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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 Ireland<sup>1</sup> at its 2682nd and 2683rd meetings,<sup>2</sup> 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 commencement of the Children First Act, Children and Family Relationships Act and Irish Sign Language Act; and adoption of many new progressive legislation and strategies including the National Traveller and Roma Inclusion Strategy 2017-2021, the third national strategy on domestic, the 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).

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

<sup>1</sup> CRC/C/IRL/5-6.

<sup>2</sup> 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,<sup>3</sup> 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 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 to:

- (a) 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) 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;

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<sup>3</sup> CRC/C/IRL/CO/3-4, paras. 9, 11.

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

(d) 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 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 Ombudsman for Children's Office has sufficient financial resources allocated directly to the Office and the clear statutory mandate to receive, investigate and competently address children's complaints on all matters affecting children 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;

(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 and expansive implementation of the EU Corporate Sustainability Reporting Directive;**

(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 the 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; 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 children's protection 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, LGBTI children, children without a regular residence status, children of Catholic priests, children of unmarried parents, and asylum-seeking, refugee and migrant children; and, 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 assessment of the measures taken.**

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

16. **Recalling its previous recommendations,<sup>4</sup> the Committee recommends that the State party:**

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

<sup>4</sup> 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 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, child care 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 a 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; and (iii) allowing naturalisation 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 Relationship Act 2015 and the Health (Assisted Human Reproduction) Bill;**

- (b) **In line with the Bill, amend the Gender Recognition Act of 2015 to allow children aged 16 and 17 to achieve legal recognition of their gender identity by 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 right to identity, in accordance with their evolving capacities, free and informed consent and with appropriate safeguards;**

- (d) **Ensure that children who experienced 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 practice 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 to 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) on children's rights in relation to the digital environment, the Committee recommends that the State party:**

- (a) **Improve digital inclusion for children in disadvantaged situations and promote 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 in 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) A 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 the reporting of 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 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 the expansion of the *barnahus* model;**

(g) **Consider as a standard procedure the acceptance of audio-visual 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 Guidance;**

(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 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 clergy and in Magdalene Laundries, mother and baby homes, reformatory and industrial schools have access to justice and effective remedies, and in particular examine 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 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 child care 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 and sexual abuse against children in the care system, especially children with disabilities, and ensure access for victims to child-friendly reporting channels, legal aid, reparation, 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 to know their origins.

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

29. The Committee recommends that the State party:
- (a) Review relevant legislation, including the Equality Acts, Disability Act and Education for Persons with Special Education 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 decrease 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 e; (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; and (iv) ensuring that Traveller and Roma children, migrant children, children of single parents and children living in poverty are issued 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 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) **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 to:

(a) **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; and (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) **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; and (ii) a recognition of children's right to be heard in decisions regarding their mental health-care and assistance from an independent advocate;**

(c) 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) 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) 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 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 in 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 to boys, and to 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 life-skills education on preventing substance abuse.

#### **Standard of living**

34. The Committee welcomes the Social Welfare Bill 2022 and Roadmap 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 to:

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

(b) 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) 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) **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 Budget 2023, but is concerned about:

(a) Persistent barriers faced by children in disadvantaged situations to access 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 stereotypes against 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 priority admissions to children or grandchildren of former students in oversubscribed schools; (ii) providing financial support to cover hidden costs of education; and (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 after-school activities to inform policies and programmes aimed at ensuring 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 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 after-school 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 Covid-19 pandemic on the access of children 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 stereotypes against ethnic minority groups in textbooks and curricula and to 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 of CMW/No. 22 and No. 23 of CRC (2017) on the human rights of children in the context of international migration, 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 expert 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,<sup>5</sup> 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,<sup>6</sup> the Committee urges the State party to:

(a) Set a clear timeline for the next National Traveller & 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) 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:

(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, access of children to justice, the insufficient training of relevant officials, the use of detention and the over-representation 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 and insufficient measures for ensuring the social reintegration of children leaving the justice system.

<sup>5</sup> CRC/C/IRL/CO/3-4, para. 68.

<sup>6</sup> CRC/C/IRL/CO/3-4, para. 70.

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

- (a) Raise the minimum age of criminal responsibility to at least 14 years of age;
- (b) Ensure that children below the age of 18 are not prosecuted as adult offenders, without exception;
- (c) 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) 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) 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) 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) 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 over-representation of children belonging to minority groups in detention;
- (h) Develop measures, in consultation with affected children and their families, to prevent racial profiling by law enforcement authorities;
- (i) Strengthen measures to provide community-based social reintegration services for children leaving the justice system;
- (j) Consider opting into, or transpose the most important elements of, the EU Directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings.

## **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,<sup>7</sup> 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 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 relevant authorities, of all children who may have been involved in armed conflicts abroad upon entering the State party and provide support for their physical and psychological recovery, rehabilitation and integration into Irish society.

<sup>7</sup> CRC/C/IRL/CO/3-4, paras. 74 and 76, and CRC/C/OPAC/IRL/CO/1.

**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.

**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 not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. 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.

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