

The State should:

- Ensure transgender children are consulted in the revision of the model of care so it is informed by their views and needs.

- Publish and progress legislation to ban conversion practices.
- Publish the research report on gender recognition for under 16s.
- Amend the Gender Recognition Act 2015 to allow children aged 16 and 17 to achieve legal recognition of their gender identity through a simplified procedure.

Racial Discrimination

21. We welcome the National Action Plan Against Racism 2023-27⁵³ and the appointment of Ireland's first Special Rapporteur on Racial Equality and Racism.⁵⁴
22. However, legislation governing hate speech is outdated⁵⁵ and is ineffective in combating online hate speech. There has been a rise in racially motivated attacks, including arson attacks on accommodation for families and children seeking asylum.⁵⁶
23. A 2026 report found significant prevalence of racial discrimination and harassment in secondary schools.⁵⁷ Ireland has no statutory reporting or recording requirement for racist incidents in schools.⁵⁸ There is an absence of mandatory anti-racism teacher training,⁵⁹ as well as school curricula which have ineffectively integrated educational programmes on racism, diversity, and inclusion.⁶⁰

The State should:

- Update the Prohibition of Incitement to Hatred Act 1989 to combat hate speech in all forms of expression and means of communication.
- Introduce statutory reporting requirements for racist incidents in schools.
- Adopt anti-racism and intercultural awareness as a mandatory part of the school curriculum and in teacher training.

Youth Justice

24. The OCO welcomes the rollout of the Children's Court Advocate pilot in over 100 youth diversion projects across the country. This scheme should be placed on a statutory footing.
25. The Children (Amendment) Bill 2024, which seeks to prevent children who 'age-out' during criminal proceedings from being prosecuted as adults, is welcome.⁶¹ However, Ireland remains an outlier in Europe regarding its low age of criminal responsibility.⁶² This should be raised to at least 14.⁶³ The Bail Supervision Scheme pilot, which prevents children from being unnecessarily remanded to detention⁶⁴, should be expanded nationwide. The Youth Justice Strategy 2021-27 is welcome but the slow progress on the strengthening of post-detention supports for young people is concerning.

The State should:

- Place the Child Court Advocate scheme on a statutory footing, to ensure child defendants benefit from the principles of informed understanding, participation, and the right to a fair trial.
- The minimum age of criminal responsibility should be raised to at least 14, for all crimes.
- Expand the Bail Supervision Scheme nationwide.
- Introduce a statutory right to appropriate and integrated aftercare supports for children leaving detention, to support effective reintegration into their communities.

Traveller and Roma children

26. We welcome the National Traveller and Roma Inclusion Strategy II 2024-30, the Traveller and Roma Education Strategy 2024-30 and the National Traveller Health Action Plan 2022-27. However, Traveller and Roma children continue to face persistent challenges accessing housing, education, health, and legal protection.⁶⁵

27. The proposed amendments to the Housing Act 1988, which introduce ‘lawful and habitual residency’ eligibility requirements for homeless accommodation⁶⁶ are likely to have a significant discriminatory impact on Traveller and Roma children in need of shelter, impacting their rights to non-discrimination and an adequate standard of living. Traveller and Roma children are over-represented in the youth justice system, and in child detention.

The State should:

- Drive timely implementation of the Traveller Inclusion and Education strategies and Health action plan, with allocated budgets, timelines, and monitoring of outcomes.
- Remove the introduction of eligibility requirements for accessing homeless accommodation based on habitual residence.
- Address the overrepresentation of Traveller and Roma children in detention, with specific and targeted measures, ensuring that detention is used only as a measure of last resort.

Online safety

28. We welcome the establishment of a new media regulator and the enhancement of online safety measures.⁶⁷ However, a clear and predictable legal and regulatory environment which enables business enterprises to respect children’s rights is needed.⁶⁸ Given that children are the cohort most likely to be impacted by AI, we are concerned by the absence of a children’s rights focus in policies and law.⁶⁹

The State should:

- Adopt rights-based regulation and guidance for online service providers to enable them to fully respect children's rights.
- Take a children's rights approach in all law, policies and strategies relating to AI, including by involving children in governance structures and decision-making.

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