



An Roinn Leanáí, Comhionannais,
Míchumais, Lánpháirtíochta agus Óige
Department of Children, Equality,
Disability, Integration and Youth

Report of Public Consultation on Ireland's Combined Fifth and Sixth Report to the UN Committee on the Rights of the Child

November 2021

Prepared by the Department of Children, Equality,
Disability, Integration and Youth
gov.ie/dcediy

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Table of Contents

Abbreviations	4
Introduction	5
1. Executive Summary	6
2. Consultation Process.....	7
3. Main Themes and Trends.....	8
4. Summary of Comments by Issue.....	14
<i>Appendix 1</i>	
List of Issues prior to submission of the combined fifth and sixth reports of Ireland published by the UN Committee on the Rights of the Child (18 November 2020)	55

Abbreviations

AIM	Access and Inclusion Model
BOBF	Better Outcomes, Brighter Futures (The National Policy Framework for Children and Young People 2014–2020)
CAMHS	Child and Adolescent Mental Health Services
CCLCRPU	Child Care Legislation and Children’s Rights Policy Unit
CCPR	Covenant on Civil and Political Rights
CERD	Convention on the Elimination of All Forms of Racial Discrimination
DARE	Disability Access Route to Education
DCEDIY	Department of Children, Equality, Disability, Integration and Youth
DSGBV	National Strategy on Domestic, Sexual, Gender-Based Violence
EEA	European Economic Area
ECCE	Early Childhood Care and Education
ELC	Early Learning and Care
HEAR	Higher Education Access Route
HSE	Health Service Executive
IHREC	Irish Human Rights and Equality Commission
IPAS	International Protection Accommodation Service
LGBT+ / LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LOIPR	List of Issues Prior to Reporting
NAPAR	National Action Plan Against Racism
NCBI	National Council for the Blind of Ireland
NCCA	National Council for Curriculum and Assessment
NCS	National Childcare Scheme
NCSE	National Council for Special Education
NDA	National Disability Authority
NTRIS	National Traveller and Roma Inclusion Strategy 2017-2021
OCO	Office of the Ombudsman for Children
OPCAT	Optional Protocol of the Convention against Torture
PSEHRD	Public Sector Equality & Human Rights Duty
RSE	Relationships and Sexuality Education
SAC	School-age childcare
SNA	Special Need Assistant
SPHE	Social, personal and health education
UNCEDAW	Convention on the Elimination of All Forms of Discrimination against Women
UNCESCR	Covenant on Economic, Social and Cultural Rights
UNCRC	United Nations Convention on the Rights of the Child
UN CRC	United Nations Committee on the Rights of the Child
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
WHA	World Health Assembly
WHO	World Health Organisation

Introduction

Ireland ratified the United Nations Convention on the Rights of the Child in 1992. All States Parties to the Convention, including Ireland, are obliged to submit regular reports to the UN Committee on the Rights of the Child (UN CRC) on how the Convention is being implemented. This UN Committee is the body of independent experts that monitors implementation of the Convention.

Ireland is due to submit its combined Fifth and Sixth State Report to the Committee on the Rights of the Child in February 2022. After the UN CRC has studied the State Report, Ireland will attend a public examination by the Committee in Geneva, Switzerland. This public examination will be scheduled following submission. Following this examination, the UN CRC will make observations and recommendations to Ireland on the implementation of the Convention here.

The Department of Children, Equality, Disability, Integration and Youth (DCEDIY) prepared the draft combined Fifth and Sixth State Report to the UN Committee on the Rights of the Child in close collaboration with relevant government departments. DCEDIY also consulted with civil society stakeholders and children and young people. This draft State Report responds to 112 separate Issues raised by the UN Committee on the Rights of the Child in a [List of Issues Prior to Reporting](#) (LOIPR) document in November 2020 (see Appendix 1).

In October 2021, the Minister for Children, Equality, Disability, Integration and Youth launched a public consultation to seek the views of individuals, organisations or groups on the draft State Report. In total, DCEDIY received 138 submissions from members of the public, civil society and stakeholders on the draft State Report. These submissions raised close to 350 individual points on Ireland's answers to the Issues listed by the UN CRC. DCEDIY wishes to thank all those who took part in the consultation for their time and effort in preparing their submissions.

Following the consultation, DCEDIY, in collaboration with other government departments, made changes to the final State Report. However, as the UN Committee has a strictly enforced word count for the State Report of 21,000 words, regrettably, not all feedback and suggested text could be incorporated into the final State Report.

This report documents the submissions from the public during the consultation and consists of the following:

1. Executive Summary
2. Consultation Process
3. Main Themes and Trends
4. Submissions Summary by each Issue

Important Notes

- It is important to note that the points outlined in this report are solely those raised in the submissions received.
- DCEDIY prepared the draft State Report using an advance copy of the List of Issues Prior to Report (LOIPR). For clarity, this Report document continues to use the Issue numbering as used in the draft State Report. Therefore, this document has slightly different Issue numbering to the final edited version published on the UN website and which is attached in Appendix 1.

1. Executive Summary

DCEDIY received 138 submissions from members of the public and stakeholders. The 138 submissions raised 345 points on 80 of the 112 Issues in the LOIPR. The Department did not receive any comments on 32 Issues from the public or stakeholders.

Comments on Issues such as:

- promotion of milk formula
- effects of COVID-19 on children and young people
- religious ethos in schools
- disability issues
- mental health issues
- living conditions for children of the Traveller and Roma communities
- gender self-identification
- listening to voice of children with family members in prison
- need for more data collection and data sharing in various sectors
- housing accommodation
- healthcare capacity, funding, resourcing and accessibility

In many instances, a submission sought to insert information that was believed to have been omitted from or that required updating to the State Report.

2. Consultation Process

Before finalising the State Report for submission to the UN Committee on the Rights of the Child, the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) organised a public consultation process. This was to ensure that the input of all interested parties was captured and accounted for in the final State Report document.

On 6 October 2021, the Minister for Children, Equality, Disability, Integration and Youth announced the launch of an open public consultation on Ireland's draft State Report under the United Nations Convention on the Rights of the Child. The Minister invited individuals, groups and organisations to provide their views on the draft Report. Welcoming the launch, Minister Roderic O'Gorman, TD, said:

"I am delighted to publish a draft of Ireland's State Report under the Convention on the Rights of the Child for consultation. In this Report, we assess the progress made since the UN Committee on the Rights of the Child Issued their Concluding Recommendations to Ireland after our last examination before the Committee in 2016. The Report illustrates the many strides we have taken to ensure that children and young people in Ireland can fully enjoy their rights. Engagement with children, young people and civil society stakeholders has been an integral part of this reporting process, and I would encourage any individual, organisation or group who wishes to have their views heard to make a submission."

DCEDIY accepted written submissions on the draft State Report submitted to the Department at the email address: UNCRC@equality.gov.ie. The consultation ran from 6 October to 10 November 2021 and due to the level of interest generated, the Department accepted submissions until 12 November 2021.

Following the consultation period, DCEDIY evaluated the 138 submissions received. Relevant extracts were circulated internally to the appropriate DCEDIY teams or externally to relevant government departments to be examined. This time also provided an opportunity for these departments and DCEDIY staff to update content in the draft State Report. Due to the UN CRC's strict 21,200 words limit, it was not possible to incorporate all the feedback and suggested changes to the text. DCEDIY has noted all the information and views in preparation for the public examination by the UN CRC.

Ireland will submit the combined Fifth and Sixth State Report to the UN Committee in February 2022. Following submission, there is a period for stakeholders to submit 'shadow reports' to the UN CRC to express further views. More information about this process can be found on the UN CRC's website: <https://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>

3. Main Themes and Trends

Main Themes

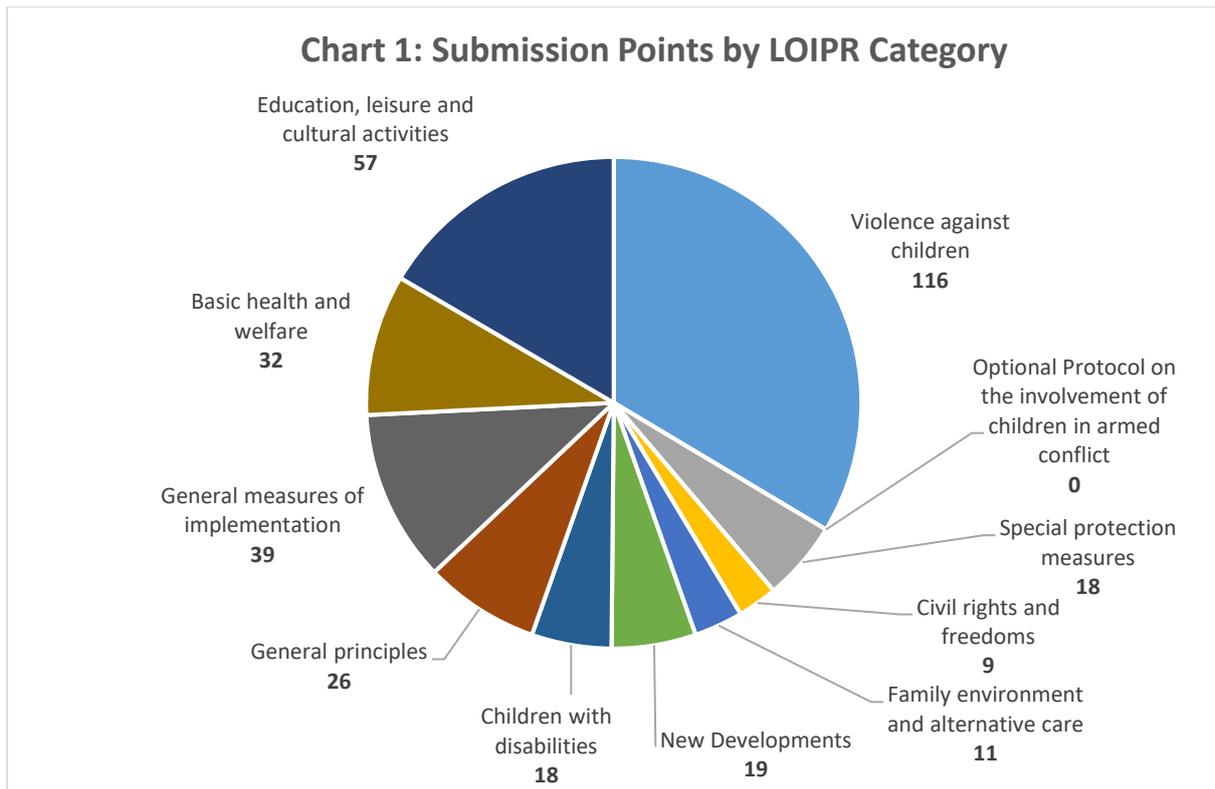
When evaluating the submissions, DCEDIY determined that the main themes related to Issues concerning:

- healthcare capacity, funding, resourcing and accessibility
- need for more data collection and data sharing in various sectors
- housing accommodation
- effects of COVID-19 on children and young people
- gender self-identification
- religious ethos in schools
- disability issues
- mental health issues
- living conditions for children of the Traveller and Roma communities
- promotion of milk formula
- listening to voice of children with family members in prison

Main Trends

The LOIPR document is divided into categories that group together articles of the UN Convention on the Rights of the Child. The majority of submissions focussed on the following:

116 submissions	Violence against children
57 submissions	Education, leisure and cultural activities
39 submissions	General measures of implementation
32 submissions	Basic health and welfare



Most Commented Issues

The public and civil society stakeholders raised points and concerns in 80 Issues. Nineteen Issues received over half of the points raised (213 points out of 345 points). Some submissions did not mention an Issue by name in its contents. For these submissions, DCEDIY evaluated the contents of the submission and allocated to the most appropriate government Department or DCEDIY section.

There were nine Issues which received the more than 6 submissions (Chart 2).

Chart 2: Issues raised more than >6 times in submissions



Table 1 lists the 19 most commented issues. It lists the issue, the number of times the particular issue was raised in a submission, and the issue's area in the LOIPR.

Table 1: Most Commented Issues

LOIPR Number	Submissions	LOIPR Category
20(b) Allow children below the age of 16 years to achieve legal recognition of their preferred gender including simplifying of the relevant procedures.	108	Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)
02(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;	9	New Developments
25(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	7	Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)
28(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;	7	Education, leisure and cultural activities (arts. 28–31)
28(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;	7	Education, leisure and cultural activities (arts. 28–31)
07(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;	7	General measures of implementation (arts. 4, 42 and 44 (6))

LOIPR Number	Submissions	LOIPR Category
26(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;	6	Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)
10(a) Strengthen its regulatory framework for industries and enterprises to ensure that their activities do not adversely impact children’s rights	6	General measures of implementation (arts. 4, 42 and 44 (6))
02 (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.	6	New Developments
24(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 (second part similar to 2016);	5	Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)
26(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 disorder	5	Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)
23(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	5	Children with disabilities (art. 23)
27(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	5	Education, leisure and cultural activities (arts. 28–31)
28(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	5	Education, leisure and cultural activities (arts. 28–31)

LOIPR Number	Submissions	LOIPR Category
28(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;	5	Education, leisure and cultural activities (arts. 28–31)
28(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.	5	Education, leisure and cultural activities (arts. 28–31)
29(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;	5	Education, leisure and cultural activities (arts. 28–31)
05(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;	5	General measures of implementation (arts. 4, 42 and 44 (6))
11(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;	5	General principles (arts. 2, 3, 6 and 12)

4. Summary of Comments by Issue

Following DCEDIY's evaluation of all the submissions received, DCEDIY prepared a brief summary of the points contained in each submission. In this part of the report, a brief summary is provided for each of the 112 Issues. The summary provides details about the number of submissions received for that Issue and a brief description of the points raised on the Issue by that submission or those submissions. **It is important to note that the points outlined in this section are solely those raised in submissions received.**

Issue 2(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;

One submission raised concerns about the Admissions Act 2018 and guaranteeing of religious rights for non/minority-faith students and families in Irish schools.

Issue 2(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;

Nine submissions raised the following points:

- General effects of COVID-19 pandemic on children.
- Effects of COVID-19 lockdowns on children's mental health. Schools should be provided funding so that teachers and staff understand the effects of trauma and how to recognise it. There has been an increase in the demand for mental health services. Certain research findings on the implications of COVID policy for children, completed in partnership with government, are not included on the report. The current draft reads as if there were no detrimental impact on children so the report should accurately reflect the research findings that actually highlight the impact.
- More details on how the views of children and young people were ascertained for the consultation that is referred to and how these views were used to inform government campaigns on targeted measures.
- Provide further details on the important measures taken by DCEDIY to re-open safely ELC/SAC services.
- Highlight that the implementation of measures to ensure that children are fed nutritious food during the Covid-19 context was primarily led by charitable organisations.
- Human rights of children must be enshrined in legislation to ensure equity of access to healthcare and services.
- Include more detail on capacity, funding, resourcing and accessibility of healthcare for children.
- Need for better data monitoring and evaluation.
- Address the specific impact of COVID-19 on Traveller and Roma children, including in terms of resource allocations and the National Recovery and Resilience Plan and Include them in both targeted and mainstream measures in the forthcoming policy, programming and

budgetary measures to mitigate the short to long- term impact of COVID-19 illness and lockdowns.

- With a view to protect the welfare of Traveller children, need for retention of all temporary basic accommodation facilities provided under Covid 19, until such a time that proper, permanent facilities are in place.

Issue 2(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.

Six submissions raised the following points:

- Children with a family member in prison are not being acknowledged as a distinct group with a distinct set of needs and this needs to be acknowledged. It would be welcomed if report mentions measures taken or intended to be taken to ensure that children's best interests and views are incorporated into sentencing decisions made in respect of their parents/guardians. Particularly where that person is the child's primary caregiver.
- New domestic abuse strategy must recognise the impact on children and the potential for harm across the lifespan if children do not get the support and early intervention they require.
- Gardaí and schools should implement an early warning system where children are part of a call to a domestic abuse incident.
- Issues regarding educational provisions of the Irish Sign Language Act. Calls to establish an objective framework for reasonable accommodation for children's educational needs, particularly Braille and sign language.
- In programmes that are not specific to children, that where possible, their potential impact on children is more clearly highlighted, such as through an estimate of the proportion of the intervention that reaches children.
- The Government is urged to commit to ratifying the Optional Protocol to the UNCRC no. 2 on the sale of children, child prostitution and child pornography.
- DCEDIY (with its equality brief) needs to be a strong advocate for the implementation of the PSEHRD [Public Sector Equality & Human Rights Duty]. It needs to undertake PSEHRD Impact Assessments of all of its own actions (including this report to the UN), and needs to remind all other government departments and state agencies of their obligation, with particular reference to addressing the needs of young Travellers.

Issue 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.

Three submissions raised the following points:

- Support for DCEDIY's commitment to hearing the voice of children and young people. However, young people should be able to contribute more in influencing policy and legislation.
- Calls for children to be consulted about harmful marketing practices of alcohol and for greater consideration of children and young people living with parental alcohol problems.
- Need for better and more timely cross-government data on alcohol harm.

- Students from non/minority-faith backgrounds do not enjoy equality of esteem in denominational schools, a position that is injurious to their wellbeing and education on a daily basis.

Issue 4(a)

Fully incorporate the Convention into national legislation;

Three submissions raised the following points:

- Ireland must fully incorporate the UNCRC into Irish domestic law to ensure that all public bodies comply with the Convention and to allow citizens to rely on the Convention before the Irish courts. The State should provide a clear timeline for incorporation.
- The views of children and their parents are not sought in relation to their participation in religious education.
- While welcoming aspects of the National Childcare Scheme, Ireland should follow the Nordic model, enacting legislation that gives all children the right to benefit from ELC/SAC services, whether their parents are working or not.

Issue 4(b)

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

Two submissions raised the following points:

- The first submission calls for the Equal Status Acts 2010-2018 to be amended to ensure that an effective remedy with a legislative basis is provided for victims of discrimination. The State should ensure that the Employment Equality Act and Equal Status Acts provide explicit protection for trans and non-binary people in line with the non-discrimination principle of the Convention.
- The government has failed to assess the impact of legislation, such as the Education Act 1998, on the religious rights of students, or to set a date for a Citizens Assembly, should one be needed to guarantee these rights.

Issue 4(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.

Two submissions raised the following points:

- Parents, not the State, will have to cover the fee of the child's views expert in family law proceedings. This means that the availability of this service to children will be dependent on their parents being able to afford, or being willing, to pay for the service and may give rise to situations where children will not have the opportunity to exercise their right to be heard.
- The National Vetting Bureau (children and vulnerable persons) Act 2012 needs to be amended so that it makes clear that legal operators of community crèches, that is every Board member, must and will be Garda vetted to meet the provisions of Child Care Act 1991 (Early Years Services) Regulations 2016.

Issue 5(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;

Five submissions raised the following points:

- Rights based financing and resources - would welcome information on financial and human investment in specific policies and programmes (for example: First 5 and Sharing the Vision), information on investments made to ensure governmental and public-sector-wide human resources have the technical capacity to fully implement the convention.
- The State's reply should provide details on the efforts that have been made to educate the civil and public service on the convention and how to integrate.
- The State should fund an alternative to religious education, in circumstances where the survey of parents does not lead to an easy rebalancing of classes along religious/non-religious lines.
- In line with the new EU Roma Strategic Framework 2020-2030, ensure Ireland's next Traveller & Roma Inclusion Strategy is developed in a timely fashion, accompanied by a robust implementation and monitoring plan and developed and implemented through meaningful consultation.
- Indicate the timeframe for the completion of the review of the current National Traveller and Roma Inclusion Strategy (NTRIS) and for the publication of the next NTRIS including the budget and implementation and monitoring framework to be afforded for the next NTRIS
- The new NTRIS needs to engage key stakeholders to be involved at all stages of NTRIS from development to monitoring to delivery. It needs to have a particular emphasis on meeting the needs of young Travellers, and certain cohorts within this like young women and young LGBT+ young Travellers. The new NTRIS Steering Committee needs to have representation from Traveller organisations in Munster.

Issue 5(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;

Two submissions raised the following points:

- The text could be strengthened by including the figures to support the drop in the consistent poverty rate between 2014 and 2019.
- Several challenges from the mid-term review of *Brighter Outcomes, Brighter Futures* remain for the successor policy framework. Recommendation that both achievements and challenges identified to date are further detailed in the Report.

Issue 5(c)

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

No comments received.

Issue 5(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.

One submission voiced concerns about the move away from a dedicated Department for Children and Young People, especially in the context of the implementation of the First 5 Strategy and calls for an Early Years and School Age Childcare Agency to be established. Childcare Ireland will have a central role in ensuring that children have effective access to education and childcare. It should do that through aligning and integrating all functions relating to quality, planning, administration and funding of the ELC/SAC sector.

Issue 6(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;

Two submissions raised the following points:

- The State should elaborate on why Ireland has not adopted a child rights impact assessment in making budgetary decisions and any plans that are in place to move towards it.
- The State should fund an alternative to religious education. Inspectors should ensure that the alternative is available and that sacramental preparation takes place with the patron's hours of 30 minutes per day.

Issue 6(b)

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

No comments received.

Issue 6(c)

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

Two submissions raised the following points:

- Advocate that targeted policies should be devised to foster enrolment of Traveller and Roma children in the Early Learning and Care (ELC)/School-Age Childcare (SAC) system.
- Indicators of access to Access and Inclusion Model (AIM), (Early Childhood Care and Education (ECCE) and the National Childcare Scheme (NCS) by the ethnic group of the child should be included in Pobal's Annual Early Years Sector Profile Report, to allow for monitoring of progress by civil society organisations.
- Allocate specific budget lines through the NTRIS and other relevant targeted and mainstream measures to address the social exclusion of Traveller and Roma children

Issue 6(d)

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

No comments received.

Issue 6(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.

Four submissions raised the following points:

- Welcome Budget 2022 measures that will see investment in mental health services, including the development of two new Child and Adolescent Mental Health Hubs. Young people are better served if they have early intervention and access to psychology supports in the community and at school.
- There is no mention of what measures were taken, or are intended to be taken, to reduce the negative impact of COVID-19 for children with a family member in prison. The draft report does not mention the new measures of family contact introduced in prisons in 2020 (such as in-cell telephones and video calls), nor is there any reference to plans to ensure the continuation of such measures. These alternative forms of family contact should be used only to supplement in-person visits, and not replace them.
- The draft report does not include information that shows the impact of COVID-19 lockdowns on children and reports and research showing this should be included.
- The Pandemic Unemployment Payment was set at a higher rate than those in receipt of social protection payments due to psychosocial disabilities - this disparity has not been addressed. Recommend follow-up research in the impact of the economic Issues caused by COVID related policies.

Issue 7(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;

Seven submissions raised the following points:

- The government must urgently commit to data collection and information-sharing across all services that deal with children and families. It notes that the state has begun collating statistics regarding people in residential addiction treatment services who have children.
- The true scale of harm to children in Ireland due to domestic abuse is currently unknown. Without knowing this, it is impossible to determine the level, type and breadth of support required to protect and help children recover, nor the most effective ways of preventing future domestic violence and abuse.
- There is currently no data available in Ireland on the number of children with a parent in prison. Any data that has been collected by the Irish Prison Service is inadequate as it is only collected on committal to prison, relies upon voluntary disclosure, and does not include details about age or geographic location to map and target service provision. Prison administrations should keep an updated record of the number of children each prisoner has, including their ages and their primary caregiver.

- State could provide and cite data on undocumented children, those born here and those moved here with their parents/legal guardians and those in care of the State.
- Indicate progress, timeframe and resources for the full and effective development and implementation of ethnic equality monitoring (in line with human rights standards) across all relevant state departments and agencies including timeframe for the development of the new Equality Data Strategy.
- Recommend the State collect, analyse and disseminate disaggregated data by ethnicity, gender and age across relevant administrative systems in line with human rights standards, and use this data to equality-proof state policies, budgets and programming relating to Traveller and Roma children. See Concluding Observations by UN Covenant on Economic, Social and Cultural Rights (UNCESCR), 2015; UN Convention on the Elimination of All Forms of Discrimination against Women (UNCEDAW), 2017; UN Convention on the Rights of the Child (UNCRC), 2016; and Convention on the Elimination of All Forms of Racial Discrimination (CERD), 2019.
- Advocate for the roll-out of human rights-proofed ethnic monitoring tool across all relevant departments, state agencies and other stake holders (both nationally and locally), especially where applicable to Traveller children.
- Traveller children have not been prioritised across public service monitoring, have been underserved by mainstream approaches, and lack of data has undermined the investment needed to provide for their future outcomes and redress the many fundamental issues impacting on their life chances. Data is available in the national annual Government data set, the Annual Count, which is a potent and clear basis from which to inform child poverty alleviation and intergenerational inadequate living standards, even in the absence of others.

Issue 7(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.

Two submissions raised the following points:

- Service providers need to gather holistic data on the adversities that children face, and need to be aware of other services young people might need and the access routes to them. Legal provisions for information sharing between agencies should be incorporated into the revised Child Care Act. Child welfare concerns must trump GDPR, and a specific legislative provision in this regard would clarify the position.
- The establishment in 2021 of an interdepartmental network to facilitate the embedding of the National Traveller and Roma Inclusion Strategy across all of Government should be time lined and actioned consistent with key performance indicators in each area. Analysis should be shared with related NGO sectors, and a lead appointed within departments to oversee and review information and inform a centralised body where national strategies are developed.

Issue 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.

No comments received.

Issue 9(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;

No comments received.

Issue 9(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;

No comments received.

Issue 9(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.

One submission requested information on whether Tusla's commissioning strategy and toolkit will be rolled out and standardised across the public sector.

Issue 10(a)

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

Six submissions raised the following points:

- Encouraged that Draft Report includes a statement about encouraging mothers to breastfeed. However, this response does not address the substantive Issue raised by UN CRC which is that Ireland has still not fully implemented the International Code of Marketing of Breast-milk Substitutes and its subsequent WHA resolutions, despite having endorsed the International Code in 1981.
- There is a huge conflict of interest by Ireland on the one hand with its remit to ensure a child's right to health (which includes breastfeeding as optimal nutrition) and its stated target to sell an increasing proportion of infant formula to a global market.
- The dairy industry and the formula industry continue to receive subsidies and funding from the Irish government - this raises serious questions about the government's commitment to children's rights including the right of the child to optimal health.
- There is a need to ensure that the blatant and aggressive marketing of infant formula and milks for older children, designed to undermine breastfeeding, is no longer allowed in Ireland. This is whilst ensuring the accessibility of safe and appropriate infant formulae or complementary foods and drinks for those who need or want to use them.
- The draft report by the Oireachtas Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht on the Online Safety and Media Regulation Bill, recommendations will include a ban on advertising alcohol, junk food and gambling to children.

- It could be the role of an Online Safety Commissioner to define ‘reasonable and effective measures’ which a body corporate is expected to put in place to prevent the dissemination of hate speech.
- Text does not refer to the concerns expressed by key stakeholders about the lack of an individual complaints mechanism that will enable children and young people to make complaints directly to the Online Safety Commissioner.
- Since the publication of the draft State report, the Joint Oireachtas Committee on Tourism, Culture, Arts, Sport and Media has published its report and recommendations on the pre-legislative scrutiny of the General Scheme of the Online Safety and Media Regulation Bill.
- The Online Safety and Media Regulation Bill should ensure that children are protected from the impact that commercial advertising and marketing has on their health, their development and many of their rights – from when they are born onwards.
- Comprehensive evaluation of how violations occur must be undertaken and, in terms of advertising and marketing practices, recognition of the harms given. Infant formula and HFSS food and drink marketing, which can be pervasive and harmful, is especially active in the digital ecosystem.

Issue 10(b)

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

No comments received.

Issue 10(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.

No comments received.

Issue 11(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;

Three submissions raised the following points:

- Actions contained in both the National LGBTI+ Inclusion Strategy and the LGBTI+ National Youth Strategy should be fully implemented, and for a successor strategy to the LGBTI+ National Youth Strategy 2018-2020 to be devised.
- The State should ensure that collected data is disaggregated by gender identity, sexuality, ethnicity, disability, and age.
- The State must ensure the religious rights of non/minority-faith children in religious primary schools. The submission contends that there has been no effort and this constitutes an ongoing deference to the Catholic Church and a dereliction of duty.
- Implement a national Traveller LGBT plan and ensure young LGBT+ Traveller and Roma are equal stakeholders in state sponsored mainstream strategies and representative in their design and implementation.

Issue 11(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;

Five submissions submitted the following, sometimes contrasting views:

- State should have held public consultations on Criminal Justice (Hate Crime) Bill 2021 and should be more forthcoming with the fact that the legislation is being actualised.
- Concern about the protection of trans- and non-binary identities under the legislation, and a concern that victims would be required to 'prove' their identity to access justice.
- Raised concerns that there is a poor relationship between Gardaí and marginalised communities and collective concern regarding the under-reporting of crimes committed against marginalised communities, and conveyed their own distrust in Gardaí as members of the LGBTI+ community. Recommend alternative reporting methods, for example through NGOs, along with alternative sentencing methods and restorative justice pathways.
- It is the right and duty of parents to ensure that their children are protected from any ideas that will cause them unnecessary harm, distress or injury. Therefore, criminalising citizens that query the tenets of gender ideology for "hate crime" would be in contravention of Article 3.2 of the UNCRC.
- Progress and finalise hate crime legislation with urgency and ensure its implementation is afforded adequate resources and clear implementation and monitoring framework.
- Ensure the forthcoming National Action Plan Against Racism will
 - address the specific forms of anti-Traveller and Roma racism;
 - is afforded a sufficient budget and a clear implementation and monitoring framework; and
 - is implemented in partnership with Traveller and Roma organisations (See Concluding Observations by UNCRC 2016; Covenant on Civil and Political Rights (CCPR), 2014; CERD 2019).
- Introduce effective hate crime legislation within a short, defined timeframe, and name Travellers in the legislation. The legislation needs to pay particular attention to the various social media platforms, as young Travellers are particularly exposed to vile hate speech here. This needs to be a core part of the new National Action Plan Against Racism too.
- Advance the National Action Plan Against Racism (NAPAR), the proposed new Online Regulatory Framework and Online Safety Commissioner, and recommendations arising from the Future of Media Commission report, and ring fence supports for Travellers under actions with a time lined implementation plan, with robust monitoring.

Issue 11(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.

Three submissions raised the following points:

- Children living in poverty face extensive stigma within schools due to their parent's inability to afford essential items, such as uniforms, books as well as regular additional costs such as school trips.
- The 2018 Education (Admission to Schools) Act ends the 'baptism barrier' in most schools. However, it provides no protection for the religious rights of students once they are

admitted. Inspectors should be appointed to ensure that religious rights are guaranteed in all schools. They should oversee the delivery of a standardised set of curricular and non-curricular procedures, that have been defined by the Department of Education.

- Invest in The National Traveller Youth Participation and Leadership Strategy to support Traveller youth participation, capacity building, empowerment and leadership across national policy spaces within the Traveller sector, the Youth sector and in society.

Issue 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.

Four submissions raised the following points:

- In the best interests of young people aged 16 and 17, an amendment to the Mental Health Act, 2001, is required so as to allow persons over the age of 16 to consent to or refuse mental health care, in line with Section 23 of the Non-Fatal Offences against the Person Act, 1997. The views of children must be heard and that the State revisit the recommendations around the best interests of the child.
- Supports expert group recommendation that an administrative process be provided for persons over the age of 16 to have their gender legally recognised.
- Children being forced to sit at the back of the class, during religious formation classes is harmful to them. It is embarrassing and could lead to bullying. It also leads to indoctrination, through the learning of prayers and religious songs by osmosis and the exposure to religious ‘truths’, likely to contradict those given by their parents. Inter alia, this could harm a child’s ability to grieve for a family member, through the confusion presented by the concept of an afterlife.
- There needs to be stronger legislative definitions about role and function of *Guardians ad Litem* as well as stronger regulations on qualification and experience. *Guardians ad Litem* should be made available to all children and young people who are subject of care proceedings.

Issue 13

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

Three submissions raised the following points:

- Commitment needed from the Government that frontline public services starting with mental health, addiction, homeless and criminal justice become trauma informed.
- Multi-disciplinary child and adolescent teams should be rolled out across the country and be available when required. There is a need for a widespread role out of intervention tools or a programme to support young people for example the M-PACT programme and the Parents Under Pressure programme.
- To address the root cause of suicide among LGBTI+ young people the State should review and update the National Action Plan on Bullying (2013) as outlined in the 2020 Programme for Government and the LGBTI+ Youth Strategy.

- State urged to include data and plans around addressing self-harm as those affected are most likely to attempt suicide. Recommend inclusion on figures of death by suicide and self-harm with demographics like gender, socio-economic status, children in care.

Issue 14(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;

Four submissions raised the following points:

- Acknowledged considerable work is underway looking at reforming the family law process in Ireland, led by the Family Justice Oversight Group. However, this will take considerable time and as it does thousands of children will continue to have to deal with a process that fails to give adequate consideration to their voices or best interests.
- The Draft Report does not mention that parents, not the State, will have to cover the fee of the child's views expert in family law proceedings. This means that the availability of this service to children will be dependent on their parents being able to afford, or being willing, to pay for the service. This may give rise to situations where children will not have the opportunity to exercise their right to be heard.
- Children are neither consulted regarding their participation in religious class, priests' visits and rituals, nor on the impact of their isolation within class, during religion class.
- There needs to be stronger legislative definitions about role and function of Guardians *ad Litem* as well as stronger regulations on qualification and experience. Guardians *ad Litem* should be made available to all children and young people who are subject of care proceedings.

Issue 14(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;

One submission noted that parents, not the State, would have to cover the fee of the child's views expert in family law proceedings. This means that the availability of this service to children will be dependent on their parents being able to afford, or being willing, to pay for the service. This may give rise to situations where children will not have the opportunity to exercise their right to be heard.

Issue 14(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;

Two submissions raised the following points:

- Strongly supports DCEDIY's commitment to hearing the voice of the children and young people. While welcoming the State's initiatives regarding child participation, the submission believes that young people have much more to contribute in terms of influencing policy and indeed legislation.
- Regarding data collection, the submission believes there is an urgent need for timely and better data collection on alcohol harm across many state agencies and bodies so that

services that work with children can be better informed about their needs and the socio-genic environment in which they grow up.

- DCEDIY is urged to consider young people living with parental alcohol problems as it strengthens and develops its mechanisms to ensure that voices of seldom-heard and vulnerable children are heard.
- Children are neither consulted regarding their participation in religious class, priests' visits and rituals, nor on the impact of their isolation within class, during religion class.

Issue 14(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.

One submission welcomed the establishment of the Electoral Commission and urges consideration of lowering the voting age to 16.

Issue 15(a)

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

One submission welcomed the Minister for Justice's plan to change the naturalisation process for children born in Ireland to non-national parents. The submission welcomes the proposal to reduce the residence period from 5 to 3 years and relax the continuous residence requirement.

Issue 15(b)

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

Similar to Issue 15(a), one submission welcomed the Minister for Justice's plan to change the naturalisation process for children born in Ireland to non-national parents. The submission welcomes the proposal to reduce the residence period from 5 to 3 years and relax the continuous residence requirement.

Issue 15(c)

Adopt a statelessness determination procedure in accordance with international standards.

No comments received.

Issue 16(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;

Two submissions raised the following contrasting points:

- Concerns about assisted human reproduction and surrogacy.
- Support provision of 'child-centred' legal framework for registering the births of children born as a result of assisted human reproduction including surrogacy. Notes Irish Human

Rights and Equality Commission's (IHREC) calls for adequate safeguards in Assisted Human Reproduction Bill against risk of child trafficking and exploitation of women and girls in line with recommendations.

Issue 16(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.

No comments received.

Issue 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.

Three submissions raised the following points:

- Contends that children at primary level have no option to access another subject if they exercise their Constitutional right to 'not attend' religious instruction, or their right under the Constitution as reflected in the Education Act to 'not attend' any subject that is contrary to their or their parents' conscience, which includes religious education classes however they are classified.
- At post-primary level, the State is claiming that a Religious Education course whose main aim is to develop values in students to enable them to come to an understanding of religion and its relevance to life, relationships, society and the wider world is suitable instruction for students from families with philosophical convictions such as atheism and secularism. This claim has enabled schools to make curriculum Religious Education a core subject. Students from all backgrounds are simply enrolled in the course.
- In its 2016 report on Ireland, the UN Committee on the Rights of the Child criticised Ireland's lack of opt-out from faith formation in Catholic schools and stated that non-Catholic children should have an adequate alternative (UN Committee on the Rights of the Child, 2016 paragraphs 35 and 36. Nothing in the draft response suggests that the government have grasped the points made by the UN Committee.
- Challenges the Department of Education to justify the assertion that an alternative to religious education exists in secondary schools that run a denominational religious education programme. Further questions the ability of the Department to require such an alternative at second level, and not be in a position to require such an alternative at primary level.
- Ensure the rights of minority faith or non-faith backgrounds are protected and that they can opt out of religious classes and have access to other options. Right to opt out of unwanted religious teaching is ineffective in Ireland. State that 'opted-out' children are typically moved to back of the classroom and visibly segregated from their peers. Breach of students' and parents' rights is compounded by faith formation running through all teaching via the integrated curriculum.

Issue 18(a)

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

No comments received.

Issue 18(b)

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

No comments received.

Issue 18(c)

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

Two submissions raised the following points:

- It could be the role of an Online Safety Commissioner to define 'reasonable and effective measures' which a body corporate is expected to put in place to prevent the dissemination of hate speech.
- Submission would like to draw attention to the German NetzDG which was adopted in 2017 and generally aims to hold social media platforms more responsible for the content spread within them. It is vital that abusive, threatening, hateful and prejudicial content spread online is considered illegal and outlawing of such content should be considered in Online Safety and Media Regulation (OSMR) Bill and/or the upcoming Digital Services Act.
- Text does not refer to the concerns expressed by key stakeholders about the lack of an individual complaints mechanism that will enable children and young people to make complaints directly to the Online Safety Commissioner.
- Since the publication of the draft State report, the Joint Oireachtas Committee on Tourism, Culture, Arts, Sport and Media has published its report and recommendations on the pre-legislative scrutiny of the General Scheme of the Online Safety and Media Regulation Bill.

Issue 19(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;

Four submissions raised the following points:

- The Draft Report does not contain any figures on the efficacy of the systems in place. There are no details on the number of referrals, investigations and where applicable prosecution of reported cases.
- The State report should provide an update on plans for ratification of the Second Optional Protocol.
- Call for the Prohibition of Conversion Therapies Bill to be enacted and for the State to engage with politicians in Northern Ireland to ensure an all-island ban on the practice.
- Notes the need to regulate the use of physical intervention and physical isolation for the prevention and management of crisis situations in schools in order to prevent and protect children from the risk of violence and neglect in these contexts. Concerns have been raised with the Government on this matter since 2018, and consultation on guidelines was conducted in 2019. The Draft State Report should mention that guidelines are being prepared on these Issues and provide a date for when they will be published.
- Need for clear actions, targets, indicators, outcomes, timeframes and budget lines in the next NTRIS and National Strategy on Domestic, Sexual, Gender-Based Violence (DSGBV) to

address the additional barriers to safety and protection experienced by Traveller and Roma women.

- Support, resource and extend existing and new special measures to remove the barriers to safety and protection from domestic and sexual violence faced by Traveller and Roma women.
- As recommended by the Joint Oireachtas Committee on Justice, Defence and Equality and the Anti-Racism Committee, introduce an exemption to the Habitual Residence Condition and Housing Circular for women who experience domestic violence.

Issue 19(b)

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

No comments received.

Issue 19(c)

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

No comments received.

Issue 19(d)

Address the root causes of violence and abuse;

One submission welcomed the State's commitment to early years through the First 5 strategy and the funding dedicated to prevention and family support services. Calls for First 5 to be implemented in full and for a new children's strategy with prevention and early intervention and a trauma-informed approach to front-line services at its core to be developed. The Public Health Alcohol Act must also be implemented in full in order to protect future generations from low-cost widely available and heavily marketed alcohol products.

Issue 19(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;

No comments received.

Issue 19(f)

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

No comments received.

Issue 19(g)

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

No comments received.

Issue 19(h)

Tackle bullying, especially cyber-bullying and in schools.

One submission called for the National Action Plan on Bullying (2013) to be reviewed and updated. Regarding the Online Safety and Media Regulation Bill, the introduction of an individual complaints mechanism would allow for a non-judicial pathway to which schools could refer parents and young people experiencing cyber-bullying that is either beyond the scope of the school's Anti-Bullying Policy.

Issue 20(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;

Two submissions raised contrasting views on this Issue:

- Call for a working group to be established in line with the LGBTI+ National Youth Strategy 2018-2020, involving intersex people living in Ireland. This working group should inform the direction and nature of research into intersex healthcare in Ireland.
- The definition provided for "intersex" has come from the European Institute for Gender Equality. This is not a medical textbook definition so it is surprising that this was used to provide a definition for the term "intersex". Those with DSD are all still either male or female. It is clear from the response provided in the draft State report that doctors within the HSE are well able to care properly for the two or three born each year in this country with a DSD.

Issue 20(b)

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

This Issue was raised in 108 submissions. Many submissions requested the removal of Issue 20(b) from the State Report. However, the State Report follows the List of Issues Prior to Reporting provided to Ireland by the UN Committee on the Rights of the Child. The State Report presents Ireland with an opportunity to respond to these issues and concerns raised by the UN Committee. This includes Issue 20(b) and therefore it is included in the State Report.

The vast majority of submissions raise significant concerns and opposition to this Issue:

- The Government has acknowledged that this is a vulnerable age group. Should this proposal be accepted, the Government is not exercising the due diligence and expert consideration needed to protect and minimise harm to this vulnerable group.
- There is a duty of care to give teenagers a safe space to grow up and experiment without putting the weight of the consequences of a decision like this on their shoulders.

- Children should be taught from a young age that they can look, dress and love as they want and they are perfect just the way they are.
- Children and young people like to explore different ways of being human, and allowing them to be gender non-conforming is fine. We need to create a society that supports gender non-conformity and which does not require the heavy burden of medical treatment.
- Children should be protected from the potential impact of the Gender Recognition Act 2015. Requests that Ireland addresses the issues highlighted by clinicians working in gender services in Ireland in the Gender Recognition Act review 2018 and to complete independent research, follow the evidence and ensure any proposed legislative changes minimise the risk of harm and unintended consequences to gender questioning youth in Ireland.
- The Government should abandon all plans to harm the mental health of children through sowing gender confusion. It should not contribute to the promulgation of such notions internationally.
- There is a growing body of evidence as to why legal gender recognition for children is in fact harmful to the rights of a child. It is inappropriate therefore for the State to normalise it by making it legal.
- Allowing children under 16 to achieve legal recognition of their 'preferred gender' rather than their actual sex contravenes Article 3.1 of the UN Convention on the Rights of the Child.
- It is contended that there is no evidence that allowing children under 16 years to legally change their gender will provide long-term benefit with gender dysphoria.
- Oppose removing the limited gate-keeping there currently exists for those ages 16 and 17, and moving to a process of self-id for this age-group. It will increase the likelihood of young people beginning the process of seeking medical treatment and is therefore harmful.
- Self-identification into the opposite sex by 16 and 17 year olds without parental consent is wrong.
- Likely to lead to an increase in boys identifying as girls which will increase the pressure to make single-sex female spaces open to boys. Concerns that mixed sex toilets would lead to reduced privacy when young girls in puberty need privacy.
- Concerns raised about implications in single sex spaces such as schools and prisons. Fears that this could potentially lead to incidents ranging from low level harassment to serious sexual crimes.
- Young people can be impulsive by nature and do not mature fully until their mid-20s. Young people cannot vote, consume alcohol, apply for a mortgage until they reach 18 years old. There are age restrictions on playing the lotto or getting a tattoo. It is contended that society recognises that they are immature and cannot always foresee the consequences of their actions.
- Making it easier for children to self-identify may lead to an increased use of puberty blockers and cross sex hormones, which could lead to permanent damage. Examples provided include: infertility, increased risk of osteoporosis, and irreversible effects of mastectomy surgery.
- Alternative health care choices must be made available to children. Anyone who wishes to change gender should have access to and be given the proper psychological and emotional support so that they are fully able to make an informed decision.
- Gender ideology is pseudoscientific nonsense and has no place in our schools. Children under the age of 18 should never be encouraged to believe they were born wrong because of their likes and dislikes.
- There are growing number of detransitioners who regret the medical and surgical treatments they have undergone.
- This is interference of sexual orientation and an attempt to erase sexual orientation rights which are protected under the Equality Act.
- The families of those individuals will be negatively affected.

- Allowing children below the age of 16 years to achieve legal recognition of their preferred gender would not be an extension of rights for child, but instead would be child abuse.
- Concerns raised that historical issues regarding children's rights could accidentally lead to creating new problems in an attempt to make up for past transgressions. This issue should be examined slowly and carefully. Our time is no less susceptible to mistaken medical beliefs that could lead to tragedy and greatly impact lives.
- Need an evidence-based approach to gender distress.
- There is a lack of high quality evidence on outcomes following medical transition for young people.
- Allowing under 16 year olds to legally change their gender is likely to exacerbate the numbers of young people seeking medical transition. Medical transition may not be the right approach for many young people experiencing gender issues.
- Contends that social contagion is a factor.
- If left to grow up naturally they are likely to realise that they are lesbians and homosexuals.
- Trying to trans the gay away with drugs is conversion therapy.
- Remove section 20(b) and stop asking those heavily invested in the outcome for 'scoping' opinions.

However, one submission called for the recommendations based on the review of the Gender Recognition Act 2015 to be fully implemented and a review of the legislation to be carried out every two years as outlined within the review of terms of reference. It further proposes that the Gender Recognition Act should be amended to provide an administrative process for legal gender recognition for under 18-year-olds and to make legal gender recognition available to people who are non-binary.

Issue 21(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;

One submission noted that it would be useful to include the point that the requirements for training and specialisation do not extend to the High Court nor to legal practitioners involved in family law cases.

Issue 21(b)

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

Two submissions raised the following points:

- Childcare costs in Ireland are high. Notes a recent UNICEF report on this subject.
- The subsidised rates provided through the NCS still do not go far enough for some families. There is no basis for children having to wait until they reach ECCE requirement age in order to benefit from AIM when clinicians have determined that they would benefit from it at a far earlier age.
- NCS has several operational problems, which undermines the capacity of the programme. The Scheme has not reached a full operational year due to the COVID-19 pandemic disruptions. This has limited the opportunities to fine-tune the Scheme prior to its launch. Recommends that problems and measures to address these problems are included in the State Report.

Issue 21(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.

No comments received.

Issue 22(a)

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

One submission noted that the written care planning process for children in care (CIC) is affected by the shortage of social workers and specialist intervention services. Children's attendance at care reviews and involvement in the process should be encouraged. Data relating to this should be published.

Issue 22(b)

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

One submission raised concerns about a lack of data relating to voluntary arrangements and associated Issues. Concern that the Guardian *Ad Litem* Bill would see all children in care under court order assigned a Guardian *Ad Litem*, but not children in voluntary care. This potentially could lead to a two-tier system of rights within the care system. Suggest that there should be a maximum set period of time for a voluntary care order, after which a full care order must be sought.

Issue 22(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;

Two submissions raised the following points:

- Concerns that there is a lack of placement options available for children with diverse needs and this is not mentioned in the Draft Report. Better training, including specialist training, is required for foster carers.
- Acknowledges Tusla's work in recruitment campaigns and work of foster care support leaders.
- Concerns over the duration of Special Care Order placements and difficulties in securing onward placements for young people leaving Special Care and that more detail is required in the State Report. Further concerns that the out of state care data is incorrect.
- The State should collect ethnic equality data in line with human rights framework regarding Traveller and Roma children's presentation in state detention, care and child protection and welfare register.
- Invest in mainstream and targeted measures to address the over representation of Traveller children in detention, state care and the child protection and welfare register.

Issue 22(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;

One submission noted that services for children in care with a disability or mental health issues are run by HSE and not Tusla. There is a lack of data and research on the joint protocol between Tusla and the HSE in relation to children in care with disabilities. Suggest children in care should have priority access to Child and Adolescent Mental Health Services (CAMHS).

Issue 22(e)

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

Three submissions raised the following points:

- Report does not acknowledge that in a 2020 report the Health Information and Quality Authority (HIQA) found that in some areas of the country there are high numbers of children in care without a social worker who did not receive a good quality service. More up-to-date figures could be provided by the State.
- Concern over waiting lists for children in care to be allocated a social worker. Tusla's recruitment efforts are acknowledged but it is suggested that it should be a more Government-wide approach.
- Young adults who have aged out of care, but are not in education, should receive the support of the aftercare service.
- Concerns that the requirement to have been in care for 12 months between the ages of 13-18 means that some vulnerable young adults are missing out on the aftercare supports they need.
- Children who are taken into care under Section 5 as they are suspected of being homeless miss out on aftercare supports.
- There is no mention of the fact unaccompanied minors who are under the care of Tusla are 'transitioned' to direct provision centres when they turn 18.
- More data collection on young people leaving care is needed on outcomes in the short and long term.
- Ireland must ratify the Optional Protocol of the Convention against Torture (OPCAT) to prevent ill-treatment in places of detention as it applies to Ireland's care system.

Issue 23(a)

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

Four submissions raised the following points:

- There needs to be rights based financing and resourcing.
- Children with Down syndrome have complex disorders, which require intensive intervention to support them to reach their potential, which is not likely to be available using the model currently being piloted.
- The National Disability Inclusion Strategy has been extended to 2022 and this should be mentioned in the report. The intention is that it will be succeeded by a more comprehensive UNCRPD strategy.
- The State must fully implement and fund the Disability Act 2005 to achieve full compliance with Article 23.1 of the UNCRC. There is a need to increase funding for Section 39 organisations to ensure their ability to meet the full cost of service delivery for all service users including children affected by sight loss.
- The state should review its adherence to the EU Web Accessibility Directive, which came into force in September 2020. This mandates public bodies in Ireland to ensure their websites and mobile apps are accessible to all people, including persons with disabilities.

Issue 23(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;

Four submissions raised the following points:

- Tusla must ensure that the best interests of the child guide all decisions affecting individual children, however they are currently not holding the Department of Education to account regarding reduced timetables and lack of therapy services.
- Significant shortfalls in current therapy provision should be acknowledged and regular breaches of statutory maximum wait times for children’s assessments of need.
- With housing for people with a disability, the state report may wish to note that the National Disability Authority (NDA) has produced guidance for local authority housing officers in meeting the housing needs of people with autism.
- Overall Ireland remains without a system to ensure “consistency and adequate standards” in relation to care of children with disabilities in the home and suggests that this is noted in the state report. A statutory home care scheme is being developed which will be regulated by HIQA. This is focused on older people and is not expected to cover home care for children.
- Summer Provision, the new education programme for students with complex special educational needs, must be expanded.
- There is a need for greater information sharing and coordination among healthcare staff so a holistic view of the child’s needs are addressed, particularly in cases of co-morbidity.
- For those who are social housing tenants and have a child who is blind or vision impaired, the social housing units largely do not meet the unique needs of the child despite some retrofitting that may be done. The social housing allocation process does not consider access assessments or allow for National Council for the Blind of Ireland (NCBI) Access Officer to access the house or area; does not consider specific requirements for guide dog owners such as enclosed gardens; nor assess person's access to public transport.

- Ensure all disability policy is inclusive of specific needs of Travellers with a disability, addressing structural inequalities and promoting equality of access, participation and outcomes, within the context of a rights based, person centred, social model of disability.

Issue 23(c)

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

Four submissions raised the following points:

- Progress has been made on both AIM and ECCE, and this is extremely positive, but there is an inflexibility in the system meaning that some children are starting school earlier than their parents or teachers think appropriate.
- Extending early years education opportunities (up to the age of 6) would have been of benefit to many children, including those with conditions, particularly in the context of Covid, where early years education sectors were closed for long periods.
- The AIM Programme is also a very good example of cross-departmental and cross-agency working for children with disabilities, in line with *Better Outcomes, Brighter Futures (The National Policy Framework for Children and Young People 2014–2020)* (BOBF) and First 5.
- AIM is not an Special Needs Assistant (SNA) model, which is a positive design aspect for young children’s access to services and their participation when they are in the services. However, the SNA model requires children to be diagnosed to have their needs considered and met.
- The model should be extended to the participation of children in ELC services (not just in the ECCE Programme) and children in SAC to realise children’s rights to early education and care and to opportunities for out-of-school play and leisure activities in school-age childcare activities.
- Universal design guidelines have been provided to ensure the environment can be accessed, there is no statutory underpinning for this, meaning there is a considerable ordeal for parents and providers to go through in the admission process of the child, even with new builds.
- Department of Education should use more readily section 8 of the Education (Admission to Schools) Act 2018 to ensure additional provision for children with special educational needs.
- Ireland must ratify the OPCAT to prevent ill-treatment in places of detention as it applies to Ireland's care system.
- Additional modular training on vision impairments within the teacher training setting should be provided.
- To increase the admission rate to higher education for students with sight loss, stronger transition solutions are needed at second level with appropriate guidance counselling offered and additional resources such as assistive technology.

Issue 23(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;

Five submissions raised the following points:

- The State report does not include any reference to the Ombudsman for Children’s report published in March 2021 entitled ‘Barriers to the realisation of the rights of children with disabilities in Ireland’.
- The lack of Speech and Language Therapy can mean that assistive communication devices cannot be accessed. There are situations where it cannot be agreed whether a device is educational or communication focused, and so the child is caught between the Department of Education and Skills and the HSE with each thinking the other should fund the device.
- The School Inclusion Model would support children with disabilities through including: expansion of psychological services; nursing service for children with complex needs in schools; providing special needs assistants based in children's needs rather than assessment; national training for special needs assistants to support students and promote children's independence.
- The inclusion of children with disabilities in leisure opportunities is also supported by the Sport Inclusion Disability Charter developed by Cara who are majority-funded by the Government of Ireland.
- Mention of the National Council for Special Education's (NCSE) 2019 Progress Report in relation to their 2011 "The Future Role of Special Schools and Classes in Ireland" report. In particular the 2019 report indicates significant improvements in the inclusivity of education since 2011, including increased provision for students with special educational needs and substantive improvements in the wider system of supports for students with disabilities. For example, government spending on special education increased by 46% between 2011 and 2019.
- Notes average of 29% of NCSE assistive technology budget allocation unspent between 2017 and 2020.
- Ensure that training is provided on the use of assistive technology for children, families and teachers.
- Accessing teaching supports, such as assistive technology and learning support at third level, remains a significant barrier but notes success of Bookshare platform.
- Policy changes should be made to Disability Access Route to Education (DARE) and Higher Education Access Route (HEAR) access routes.
- Independent access audit should be carried out on all of our national playgrounds with local authorities considering recommendations. Playgrounds should be inclusive with no separate areas for children with disabilities.
- Include information on plans for a new National Disability Inclusion Strategy beginning in 2022. Must ensure new strategy takes a rights-based approach in line with the Convention on the Rights of Persons with Disabilities. Views of disabled children must be integrated into any review.

Issue 23(e)

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

One submission insisted Ireland must ratify the OPCAT to prevent ill-treatment in places of detention as it applies to Ireland's care system.

Issue 24(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;

Five submissions raised the following points:

- The report could benefit from outlining the government commitments to increase access to free GP visit cards to under 12s, beginning with those up to the age of 8.
- The State report could reflect the number of children experiencing consistent poverty who do not have access to a medical or a GP visit card.
- The state needs to accelerate its rollout of a single-tier universal healthcare with additional resources allocated and reforms implemented to combat high waiting lists for appointments and operations.
- Impact of COVID-19 on services.
- The human rights of children must be enshrined in legislation to ensure equity of access to healthcare and services.
- Issues relating to capacity, funding, resourcing and accessibility of healthcare.
- Publish the National Traveller Health Action Plan with no further delay; establish a clear consultative structure to drive its implementation and monitoring; and ensure all actions in the Plan have clear targets, indicators, outcomes, timeframes and budget lines.
- In line with recommendations arising from the UPR of Ireland and COBs by UNCRC in 2016, take concrete measures to improve Roma children's access to basic healthcare, including measures regarding the issuance of medical cards in Roma communities.
- Ensure that Traveller and Roma women and children are explicitly included in all mainstream health policy and service developments related to perinatal and/or infant health

Issue 24(b)

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

No comments received.

Issue 24(c)

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

One submission stated that an amendment to the Mental Health Act, 2001 is required to allow persons over the age of 16 to consent to or refuse mental health care.

Issue 24(d)

Increase the number of hospitals certified as baby-friendly;

No comments received.

Issue 24(e)

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

Three submissions raised the following points:

- Encouraged by statement encouraging mothers to breastfeed.
- However, this response does not address the substantive Issue raised by UN Committee on the Rights of the Child (UN CRC) which is that Ireland has still not fully implemented the International Code of Marketing of Breast-milk Substitutes and its subsequent World Health Assembly (WHA) resolutions, despite having endorsed the International Code in 1981. Ireland should fully implement the World Health Organisation (WHO) Code.
- Concerns there is potential conflict of interest between having breastfeeding as priority while state bodies continue to promote and invest in the production of Infant Formula.
- Introduce Traveller-specific actions, indicators, targets, budget lines and timeframes in the next Breastfeeding in a Healthy Ireland: Health Service Breastfeeding Action Plan.
- Need to view children's health through a children's rights lens.

Issue 25(a)

Ensure children's access to age-appropriate reproductive health services, including free and safe abortion and post-abortion services to girls;

No comments received.

Issue 25(b)

Protect the rights of pregnant teenagers, adolescent mothers and their children;

One submission stated that the government could be doing more to ensure they have the right support available to continue in education.

Issue 25(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;

Seven submissions raised the following points:

- Students will not be able to access sexual and reproductive education in an objective manner unless legislation is amended. It states that any new updated course on sexual and reproductive health can be delivered through the religious ethos of schools. The vast majority of schools in Ireland operate under a religious ethos. Section 15-2(b) of the Education Act 1998 obliges the Board of Management of uphold the ethos of the Patron body. Section 37 of the Employment Equality Act obliges teachers to uphold the religious ethos of the patron.
- The recommendations of the 2019 Oireachtas Joint Committee on Education and Skills report on Relationships and Sexuality Education must be implemented to ensure the health and wellbeing of LGBTI+ young people.

- The Department’s Social, Personal and Health Education (SPHE) and Relationships and Sexuality Education (RSE) guidelines, along with the Education Act, instruct schools to take into consideration the views of parents in the formulation of these courses. The Department do not appear to track/inspect this would-be consultation process, which, given the results of recent referenda would likely diverge significantly from the Catholic social teaching which informed the recent Flourish programme.
- The draft State Report neglects to cover the Issue of relationship and sex education in sufficient detail. Some preparatory work is mentioned but there is no mention of the current state of such education, which is disjointed and sometimes also compromised by misapplication of religious ethos.
- Report should note that the NCSE runs course for teachers regarding RSE for students with additional education needs and the Professional Development Service for Teachers has compiled a list of Special Needs Resources for RSE.
- The NCCA in their review of primary and post-primary curriculum has highlighted concerns that RSE for students with special education is often only looked at from a 'safety perspective'.
- Report should note that all special schools in Ireland are primary schools (even though pupils can be up to 18 years old), therefore they are not exposed to post-primary RSE.
- Comprehensive sex education (CS) must be made available - children are denied access to appropriate relationships and sexuality education - access to this is contrary to Catholic Church teachings.
- Concerns about the composition of the National Curriculum Council (NCCA)'s working group on Relationship and Sex Education.

Issue 25(d)

Raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men;

No comments received.

Issue 25(e)

Address the incidence of drug and alcohol use by adolescents, including through the implementation of the 2018 Public Health (Alcohol) Act.

Two submissions raised the following points:

- Welcome the implementation of some elements of the Act including restrictions on the placement of outdoor advertising, cinema advertising, and the recent announcement about the introduction of Minimum Unit Pricing from January 2022.
- Full implementation of the Public Health Alcohol Act, (PHAA) is needed such as health warning labels including drinking in pregnancy (Section 12) immediately. Delays are unacceptable given length of time to be passed in the Oireachtas. Deficiencies in protecting children from online marketing.
- Children’s voices should be heard in relation to the alco-genic environments they grow up in.
- This section does not include the statistics around the consumption of alcohol and drugs by children and young people.

Issue 26(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;

Six submissions raised the following points:

- In the best interests of young people aged 16 and 17, an amendment to the Mental Health Act, 2001 is required to allow persons over the age of 16 to consent to or refuse mental health care, in line with Section 23 of the Non-Fatal Offences against the Person Act, 1997.
- Urgent measures should be introduced for in-school counselling and therapeutic supports to be made available to young people.
- As per the Youth Mental Health Task Force Report and Sharing the Vision recommendation that the age range for eligibility for CAMHS be increased to 25, this transition should begin as soon as possible, especially for the current cohort who are expected to switch into adult services on the date of the 18th birthday.
- Sharing the Vision is a welcome strategy towards providing mental health support and services. Report should provide a fully costed implementation plan and details on implementation.
- Clarify that the 2018 Mental Health Amendment Act (amending the 2001 Act) cannot proceed until the Assisted Decision-Making Act 2015 has been fully commenced.
- Concerns that amendment of 2001 legislation still includes provisions for children to be admitted to adult inpatient centres. This and other provisions that allow for coercive practices should be removed.
- Needs to be a commitment to amending, commencing and implementing the Assisted Decision-Making (Amendment) Bill at the earliest possible juncture and that this commitment be outlined in the report.
- Commitments to child-specific training and commitments for inter-agency cooperation should be included.
- Need to hire educational psychologists with expertise in vision impairments, something not in existence in Ireland at present.
- Modular training in vision impairment needs should be included in the training of counsellors, speech therapists and occupational therapists. Need to sufficiently address comorbidity in patients.
- Develop the Traveller and Roma Mental Health Action Plan and ensure it is accompanied by a robust monitoring and implementation framework and resources.

Issue 26(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;

Five submissions raised the following points:

- This section fails to take account of the high waiting lists for accessing child and adolescent mental health services. Information on the waiting lists for inpatient treatment and treatment for eating disorders could also be included.
- Update on the recruitment challenges CAMHS has faced in order to provide the relevant context for the long waiting lists.
- Waiting lists are not the only Issue. A significant proportion of children are told after an assessment they do not meet the requisite thresholds. Unfortunately, their parents are often left with nowhere to turn.

- Children in care should be considered as a distinct group and should have access to CAMHS and the service be consistent throughout the country. The Welltree therapeutic model should be implemented across all residential care home to prevent a two-tier system. While improvement of access and capacity is needed, the draft report must urge full transparency on the most marginalised groups and their ability to access services.
- Figures for children being admitted to inpatient units should be included in draft report and the practice of children being admitted to adult wards should cease.
- Value of early intervention and prevention from primary school onwards.
- Must be transparency on children being treated for eating disorders and point to failure in service provision.
- Young people accepted by CAMHS could be referred for gender-affirming healthcare abroad until December 2020, when referrals between the HSE and UK clinic ended. As of February 2021, the Gender Identity Adolescent Service at Crumlin Children’s Hospital is no longer receiving new referrals from either CAMHS or the Gender Identity Development Service in the UK. An interim service must be urgently established so as to provide gender-affirming care to under 17s in Ireland.
- A psycho-social community led service for over 18s that is not based on 'Gender Identity Disorder/gender dysphoria' diagnosis or psychological opinion should be introduced in Ireland.
- The recommendations of the report Issued by the Steering Committee on the Development of HSE Transgender Identity Services must be fully implemented in a timely manner.

Issue 26(c)

Establish a mental health advocacy and information service that is specifically for children and accessible and child-friendly.

Two submissions both stated that adolescent inpatients in mental health facilities should receive independent youth advocacy services. They support National CAMHS Advocacy Steering group’s recommendation to further develop the advocacy model and note relationship with Youth Advocates Programmes Ireland.

Issue 27(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;

Five submissions raised the following points:

- The European Child Guarantee is referenced in section 5(b) of the draft State report but it would be useful for the State to outline its obligations under the Guarantee and its plans on how to implement these for children in need.
- Include information on the latest child poverty rates.
- Mention steps that could be taken alongside a specific strategy aimed at reducing the number of children living in poverty in lone parent families.
- Points raised about the Roadmap of Social Inclusion, the commitment to build 50,000 new social homes in the period to 2021 and the greater need of the Housing Assistance Payment Scheme. Concerns on meeting this target and that the over reliance on HAP payments is unsustainable while not being a suitable or realistic option.

- Develop the Traveller and Roma Training, Employment and Enterprise Strategy in a timely fashion in an effort to combat the chronic unemployment levels impacting Traveller and Roma families.
- Include Traveller and Roma children in mainstream and targeted social inclusion and poverty reduction measures, and allocate specific targets, indicators, timeframes and adequate human and financial resources to specific programming related to the social inclusion of Traveller and Roma children.
- Endorse the recommendation of the Ombudsman for Children for Government to:
 - provide information about the effectiveness of measures being taken to reduce child poverty, having regard to Travellers as one group who are disproportionately affected by poverty, and
 - outline its plans, including associated timelines, for working systematically towards eliminating child poverty for Travellers.

Issue 27(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;

Three submissions raised the following points:

- There should be a statutory entitlement to support for all children living in emergency accommodation.
- Emergency accommodation as a response to homelessness, particularly for families and children who may be placed in private or tourist accommodation is unsuitable. The policy to further invest in emergency accommodation is not a commitment to end homelessness and does not address the core underlying Issue that is the shortage of affordable suitable accommodation.
- Placement of excessive time periods in B&B and hotel accommodation – The State should carry out cost analysis on emergency accommodation and there should be an independent review on developmental impact of excessive periods in homeless accommodation - amend section 10 of Housing Act 1988 to place a limit on the time spent in EHA.
- Concerns raised regarding refusals of emergency accommodation. Government should follow through on promise to hold a referendum on the Protection of the Right to housing in the Constitution and adopt legal rights-based approach to adequate housing.
- Failure to identify particular needs and vulnerabilities of homeless families - align and harmonise policy and service delivery. Ethnic minorities face specific barriers to accessing housing and homeless services.

Issue 27(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;

Two submissions raised the following points:

- Regarding the hot school meals programme, all schools who want to be part of the programme and who have the facilities to do so should be involved.

- Report fails to acknowledge that there is a relatively sharp distinction between DEIS and non-DEIS schools, which means that accurately classifying school socio-economic/demographic profile is crucial for the delivery of appropriate services.

Issue 27(d)

Make child benefit payments a universal payment that is not contingent on the fulfilment of the habitual residence condition;

Two submissions raised the following points:

- The State should outline measures taken to ensure a humanitarian approach to meeting the needs of Roma children, as well as measures to ensure Roma children residing in the State are eligible for Child Benefit payments regardless of the legal or administrative status of their parents.
- Make Child Benefit a truly universal payment that is not contingent on the fulfilment of the Habitual Residence Condition.
- The report should provide figures on the number of children whose parents are refused child benefit based on the habitual residence condition. The section could also refer to the categories of people, outlined in the primary legislation (as amended) who are deemed not be habitually resident by virtue of their immigration status. This includes people seeking international protection.

Issue 27(e)

Address the root causes of the steep rise in recent years in the number of homeless children, in particular Traveller children.

Three submissions raised the following points:

- This section could contain the most up-to-date homeless figures and make reference to the numbers of children living in family hubs.
- Section 27(e) could benefit from acknowledging that Travellers are more likely to be homeless than the general population.
- Recognises the value of the Traveller Accommodation Expert Group review but raises Issues in terms of tackling discrimination and how this impacts on Traveller families seeking housing. The State Report must acknowledge this discrimination and outlined any measures introduced to combat it.

Issue 28(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;

Seven submissions raised the following points:

- Concerns over education and back to school costs. Parents are particularly concerned about being able to meet voluntary contributions, uniform and book costs.
- Ireland must address the cost of education by providing free schoolbooks and hot meals to all children in the State.

- State should top up the existing Catch-Up for Children scheme to €100m to make up for prolonged school closures during the pandemic.
- Children from disadvantaged socio-economic backgrounds, in direct provision and children with disabilities were most impacted in terms of school closures.
- Final report should include transparent and comprehensive data on those who faced blockages accessing education, the length of time, and mitigation measures. Shortfalls faced by marginalised groups be addressed with clear pathways.
- Additional modular training on vision impairments within the teacher training setting should be provided.
- The system needs to be reformed so assistive technology equipment follows the applicant and not the gatekeeper (i.e. the school or college) to prevent the burden of re-application.
- The Web Accessibility Directive should be adhered to across all aspects of the education system's online infrastructure.
- Urgently implement the Programme for Government commitment to developing and implementing the National Traveller Education Strategy and ensure it has a robust implementation and monitoring plan with associated dedicated resources and a consultative structure to drive its implementation.
- Ensure that the measures to improve Traveller Higher Education participation are enhanced and further supplemented, and that targeted measures are taken to enhance employment outcomes from education participation.

Issue 28(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;

Five submissions raised the following points:

- Changes under the Education (Admission to Schools) Act 2018, ending the 'baptism barrier' in most schools, were welcomed. However, concerns remain about the right of Catholic schools to refuse access if it believes that a child will undermine its ethos. Five year olds cannot possibly undermine an ethos so why is it even in legislation. Calls for this to be assessed.
- Point raised about section 62-7-(n) of the Education (Admission to Schools) Act 2019 obliging schools to put in their Admission Policies the arrangements for those students who exercise their constitutional right to not attend religious instruction. Concerns that schools have ignored this section of the Act and just ask parents to come into a meeting to discuss the Issue, without any clear indication of what this would mean.
- For many students their only local school is a school with a religious patron and at second level these schools can discriminate in access in accordance with the Equal Status Act.
- Inspectors should be appointed to ensure that religious rights are guaranteed in all schools. They should oversee the delivery of a standardised set of curricular and non-curricular procedures, that have been defined by the Department.
- Reasonable accommodations must be provided to ensure children's right to education in their school of choice, regardless of the level of disability.
- The practice of reserving school places for the children and grandchildren of alumni should be ended as it is discriminatory.

Issue 28(c)

Increase the availability of non-denominational and multi-denominational schools;

Three submissions raised the following points:

- Increase availability of non-denominational and multi-denominational schools. Progress to establish 400 multi and non-denominational schools by 2030 is slow and there are concerns that 'divestment' plan has essentially collapsed. Only 8 schools have transferred from either Catholic Church or Church of Ireland to a multi-denominational patron. The current target of 400 primary schools is arbitrary, insufficient and virtually impossible to be met at the current rate.
- Rights of non-Catholic children are being undermined. Even if target of 400 schools were met, it would not solve the issue of the lack of religious rights in rural areas/ villages, where additional schools will never be built. The Irish government must accept the need to ensure religious rights in all schools. The Revised Primary Curriculum is the place to ensure these rights are guaranteed.
- Second level poses different issues. The Report's contention that 359 multi-denominational or non-denominational schools exist is for some hard to justify, as many ETB schools are overtly religious in ethos or claim a 'multi-denominational with a Catholic ethos' status.
- Strongly disputes the State's response on multi-denominational or non-denominational schools. Contend that Community National Schools are registered with the Department of Education as multidenominational, not non-denominational. According to the Department of Education's website there are no non-denominational or secular schools registered in Ireland. This means that there are no non-denominational schools in the country. This was also confirmed in the Report from the Forum on Patronage and Pluralism.
- Multi-denominational schools are multi-denominational and not secular. Atheism and secularism are not denominations so accessing secular education in a multi-denominational school makes no sense, especially when the vast majority of schools in Ireland operate with a religious ethos, and where the right to not attend religious teaching is not guaranteed. If parents do manage to opt their children out, no other subject is offered.
- It is the policy of the State under the Primary Schools Curriculum to integrate religion into all subjects. The right to not attend religious instruction is not protected by the State notwithstanding the fact that it is a condition of state funding of schools. None of this is secular or non-denominational education. It is indoctrination of minorities into a religious understanding of the world contrary to their constitutional and human rights.

Issue 28(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;

Five submissions raised the following points:

- Text could be updated to include the details of the new guidelines published on reduced timetables. It also does not include any figures on the number of children who are placed on reduced timetables and the impact this has on them.
- A commitment to provision of more behavioural supports may assist with prevention and resolution of some of the underlying issues that may lead to reduced timetables.
- Non/minority-faith parents have been told that they can access their right to 'opt-out' by withdrawing their child from school during trips to the church or for religion class. This

constitutes coercion and would mean weekly self-imposed suspensions from education. This practice is not acknowledged as a challenge.

- Children from disadvantaged socio-economic backgrounds, in direct provision and children with disabilities were most impacted in terms of school closures. Requests final report include transparent and comprehensive data on those who faced blockages accessing education, the length of time, and mitigation measures.

Issue 28(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;

Seven submissions raised the following points:

- Several raised concerns that the Government proposal to revise the content of education material to include gender identity will introduce young children to the idea that their bodies and their gender or brain may differ from their sex and this may well increase the number of children set on this path. Promoting the concept of gender identity has the potential to cause significant harm to a child. As it is clearly not in the interests of children it should not form part of the Irish Government's response to the UN Committee on the Rights of the Child.
- The recommendations of the 2019 Oireachtas Joint Committee on Education and Skills report on Relationships and Sexuality Education must be implemented to ensure the health and wellbeing of LGBTI+ young people.
- The Flourish programme is not objective and without an opt-out constitutes indoctrination, under the heading of the integrated curriculum. The programme also places a value judgement on heterosexual marriage, which harms the children and teachers from non-heterosexual marriages.
- The content of any sexual and reproductive health education programmes must make provision and allow for differentiation and adaptation to meet the needs of children with varying levels of disability, both physical and intellectual.
- Raises concerns about the composition of the National Council for Curriculum and Assessment (NCCA)'s working group on Relationship and Sex Education.

Issue 28(f)

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

Two submissions raised the following points:

- The ongoing review of the senior cycle at post primary school needs to be accelerated and completed without any further delay. The state must ensure that the revised Senior Cycle provides access for all students with Special Educational Needs (SEN) to suitable Transition Year (TY) and Leaving Certificate Applied (LCA) programmes. Not available currently in all post-primary schools, this limits some students with SEN availing of the programmes.
- Allow recently bereaved students to sit Leaving Certificate examinations at a later date.
- Note the current reasonable accommodation for students with disabilities attending Leaving Certificate examinations but suggests a further flexibility in reasonable accommodations to enable students with disabilities to also sit exams at a later date, for example to facilitate those whose performance at or attendance at exams may be impacted by an episodic conditions, including mental health conditions.

Issue 28(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.

Five submissions raised the following points:

- Concerns raised about school closures and lockdowns due to the COVID-19 pandemic on children.
- The closure of schools, in March 2020 and again in January 2021, moved learning online. This has had the biggest impact on disadvantaged children with increased difficulty in 'catching up'.
- For children exposed to harm in their home, they have missed out on the safety and support provided by a trusted adult in the school community.
- The impact of school closures on children with varying levels of disability must also be addressed on an ongoing basis for the foreseeable future.
- Children with Special Education Needs were disproportionately affected by schools closure during the COVID-19 pandemic. The 2020 summer education programmes for children with SEN was amended and continued in 2021 based on learning from 2020. The programme during COVID-19 represented a significant expansion relative to standard summer provision, in both financial investment, availability and eligibility as provision was offered to all schools to deliver (primary and post-primary).
- To address the disproportionate impact of school closures on children with disabilities, additional resources must be allocated to schools to cater for the needs of those affected. This means additional numbers of Special Needs Assistants, the expansion of the Visiting Teachers Programme, the criteria expansion for Summer Provision and the reform of the Assistive Technology grant to ensure the vital piece of kit can remain with the child as they progress through education.

Issue 29(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;

Five submissions raised the following points:

- Accessible activities must be developed to ensure inclusion for all children, regardless of levels of intellectual or physical disabilities.
- The inclusion of children with disabilities in sporting and leisure opportunities is also supported by the Sport Inclusion Disability Charter developed by Cara who are majority-funded by the Government of Ireland through Sports Ireland. The Charter can be voluntarily adopted by sports organisations, and offers support with guidance and resources to promote the inclusion of people with disabilities in sport. The Charter is not specific to children, but is open to all sports organisations.
- The government must provide funding to make public amenities such as greenways and public parks more accessible through ensuring regular public transport networks are in operation, that paths are clear and navigable for all, with large signage and audio assistance in place.
- The government should ensure that funding is provided through the Sports Capital Grant scheme for projects, which benefit children with disabilities, such as the services provided by Vision Sports Ireland.

- Encourage State report not to consider competitive and organised team sports as entirely separate to play, but rather to take an integrated approach to policy and reporting, which reflects broader concept of sport.

Issue 29(b)

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

Three submissions raised the following points:

- Any curriculum must be developed for all students, regardless of levels of intellectual or physical disabilities.
- Disparities exist between boys and girls in physical education and sport. Schools must go beyond a gender-neutral approach and actively work to address imbalances. State report could reference any efforts to provide gender sensitivity training to PE teachers and coaches, or any resources developed on increasing participation by girls specifically. Also must look at girls' participation across various groups.
- There has been pressure nationally and internationally to allow boys to identify as girls and be included in girls sports. Recommend that the State report clearly state that girls in Ireland have the right to single-sex sporting provision in the interests of safety and fairness.

Issue 30(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;

Two submissions raised the following points:

- Include a reference to the White Paper on Ending Direct Provision that commits to introducing a payment for children in the international protection system at the same rate as the Child Benefit payment and the timeline for implementation of this commitment.
- The Habitual Residence Condition 2006 restricts access to certain social welfare payments to those who can prove a close link to Ireland. As result, undocumented children are denied access to the Child Benefit payment. State immigration status is being used to prove eligibility. State must review the impact of the Habitual Residence Condition on children, especially those who are undocumented, and must provide more data. Additionally State should ensure child benefit payment is not means tested or dependent on migration history.

Issue 30(b)

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

No comments received.

Issue 30(c)

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

One submission refers to the consultations between Department of Health and HIQA on establishing an independent monitoring system. An update should be provided on whether this will take place by

the end of 2021 and include the percentage of centres where three unannounced inspections have taken place in 2021 by QTS Limited and the International Protection Accommodation Service (IPAS).

Issue 30(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;

Two submissions raised the following points:

- Undocumented children and young people in the State are being denied their basic human rights. They have no rights to residency despite being born in the State. Some positive steps taken with the 2018 Special Scheme for Non-European Economic Area (Non-EEA) Nationals who held a Student Permission. and good progress on 2020 commitment to create new pathways for long-term undocumented people and their dependents.
- Despite the positive plan to regularise undocumented persons, concerns that many children may be excluded due to restrictive criteria and thus will continue to face discrimination. State report does not mention other pathways that address these Issues for young people and children.
- Recommend State introduce a broad and inclusive regularisation scheme within the timeframe of the government's commitment. An ongoing mechanism into law could be introduced that would regularise status and future for undocumented children and families.
- Regarding establishment of an independent monitoring system, an update should be provided on whether this will take place by the end of 2021 and include the percentage of centres where three unannounced inspections have taken place in 2021 by QTS Limited and the IPAS.

Issue 30(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.

One submission sought the inclusion of updated figures on the percentage of unaccompanied minors who have undergone a vulnerability assessment within the 30-day timeframe after their arrival.

Issue 31(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;

Four submissions raised the following points:

- The State report should include the latest available statistics supplied to the National Traveller Accommodation Consultative Committee on the number of Traveller families with children living in Local Authority halting sites, unauthorised halting sites or who are living in overcrowded conditions.
- The State report should reference the budget allocations to Traveller specific accommodation and the failure of local authorities to drawdown and spend this money on culturally appropriate accommodation.

- Ensure recommendations from OCO Report “*No End in Site*” are implemented speedily and advise the UN of its proposed actions on this matter in its reporting mechanism, outlining timelines for these actions.
- Following the legacy of the Carrickmines tragedy, the Government needs to have a renewed focus on fire safety, and address the Issue of overcrowding on bays through the effective delivery of additional Traveller accommodation units. It needs to speedily implement the recommendations of the Expert Group on Traveller Accommodation, and also establish a National Traveller Accommodation Agency.
- Given the impact of homelessness on children, and given the reality of a large, specific cohort of Traveller families with children within the wider homeless cohort, there needs to be practical solutions to address this crisis.
- The ETHOS definition of homelessness needs to apply across all state responses to homelessness.
- Resolve lack of provision of housing suitable for larger family sizes and homelessness Issues within Traveller Community.
- Ensure full implementation of the recommendations by an Independent Expert Group on Traveller accommodation, including overhauling legislation and policies, which negatively impact on accommodation provision for Travellers.
- Review the impact of regulatory barriers, particularly the application of the Housing Circular 41/2012 and HRC, which prevent many Roma from accessing social housing, and housing supports.
- Homeless service providers to have dedicated liaison staff for minority ethnic groups including Roma who can build knowledge, relationships and trust with the Roma and other ethnic minority communities and groups, with access to interpretation services when needed.
- Address Issues relating to school enrolment, reduced timetables and other unilateral decisions taken by individual schools, which mitigate against Traveller participation and attainment.
- There needs to be mandatory anti-racism and cultural competency training across the school system on an ongoing basis. This needs to be accompanied by a system of monitoring and sanctions.
- There needs to be a new educational support service to Travellers in school (replacing the old VTTS service). It needs to have a proper mentoring role (with a focus on subsequent Traveller employment beyond the education system), and Traveller practitioners need to be highly visible within this support system as paid workers.
- Youth work with Travellers needs to be resourced as a valued out-of-school educational activity and a Traveller-specific Youth Strategy needs to be developed.
- The Yellow Flag multicultural schools diversity programme needs to be mainstreamed across primary and secondary education as an ongoing, regular programme (while retaining its inclusion and focus on Travellers as an indigenous ethnic minority in Irish society).
- To give practical effect to Traveller ethnicity recognition, vis-à-vis Traveller children (past, present and future), the Irish state needs to give legal effect to Traveller ethnicity, and prepare for a formal state apology.
- Violations found in respect of Article 16 of European Social Charter on the 5 grounds for Travellers be remedied
- Implement all recommendations of the Report of the Expert Review Group on Traveller Accommodation with a time lined implementation plan, tangible targets, corresponding accountability measures and budget, with a priority on the advancement of the Traveller Accommodation Authority.
- Establish an oversight body, the National Traveller Accommodation Authority to oversee the delivery of Traveller Accommodation

- Speed up the recommendation of the Expert Group to research Traveller homelessness and incorporate actions in strategies to combat homelessness.

Issue 31(b)

Implement the National Traveller and Roma Inclusion Strategy 2017-2021, including resources allocated, progress achieved and plans for evaluation;

Three submissions raised the following points:

- The State must introduce gender specific targets, monitoring and adequate resources for the social inclusion of Traveller women in all policy areas, including education, training, employment, health, accommodation, violence against women, representation in public life and community development initiatives, relevant to Traveller girls.

Issue 31(c)

Promote the cultural rights of Traveller and Roma children;

Three submissions raised the following points:

- Recommend that the State ensure that the inclusion of Traveller culture and history in school curriculum takes place in active consultation with Traveller organisations and acts as a precedent for further inclusion of all the cultures, which are part of Ireland.
- Outline the timeline for enacting the Traveller Education Bill and the creation of a Traveller culture and history curriculum.
- The State in partnership with the Traveller community must develop a safeguarding strategy of Traveller culture and heritage, enhancing Traveller participation in cultural, social and economic life with clear and ring-fenced resources and a time-lined action plan.
- Make mandatory the inclusion of Travellers within national and mainstream culture and heritage initiatives and social and cultural infrastructure, and resource a national public education campaign to support the promotion of Traveller visibility, pride and identity.
- As Traveller children are de facto recognised as an ethnic minority they should now be facilitated under Article 30 of the Convention to acquaint with their own culture and use their own language.
- There is also an opportunity to restore Traveller's unique language, Gammon or Cant in a language or Traveller-specific culturally appropriate setting.

Issue 31(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;

One submission recommends that the State make Child Benefit a truly universal payment that is not contingent on the fulfilment of the Habitual Residence Condition.

Issue 31(e)

Address the over-representation of Traveller children in the care system and the child justice system.

One submission called on the State to collect ethnic equality data in line with human rights framework regarding Traveller and Roma children's presentation in state detention, care and child protection and welfare register. It further calls for the State to invest in mainstream and targeted measures to address the over representation of Traveller children in detention, state care and the child protection and welfare register.

Issue 32(a)

Raise the age of criminal responsibility to 14 years;

No comments received.

Issue 32(b)

Adopt a new Youth Justice Strategy;

No comments received.

Issue 32(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;

No comments received.

Issue 32(d)

Promote alternative measures to custody and detention;

No comments received.

Issue 32(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;

No comments received.

Issue 32(f)

Provide rehabilitation and reintegration services for children leaving detention.

No comments received.

Issue 33(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;

No comments received.

Issue 33(b)

Criminalize the involvement of children in hostilities domestically and abroad;

No comments received.

Issue 33(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.

No comments received.

Appendix 1

List of Issues prior to submission of the combined fifth and sixth reports of Ireland published by the UN Committee on the Rights of the Child (18 November 2020)



Convention on the Rights of the Child

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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*

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

1. 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 the Optional Protocol thereto 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.

2. 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 the participation of children and data collection, and how such measures promote the realization of children's rights under the Convention.

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

II. Rights under the Convention and the Optional Protocols thereto

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

Legislation

3. Please describe the measures taken to:

- (a) Fully incorporate the Convention into national legislation;
- (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 Relationships Act, to ensure that the Convention is respected in administrative proceedings, decision-making processes and other relevant areas.

Comprehensive policy, strategy and coordination

4. 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, Equality, Disability, Integration and Youth;
- (d) The coordination and division of responsibilities related to the implementation of the Convention among State agencies at the national, regional and local levels and across sectors.

Allocation of resources

5. 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 the 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 realization 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

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

(a) Improve the collection and quality of data, disaggregated by relevant factors, on the implementation of the Convention, including on: (i) children who are 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 realization of children's rights.

Dissemination, awareness-raising and training

7. Please provide information regarding 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 concluding observations on reports of the State party.

Independent monitoring

8. Please describe the measures taken to:

(a) Ensure the independence of the Office of the Ombudsman for Children in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (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) Integrate the duty of the public sector to promote equality and human rights into procurement processes and service-level agreements with the private and voluntary sectors for the delivery of social and health-care services for children.

Children's rights and the business sector

9. Please describe the measures taken to:

(a) Strengthen the State party's regulatory framework for industries and enterprises to ensure that their activities do not have adverse impacts on 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

10. Please provide information on:

(a) The impact of relevant strategies in eliminating discrimination against children, such as the national strategy for the inclusion of Travellers and Roma, 2017–2021, the migrant integration strategy, the strategy on lesbian, gay, bisexual, transgender and intersex young people, 2018–2020, and the national strategy for the inclusion of persons with disabilities, 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 minority groups, including Traveller and Roma children, children of minority faith or non-faith backgrounds, children with disabilities, children living in poverty, including those experiencing homelessness, lesbian, gay, bisexual, transgender and intersex children, refugee, asylum-seeking and migrant children, children with an irregular migration status and children of unmarried parents.

Best interests of the child

11. 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

12. 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

13. 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 in family law proceedings and in individual cases in the context of education and child protection, including by amending relevant legislation and establishing procedures for social workers and courts to comply with this principle;

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

(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 for the participation of children and young people 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

14. 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

15. 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 to have access to psychological support.

Freedom of thought, conscience and religion

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

Access to appropriate information

17. Please describe the measures taken to:

(a) Improve digital inclusion for children and promote equality of access and the 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

18. 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 information on 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 ensure that the Agency is adequately resourced;

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

(e) Ensure multisectoral and child-friendly investigation in cases of child abuse to prevent revictimization and provide comprehensive support and therapy and other appropriate remedies to children who are victims;

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

(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 cyberbullying, in particular in schools.

Harmful practices

19. 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 16 years of age to achieve legal recognition of their preferred gender, including by simplifying the relevant procedures.

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

Family environment, including adoption

20. 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 system 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 the illicit transfer and non-return of children and ensure child protection interventions in the context of the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union.

Children deprived of a family environment

21. 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 that periodic reviews are conducted in cases of children placed in voluntary alternative care;
- (c) Address the gap in the availability of appropriate placements to meet the diverse needs of children in care, including children who are in need of secure services and those who 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 a social worker and that, when leaving care, all children, including homeless children, receive aftercare support and services.

F. Children with disabilities (art. 23)

22. Please provide information on the measures taken to:

- (a) Review relevant legislation and the national strategy for the inclusion of persons with disabilities, 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 programmes, assistive devices and reasonable accommodation for their 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

23. Please provide information on the measures taken to:

(a) Ensure access to free, high-quality primary health-care 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 Breast-milk Substitutes.

Adolescent health

24. Please provide information on the measures taken to:

(a) Ensure access for children to age-appropriate reproductive health services, including free and safe abortion and post-abortion services;

(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 pregnancy, as well as on 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 Public Health (Alcohol) Act.

Mental health

25. 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 and implement the Mental Health (Amendment) Act;

(b) Improve the capacity and quality of mental health-care services for children and adolescents, including inpatient treatment, facilities with out-of-hours services and facilities for treating eating disorders;

(c) Establish a mental health advocacy and information service that is specifically for children, accessible and child friendly.

Standard of living

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

(a) Ensure the effective implementation of the road map 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, health care, including mental health services, education and aftercare services, including through legislative amendments to the Child Care Act;

(d) Make the child benefit 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

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

(a) Ensure access to high-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, homeless children, children living with single parents and asylum-seeking, refugee and migrant children;

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

(c) Increase the availability of non-denominational and multid 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, 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 rights of children in disadvantaged socioeconomic situations.

Rest, leisure, recreation and cultural and artistic activities

28. 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

29. Please provide information on measures to:

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

(b) Implement the recommendations of the expert group on direct provision, including the recommendation 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, 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

30. 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 strategy for the inclusion of Travellers and Roma, 2017–2021, including with regard to the 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 allowances;

(e) Address the overrepresentation of Traveller children in the care system and the child justice system.

Administration of child justice

31. 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

32. Please inform the Committee about measures taken to implement its previous recommendations (CRC/C/IRL/CO/3-4, paras. 74 and 76) in which the Committee also made reference to its more detailed recommendations made in its concluding observations on the initial report submitted by the State party under the Optional Protocol (CRC/C/OPAC/IRL/CO/1), including efforts to:

(a) Ensure that actions taken by the Defence Forces vis-à-vis children were subject to adequate accountability, such as by amending section 11(1) (b) of the 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.

III. Statistical information and data

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

34. 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))

35. 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)

36. Please provide data, disaggregated as described in paragraph 33 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, suicide and accident, including road accidents and drownings.

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

37. Please provide data, disaggregated as described in paragraph 33 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)

38. Please provide data, disaggregated as described in paragraph 33 above, on:

(a) Children who are victims of violence and neglect, including physical abuse, domestic violence and sexual exploitation and abuse, that have been reported to the authorities, the number of cases investigated and prosecuted and the sanctions imposed on perpetrators, further disaggregated by type of offence;

(b) 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) 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)–(2), 20–21, 25 and 27 (4))

39. Please provide data, disaggregated as described in paragraph 33 above, on:

(a) Families and children receiving economic and other types of support services;

(b) Children in residential care and the number of institutions and group homes, their median size and the average length of stay therein;

(c) Children in family-based and community-based care;

(d) Children in alternative care institutions outside the State party;

(e) Children who have been placed in single isolation rooms in special care units;

(f) Children adopted domestically and internationally.

F. Children with disabilities (art. 23)

40. Please provide data, disaggregated as described in paragraph 33 above, on children with disabilities who:

(a) Receive economic and other types of support services;

(b) Live with their families;

(c) Live in residential care and the number of institutions and group homes, their median size and the average length of stay therein;

- (d) Live in family-based and community-based care;
- (e) Attend 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)

41. Please provide data, disaggregated as described in paragraph 33 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)

42. Please provide data, disaggregated as described in paragraph 33 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 duration of attendance.

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

43. Please provide data, disaggregated as described in paragraph 33 above, and 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.

44. Please provide data, disaggregated as described in paragraph 33 above, and 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 programmes;
- (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 on the involvement of children in armed conflict

45. Please provide data, disaggregated as described in paragraph 33 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;

(c) 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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