

**ADVANCE UNEDITED VERSION**

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**Committee on the Rights of the Child****List of issues prior to submission of the combined fifth and sixth reports of Ireland\***

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 30 October 2021. The replies should take into consideration the Committee's recommendations, contained in its concluding observations (CRC/C/IRL/CO/3-4) adopted on 29 January 2016. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

**I. New developments**

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, that are significant for the implementation of the Convention and its Optional Protocol on the involvement of children in armed conflict;

(b) Information, as appropriate, on the measures taken to ensure the protection of the rights of children in the context of the coronavirus disease (COVID-19) pandemic and to mitigate the adverse impacts of the pandemic, in view of the statement of the Committee of 8 April 2020 on the effects of the COVID-19 pandemic;

(c) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how a child rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals, including with regard to child participation and data collection, and how such measures promote the realization of children's rights under the Convention.

**II. Rights under the Convention and its Optional Protocols****A. General measures of implementation (arts. 4, 42 and 44 (6))****Legislation**

4. Please describe the measures taken to:

(a) Fully incorporate the Convention into national legislation;

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\* Adopted by the pre-sessional working group on 29 October 2020.



(b) Conduct an assessment on the extent to which national legislation and practices comply with the Convention;

(c) Implement specific legislation, including the Children First Act and the Children and Family Relationship Act, to ensure that the Convention is respected in administrative proceedings, decision-making processes and other relevant areas.

#### **Comprehensive policy, strategy and coordination**

5. Please provide information about:

(a) Measures taken to ensure that the development and implementation of national policies affecting children encompass all areas covered by the Convention and are supported by sufficient human, technical and financial resources;

(b) The impact of the national policy framework for children and young people 2014-2020, and any measures taken to adopt a follow-up policy and corresponding action plan;

(c) The mandate of, and resources allocated to, the Department of Children, Disability, Equality and Integration;

(d) The coordination and division of responsibilities related to the implementation of the Convention among State agencies at the cross-sectoral, national, regional and local levels.

#### **Allocation of resources**

6. Please provide detailed information on the measures taken to:

(a) Incorporate a child rights approach into the State budgeting process, such as by implementing a tracking system for the allocation and use of resources for children and undertaking assessments of the budget needs of children to ensure the sufficient allocation of resources for children's rights, including the social and child protection sectors;

(b) Ensure that the Equality Budgeting initiative or other relevant mechanisms adequately address disparities relating to the realization of children's rights;

(c) Define specific budgetary lines for Traveller and Roma children and for children with disabilities who may require affirmative social measures;

(d) Ensure accountability in public procurement processes to prevent the diversion of resources necessary for the implementation of children's rights;

(e) Ensure that children, in particular those in vulnerable situations, are not affected by regressive measures taken in response to the COVID-19 pandemic and the potential consequences of the economic crisis triggered by those measures.

#### **Data collection**

7. Please inform about the measures taken to:

(a) Improve the collection and quality of disaggregated data on the implementation of the Convention, including on: (i) child victims of violence, sexual exploitation and abuse, and bullying; (ii) children with disabilities; (iii) Traveller and Roma children; (iv) children experiencing homelessness; and (v) children with an irregular migration status;

(b) Ensure that data is shared among relevant State agencies and used for the formulation and monitoring of policies and programmes for the implementation of children's rights.

#### **Dissemination, awareness-raising and training**

8. Please provide information on awareness-raising programmes for children, parents and the general public, and the systematic training of all professional groups working with

and for children, on the Convention, the Optional Protocol on the involvement of children in armed conflict and the Committee's previous concluding observations.

### **Independent monitoring**

9. Please describe the measures taken to:

(a) Ensure the independence of the Ombudsman for Children's Office in full compliance with the Paris Principles, including by ensuring that financial resources are directly allocated to the Office;

(b) Establish child-friendly mechanisms for receiving, investigating and addressing complaints in all areas covered by the Convention, including in relation to the administration of the international protection process, early childhood services and State-funded accommodation and associated services for children of all ages;

(c) Include the Public Sector Equality and Human Rights Duty in procurement processes and Service Level Agreements with the private and voluntary sector for the delivery of social and health care services for children.

### **Children's rights and the business sector**

10. Please describe the measures taken to:

(a) Strengthen its regulatory framework for industries and enterprises to ensure that their activities do not adversely impact children's rights;

(b) Monitor the implementation by businesses of international and national environment and health standards, including through appropriate sanctions and remedies when violations occur;

(c) Ensure that tax policies do not contribute to tax abuse by companies 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**

11. Please provide information on:

(a) The impact of relevant strategies in eliminating discrimination against children such as the National Traveller and Roma Inclusion Strategy 2017-2021, the Migrant Integration Strategy, the LGBTI+ Youth Strategy 2018-2020 and the National Disability Inclusion Strategy 2017-2021;

(b) Progress achieved in updating hate crime legislation and developing a national action plan against racism, and whether such processes include the participation of children;

(c) Measures taken to eliminate, in practice, discrimination against children belonging to ethnic minorities, including Traveller and Roma children; children of minority faith or non-faith backgrounds; children with disabilities; children living in poverty, including those experiencing homelessness; LGBTI children; refugee, asylum-seeking and migrant children; children with an irregular migration status; and children of unmarried parents.

### **Best interests of the child**

12. Please inform the Committee about the measures taken to ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated into and consistently applied in all legislative, administrative and judicial proceedings and decisions, in particular those regarding alternative care.

**Right to life, survival and development**

13. Please provide information on the measures taken to prevent and address the root causes of suicide among children and adolescents.

**Respect for the views of the child**

14. Please inform the Committee about the measures taken to:

(a) Ensure the right of the child to be heard in relevant legal and administrative proceedings, in particular family law proceedings and individual cases, including by amending relevant legislation and establishing procedures for social workers and courts to comply with this principle;

(b) Ensure provisions under the Children and Family Relationships Act 2015 for covering the cost of an expert to hear the child’s views in family law proceedings;

(c) Promote the meaningful participation of children within the family, community and school and in relevant decision-making processes, including any assessments of the National Strategy on Children’s and Young People’s Participation in Decision-Making 2015-2020;

(d) Hold a referendum on lowering the voting age from 18 to 16 years, in accordance with the National Policy Framework for Children and Young People 2014-2020.

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

**Birth registration and nationality**

15. Please provide information on any measures taken to:

(a) Simplify documentation requirements for birth registration, in particular for children belonging to minority groups and for asylum-seeking, refugee and migrant children;

(b) Ensure that all stateless children born in the State party, irrespective of residency status, have access to citizenship;

(c) Adopt a statelessness determination procedure in accordance with international standards.

**Right to identity**

16. Please describe the measures taken to:

(a) Ensure that children born through assisted reproduction technologies, in particular with the involvement of surrogate mothers or through donor-assisted reproduction procedures, have their best interests taken as a primary consideration and have access to information about their origins;

(b) Guarantee the right of children fathered by Catholic priests to know and be cared for by their fathers, as appropriate, and have access to psychological support.

**Freedom of thought, conscience and religion**

17. Please inform the Committee on the measures taken to ensure accessible options for children to opt out of religious classes and access appropriate alternatives to such classes, in accordance with the needs of children of minority faith or non-faith backgrounds.

**Access to appropriate information**

18. Please describe the measures taken to:

(a) Improve digital inclusion for children and promote equality of access and affordability of online services and connectivity;

(b) Enhance the digital literacy and skills of children, teachers and families and protect children from information and material harmful to their well-being;

(c) Strengthen the regulatory framework for monitoring and investigating information and communications technology-related violations of children's rights.

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

##### **Freedom of the child from all forms of violence, including abuse, neglect and sexual exploitation and abuse**

19. Please provide information on the measures taken to:

(a) Prevent and protect children from all forms of violence, including neglect, domestic violence, sexual exploitation and abuse, as well as online sexual exploitation; and the investigation and prosecution of reported cases;

(b) Assess the impact of the Children First Act and the Domestic Violence Act in preventing and addressing child abuse and neglect;

(c) Establish a child safeguarding unit within the Child and Family Agency and to ensure the Agency is adequately resourced;

(d) Address the root causes of violence and abuse;

(e) Ensure multi-sectoral and child-friendly investigation in cases of child abuse to prevent revictimization, provide comprehensive support and therapy to child victims and other appropriate remedies;

(f) Conduct evaluation and follow up of the pilot project Barnahus Onehouse, Galway;

(g) Ensure the availability of legal support and child-friendly confidential complaint mechanisms in schools, alternative care settings, foster care systems, and emergency accommodation;

(h) Tackle bullying, especially cyber-bullying and in schools.

##### **Harmful practices**

20. Please inform the Committee about the measures taken to:

(a) Prevent the unnecessary medical or surgical treatment of intersex children; investigate related cases; and provide adequate counselling, support and access to effective remedies for children subjected to such treatment;

(b) Allow children below the age of 16 years to achieve legal recognition of their preferred gender including simplifying of the relevant procedures.

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

##### **Family environment, including adoption**

21. Please provide information on the measures taken to:

(a) Provide training on the Convention for judges on family law cases involving children and ensure that, in the absence of a family court in the State party, such cases are prioritized in the court system;

(b) Ensure the availability of affordable childcare services, including for children in disadvantaged situations;

(c) Prevent and combat illicit transfer, non-return of children and ensure child protection interventions in the context of the withdrawal of the United Kingdom from the European Union.

**Children deprived of a family environment**

22. Please explain the measures taken to:

(a) Ensure the effective implementation of individual needs assessments, care planning, placement reviews and record-keeping for all children in alternative care;

(b) Monitor the use of voluntary care arrangements and ensure periodic reviews of children placed in voluntary alternative care;

(c) Address the gap in the availability of appropriate placement to meet the diverse needs of children in care, including children who are in need of secure services and are placed in institutions outside the State party;

(d) Address the needs of children in alternative care who have disabilities or mental health needs in an integrated and comprehensive manner, and through adequate coordination mechanisms between the Child and Family Agency and other relevant agencies and departments;

(e) Ensure that all children in care are allocated social worker and, when leaving care, receive aftercare support and services, including homeless children.

**F. Children with disabilities (art. 23)**

23. Please provide information on the measures taken to:

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

(b) Facilitate the care of children with disabilities in the home environment, including through a national framework that ensures consistency and adequate standards for such measures throughout the State party;

(c) Ensure that all children with disabilities have access to and benefit from early childhood education, early development programmes and inclusive education;

(d) Provide children with disabilities with rehabilitation, assistive devices and reasonable accommodation for full inclusion in all areas of public life, including education and leisure, play and cultural activities;

(e) Promptly investigate reports of abuse of children with intellectual disabilities in the care system.

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

24. Please provide information on the measures taken to:

(a) Ensure access to free, high-quality primary health services and personnel, including through the issuance of medical cards, for Traveller and Roma children, asylum-seeking, refugee and migrant children, homeless children, and children living in poverty;

(b) Increase the availability and affordability of hospital care and treatment for rare diseases;

(c) Enact legislation that explicitly and comprehensively provides for children's consent to and refusal of medical treatment;

(d) Increase the number of hospitals certified as baby-friendly;

(e) Develop a national strategy on breastfeeding and implement the International Code of Marketing of Breastmilk Substitutes.

**Adolescent health**

25. Please provide information on the measures taken to:

- (a) Ensure children's access to age-appropriate reproductive health services, including free and safe abortion and post-abortion services to girls;
- (b) Protect the rights of pregnant teenagers, adolescent mothers and their children;
- (c) Ensure comprehensive, age-appropriate education on sexual and reproductive health and rights, including information on family planning, contraceptives and the risks related to early pregnancies, as well as the prevention and treatment of sexually transmitted infections;
- (d) Raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men;
- (e) Address the incidence of drug and alcohol use by adolescents, including through the implementation of the 2018 Public Health (Alcohol) Act.

### **Mental health**

26. Please provide information on the measures taken to:

- (a) Address the mental health needs of children, including through the implementation of the national mental health policy, amend the Mental Health Act 2001 and implement the Mental Health (Amendment) Act 2018;
- (b) Improve the capacity and quality of mental health-care services for children and adolescents, including inpatient treatment, out-of-hours facilities and facilities for treating eating disorders;
- (c) Establish a mental health advocacy and information service that is specifically for children and accessible and child-friendly.

### **Standard of living**

27. Please provide information on the measures taken or envisaged to:

- (a) Ensure the effective implementation of the Roadmap for Social Inclusion 2020-2025 to reduce poverty among children in vulnerable situations such as Traveller, Roma and refugee children, and children living in single-parent households;
- (b) Increase the availability and quality of social housing and emergency housing support, and ensure that the support is appropriate to the needs of the children affected and subject to adequate safeguards, reviews and evaluations;
- (c) Ensure that children living in poverty and social housing have access to adequate nutrition, healthcare, including mental health services, education and aftercare services, including through legislative amendments to the 1991 Child Care Act;
- (d) Make child benefit payments a universal payment that is not contingent on the fulfilment of the habitual residence condition;
- (e) Address the root causes of the steep rise in recent years in the number of homeless children, in particular Traveller children.

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

### **Education**

28. Please inform the Committee about the measures taken to:

- (a) Ensure access to quality education, including by eliminating hidden costs and ensuring equitable access to the online environment, for children in disadvantaged or vulnerable situations, including Traveller children, children with disabilities, children with mental health needs, children in alternative care or homeless children, children living with single parents, asylum-seeking, refugee and migrant children;

(b) Assess the impact of the 2018 Education (Admission to Schools) Act in ensuring children’s right to education without discrimination, including in cases where admission can be denied on religious grounds;

(c) Increase the availability of non-denominational and multi-denominational schools;

(d) Monitor and regulate the use of suspension, exclusion and reduced timetables in schools, and prevent the disproportionate use of reduced timetables for Traveller children, children with disabilities and children with mental health needs;

(e) Revise the content of sexual and reproductive health education to include material on non-discrimination, contraception, gender stereotypes, and sexual orientation and gender identity;

(f) Reform the Leaving Certificate examination with a view to reducing the stress caused to children;

(g) Address any disproportionate impact of school closures in response to the COVID-19 pandemic and the alternative calculated grade system on the right of children in disadvantaged socioeconomic situations.

**Rest, leisure, recreation and cultural and artistic activities**

29. Please provide information on the measures taken to:

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

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

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

**Asylum-seeking, refugee and migrant children**

30. Please provide information on measures to:

(a) Provide asylum-seeking, refugee and migrant children with access to education, health services, nutritious and culturally appropriate food, recreational areas, and social protection including child allowance;

(b) Implement the recommendations of the Expert Group on Direct Provision, including to replace direct provision;

(c) Establish an independent monitoring mechanism to enforce the national standards for accommodation centres, including through independent inspections;

(d) Adopt a comprehensive legal framework to address the needs of migrant children, including unaccompanied children and children with an irregular migration status, and guarantee their rights to legal residency, and independent legal advice, and address all violations of those rights;

(e) Ensure that a vulnerability assessment is conducted for all unaccompanied children within 30 days of their arrival in the State party, and that applications for legal residency are promptly processed.

**Children belonging to minority groups**

31. Please describe the measures taken to:

(a) Address the structural discrimination against Traveller and Roma children, in particular with regard to access to education, health care, housing and an adequate standard of living;

- (b) Implement the National Traveller and Roma Inclusion Strategy 2017-2021, including resources allocated, progress achieved and plans for evaluation;
- (c) Promote the cultural rights of Traveller and Roma children;
- (d) Remove the habitual residence condition for child allowances, so that Traveller and Roma children can receive child benefit payments and back to school allowance;
- (e) Address the over-representation of Traveller children in the care system and the child justice system.

#### **Administration of child justice**

32. Please inform the Committee about the measures taken to:
- (a) Raise the age of criminal responsibility to 14 years;
  - (b) Adopt a new Youth Justice Strategy;
  - (c) Ensure the application of the child justice system to all children who are referred to the Circuit and Central Criminal Courts, as well as children who turn 18 while awaiting trial;
  - (d) Promote alternative measures to custody and detention;
  - (e) Ensure that detention, including custody and pretrial detention, is used as a last resort and for the shortest possible period of time; that children are not detained with adults; and that detention conditions are compliant with international standards, including with regard to access to education and health-care services;
  - (f) Provide rehabilitation and reintegration services for children leaving detention.

### **J. Optional Protocol on the involvement of children in armed conflict**

33. Please inform the Committee about measures taken to implement its previous recommendations (CRC/C/IRL/CO/3-4, paras. 74 and 76) that recall the more detailed recommendations made by the Committee in its relevant concluding observations (CRC/C/OPAC/IRL/CO/1), including efforts to:

- (a) Ensure that actions taken by the Defence Forces vis-à-vis children are subject to adequate accountability, such as by amending section 11(1)(b) of the 2002 Ombudsman for Children Act or establishing other appropriate oversight mechanisms;
- (b) Criminalize the involvement of children in hostilities domestically and abroad;
- (c) Strengthen its measures for the early identification of children who may have been involved in armed conflict abroad, and to provide such children with physical and psychological recovery, and social reintegration services.

#### **Statistical information and data**

34. The statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and its Optional Protocols. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic status.

35. The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

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

36. Please provide information on the budget lines regarding children and the social sectors, indicating the amount allocated to each budget line and its proportion in terms of the total national budget.

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

37. Please provide data, disaggregated as described in paragraph 34 above on cases of:
- (a) Discrimination affecting children, prosecutions brought before the courts under legislation governing non-discrimination and the sanctions imposed on perpetrators;
  - (b) Child deaths caused by child abuse and neglect, suicides and accidents, including road accidents and drownings.

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

38. Please provide data, disaggregated as described in paragraph 34 above, on information and communications technology-related violations of children's rights, and the number of such cases that have been investigated and prosecuted.

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

39. Please provide data, disaggregated as described in paragraph 34 above, on:
- (a) Number of child victims of violence and neglect, including physical abuse, domestic violence and sexual exploitation and abuse, that have been reported to the authorities, number of cases investigated and prosecuted and the sanctions imposed on perpetrators, further disaggregated by type of offence;
  - (b) Number of children who have received protective measures and multidisciplinary remedies as victims and/or witnesses of violence and neglect, in particular physical and sexual abuse and exploitation;
  - (c) Number of intersex children who have received non-urgent and irreversible surgical or other procedures.

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

40. Please provide data, disaggregated as described in paragraph 34 above, on:
- (a) Families and children receiving economic and other types of support services;
  - (b) Children in residential care, number of institutions/group homes, median size and length of stay;
  - (c) Children in family- and community-based care;
  - (d) Children in alternative care institutions outside the State party;
  - (e) Children who have been placed in single isolation in special care units;
  - (f) Children adopted domestically and internationally.

**F. Children with disabilities (art. 23)**

41. Please provide data, disaggregated as described in paragraph 34 above, on children with disabilities who are:
- (a) Receiving economic and other types of support services;
  - (b) Living with their families;
  - (c) Living in residential care, number of institutions/group homes, median size and length of stay;
  - (d) Living in family- and community-based care;

- (e) Attending regular schools and separate schools;
- (f) Have reported violence and abuse.

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

42. Please provide data, disaggregated as described in paragraph 34 above, on:
- (a) Children who do not have access to Child Benefit payments due to the Habitual Residence Condition;
  - (b) Adolescent mothers;
  - (c) Sexual and reproductive health services available to adolescents;
  - (d) Children suffering from drug, alcohol and tobacco abuse;
  - (e) Children diagnosed with depression;
  - (f) Children living below the poverty line and in extreme poverty;
  - (g) Children living in social housing and emergency housing and the average length of stay.

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

43. Please provide data, disaggregated as described in paragraph 34 above, on:
- (a) School dropout among children, including children with disabilities and Traveller and Roma children;
  - (b) Children on reduced timetables in schools;
  - (c) Cases of bullying and harassment in schools;
  - (d) Children attending early childhood education, including children with disabilities and Traveller and Roma children, and the average years of attendance.

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

44. Please provide data, disaggregated as described in paragraph 34 above, further disaggregated by accompanied or unaccompanied status, on:
- (a) Asylum-seeking, refugee and migrant children;
  - (b) Asylum-seeking, refugee and migrant children who are in detention;
  - (c) Asylum-seeking, refugee and migrant children attending school and with access to health care;
  - (d) Children with an irregular migration status.
45. Please provide data, disaggregated as described in paragraph 34 above, further disaggregated by type of crime, on:
- (a) Children in detention, including in pretrial detention, in facilities such as police cells and prisons, and the average length of stay;
  - (b) Children referred to diversion and non-custodial sentencing options;
  - (c) Children detained together with adults and the average length of stay;
  - (d) Children who have been provided with access to rehabilitation and reintegration support.

**J. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

46. Please provide data, disaggregated as described in paragraph 34 above, on:
- (a) Asylum-seeking, refugee and migrant children entering the State party from areas where children may have been recruited or used in hostilities;
  - (b) Children within its jurisdiction who have been recruited or used in hostilities abroad;
47. Children who may have been recruited or used in hostilities abroad who benefit from physical and psychological recovery and social reintegration measures.
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