



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

# **Draft Combined Fifth and Sixth State Report of Ireland to the UN Committee on the Rights of the Child**

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Equality, Disability, Integration and Youth  
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## Abbreviations

AIM	Access and Inclusion Model
ASD	Autism Spectrum Disorder
BOBF	<i>Better Outcomes, Brighter Futures</i> , the National Policy Framework for Children and Young People 2014 – 2020
CAMHS	Children and Adolescent Mental Health Services
CRC	Committee on the Rights of the Child
CSO	Central Statistics Office
CSS	Child Safeguarding Statement
CSSCU	Child Safeguarding Statement Compliance Unit
CYP	Children and Young People
CYPSC	Children and Young People Services Committees
DE	Department of Education
DEIS	Delivering Equality of Opportunity in Schools
DCEDIY	Department of Children, Equality, Disability, Integration and Youth.
DFA	Department of Foreign Affairs
DH	Department of Health
DJ	Department of Justice
DSP	Department of Social Protection
GYDP	Garda Youth Diversion Project
HIQA	Health Information & Quality Authority
HSE	Health Service Executive
INIS	Irish Naturalisation and Immigration Service
IPAS	International Protection Accommodation Service
IPO	International Protection Office
LOIPR	List of Issues Prior to Reporting
NCCA	National Council for Curriculum and Assessment
NCS	National Childcare Scheme
NTRIS	National Traveller and Roma Inclusion Strategy 2017-2021

OCO	Office of the Ombudsman for Children
PUP	Pandemic Unemployment Payment
SDG	Sustainable Development Goal
Tusla	Tusla, the Child and Family Agency
UNCRC	United Nations Convention on the Rights of the Child

I

**New developments**

## I New developments

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;

*First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families* was launched in 2019, underpinning major reforms such as:

- the National Childcare Scheme;
- a new funding model for early learning and care and school age childcare;
- the introduction of additional family leave;
- the development of a national model of parenting supports, and
- the introduction of a child health workforce.

The new *Youth Justice Strategy*, launched in 2021, is grounded in child welfare principles with a focus on promoting positive behavioural change.

The *Delivering Equality of Opportunity in School Plan*, published in 2017, outlines an ambitious set of objectives and 108 actions to support children who are at greatest risk of educational disadvantage. The Education (Admission to Schools) Act 2018 aims to improve the admissions process for all parents and children.

The Sláintecare Healthy Communities Programme was developed to improve the long-term health and wellbeing of the most disadvantaged communities in Ireland.

The *Roadmap for Social Inclusion*, published in January 2020 places a strong emphasis on supporting families and reducing child poverty. Recent Budgets have introduced improvements to social welfare payments that have had a direct and positive impact on child and family poverty.

The State significantly enhanced child protection, welfare and family support services through increased funding to Tusla, the Child and Family Agency (from €617m in 2014 to €900m in 2021.) The Children First Act was fully commenced in 2017, bringing in new robust child protection measures.

The Irish Sign Language Act, 2017 recognises Irish Sign Language (ISL) as a native language of the State.

The 2017 Criminal Law (Sexual Offences) Act enhanced legislative provisions for tackling the sexual abuse of children. The Harassment, Harmful Communications and Related Offences Act 2020 addresses the distribution of intimate images without consent.

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

A range of measures were put in place to mitigate the impacts of the crisis on children and protect their rights.

A number awareness and information campaigns were launched during 2020 with the common objective of mitigating the negative impact of pandemic. Those included *Let's Play Ireland*, promoting play among children; *Supporting Children*, highlighting the range of services to support vulnerable children; *Still Here* campaign, raising awareness of domestic and sexual violence services; Child Protection Campaign, alerting the public about reporting child protection cases and seeking support; *Parents Centre*, launching a portal on services and information on parenting.

Tusla prioritised critical service areas such as Child Protection and Children in Care (including court hearings) and Domestic and Sexual Gender Based Violence services. Sector-specific official guidance and grants was provided to the youth sector to allow services to continue to provide supports in a safe manner. Child and parent helpline charities were supported to adapt to increased demand.

The Government facilitated the safe re-opening of early learning and care and school age childcare services in June, and primary and secondary schools in September 2020. It ran the *Let's Get Ready* campaign to prepare for the return of early learning and care, school-aged childcare and transition to primary school.

The Pandemic Unemployment Payment (PUP) provided direct support to households. Funding was extended for school meals programmes during school closures. General practitioners, hospitals and other parts of the health service remained open and saw patients with precautions in place to protect against the spread of COVID-19, including providing remote medical help and prescriptions.

Court proceedings were adapted in response to public health restrictions including the introduction of remote hearings in adoption and child care proceedings.

An on-line consultation was undertaken to hear from young people directly about the impact of COVID-19 on mental health and well-being. The findings of the consultation were used to inform government campaigns and targeted measures.

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.

Ireland embarked upon key reforms of its justice system which support mainstreaming a child rights approach. An implementation plan was published in late 2020, outlining reforms of the system to investigate and prosecute sexual crimes, which provide for a more a victim-centred approach. "Supporting a Victim's Journey" observes that the vulnerability of children both as victims and witnesses is an important horizontal principle to be recognised in all actions.



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.

A number of innovative approaches to tackle youth offending are supported in the new Youth Justice Strategy. Based on the ground breaking “Greentown Report”, a new programme was designed with input from domestic and international experts that includes interventions with children and their families to help them withstand the influence of criminal networks. This programme commenced in two locations in 2020 and will run for three years. The Bail Supervision Scheme offers the court an alternative option to detention for young people and provides intensive support to the young person’s care giver. After a successful pilot in Dublin, the highly regarded scheme has been extended to other locations.

The Government plan to establish specialised family courts that will benefit vulnerable children and families. A key aspect of the reform is to create a more child-friendly physical environment and processes and facilitate obtaining the views of the child.

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.

The National Implementation Plan of the Sustainable Development Goals (SDGs) acknowledges the importance of mainstreaming a child rights' perspective in meeting the SDGs. Domestic policies that contribute to the implementations of the SDGs in Ireland have been developed with consideration of children and young people's specific rights and needs, and are frequently informed by direct consultation with them.

*The Action Plan for Education* includes a commitment to contribute to the national effort to implement SDGs, particularly Goal 4 – Education. Implementation of the *National Strategy on Education for Sustainable Development 2014-2020* supports this commitment and was informed by consultation with young people.

Department of Social Protection payments for families with children have child poverty reduction as a poverty goal. The Roadmap for Social Inclusion places a strong focus on reducing child poverty (SDG1). The One-Parent Family payment is designed to support parents to participate in the labour market (SDG8).

*The National Obesity Policy and Action Plan (SDG3.4)* and *Reducing Harm, Supporting Recovery 2017-2023<sup>1</sup>* (SDG3.5) are examples of policies that aim to contribute to ensuring healthy lives for people of all ages. There are targeted actions concerning children such as the development of the first National Healthy Eating Guidelines for 1-4 year olds and the Know Your Score, a national drug awareness resource for secondary school students.

Data is regularly collected to monitor targets and indicators associated with SDGs. Reports published have shown:

- a decrease in the deprivation rate for children (SDG1),
- the positive impact of early childhood education and care (SDG4), and
- a reduction in the number of girls married under the age of 18 (which has been reduced to 0) (SDG5).

**II**

**Rights under the Convention and its Optional Protocols**

**A**

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

## II Rights under the Convention and its Optional Protocols

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

#### Legislation

4(a)	Fully incorporate the Convention into national legislation*;
<p>The UNCRC does not form part of the domestic law of the State, however, the substance of a number of the rights it contains are protected by the Irish Constitution and by legislation. Legislation, including the Child and Family Relationships Act 2015 and the Domestic Violence Act 2018, have codified rights enshrined in the Convention on the Rights of the Child such as non-discrimination and the rights of children to be heard. Furthermore, the constitutional rights of individuals are not limited to the rights expressly referred to therein. In interpreting the provisions of the Constitution, the Courts have identified a number of additional rights (unenumerated personal rights), rights which fall within the “personal rights of the Citizen” as referred to in Article 40.3.1 of the Constitution and determined by the Superior Courts.</p>	
4(b)	Conduct an assessment on the extent to which national legislation and practices comply with the Convention*;
<p>The Government has committed to undertaking a comprehensive assessment of national legislation in terms of its compliance with the Convention. Professor Conor O’Mahony, Special Rapporteur on Child Protection, has been asked to assess the work required to undertake a comprehensive audit of Irish legislation for compliance with the UNCRC. The Special Rapporteur will present this assessment in 2021, which will inform the development of a programme of work across Government to assess legislative compliance with the Convention.</p>	
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.
<p>The Children First Act enacted in 2015 (commenced fully in 2017), has key child protection measures, including mandatory reporting of child protection concerns above a certain threshold by key professionals working with children, and the preparation of Child Safeguarding Statements by organisations providing services to children. The Act abolished the common law defence of reasonable chastisement for corporal punishment. The Children First Inter-Departmental Implementation Group promotes the importance of Children First compliance and a consistent approach across Government.</p> <p>The Children and Family Relationships Act 2015 modernised family law in a wide range of areas such as parentage, custody, access, maintenance and donor-assisted human reproduction. All provisions of the Act have been fully commenced. Parts 2 and 3 of the Act, which provide for the regulation of donor-assisted human reproduction procedures carried out in the State, including</p>	

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.

the legal parentage of children born as a result of such procedures, came into operation on 4 May 2020, together with other provisions of the Act linked to Parts 2 and 3.

## Comprehensive policy, strategy and coordination

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;

*Healthy Ireland* and the *Roadmap for Social Inclusion* are two major policy frameworks that include measures to progress basic health and welfare rights under the Convention. Social protection expenditure on families with children was estimated to be over €3.1 billion in 2019. The Healthy Ireland Framework saw over €2 million dispersed in 2019 to the Children and Young People Services Committees (CYPSC) for local measures. The Active School Flag initiative which promote physical activity in school settings reached 851 schools by the end of 2019.

The new *Youth Justice Strategy*, grounded in human rights principles, provides a development framework for ongoing enhancement of youth justice services. Key programmes include a network of 105 Garda Youth Diversion Projects (GYDPs), reaching approximately 3,500 young people, which it is intended to expand to ensure full national coverage.

The *Action Plan for Education* promotes the rights of children in education through a range of policy actions in combination with major reinvestment in the primary and post-primary education system. The budget for the Department of Education was increased by 5% in 2021, this investment will see the primary staffing ratio reduced to a historically low level of 25:1.

In implementing a suite of national equality strategies a number of measures have been rolled out to target marginalized groups of children with the purpose of advancing their rights to play, education, healthcare and enjoyment of their own culture.

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;

The timeframe for the implementation of *Better Outcomes, Brighter Futures, the National Policy Framework for Children and Young People 2014 – 2020* (BOBF) has concluded. The final Annual Report will be published in late 2021, with over 70% of the commitments under the Framework achieved to date. BOBF established a strong implementation infrastructure which facilitated robust cross-governmental collaboration and civil society engagement, resulting in a number of key achievements in areas such as child poverty and health. The collaborative approach on child poverty led to a significant drop in the consistent poverty rate between 2014 and 2019.

**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;**

Progression of a new framework has been delayed until 2022 so that the new policy framework will take into account the impact of COVID-19, and can build on two significant initiatives the DCEDIY will progress in 2021: the development of the EU Child Guarantee Action Plan and the UNCRC State report for Ireland's hearing in 2022.

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

DCEDIY has responsibility for policy, legislation and services for child protection and welfare, prevention and early intervention, adoption, family supports, early learning and childcare, youth services and youth justice, and legacy issues. A number of new functions have transferred to the Department, including responsibility for policy, legislation and services relating to integration, equality and disability.

In 2021, DCEDIY has 469 staff (July 2021) with a 2021 budget of over €1.9billion, representing a significant increase over recent years. Most of the budget targets support for children and young people including:

- funding the operation of Tusla;
- Sectoral Programmes for Children and Young People such as early childhood care and education, after-school services and youth services;
- Programmes which provide funding for Growing Up in Ireland (National Longitudinal Study of Children and Young People), CYPSC and other relevant activities.

With its expanded responsibilities, the Department's budget supports the implementation of a number of equality strategies and International Protection Accommodation Services. While the scope of the latter is not limited to children and young people, they benefit from relevant measures.

**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.**

The Health Service Executive (HSE) plays a central role in promoting children's rights to health and welfare under the Convention. Tusla which oversees family support, child protection and welfare and alternative care services, has key responsibilities concerning Family Environment and Alternative Care, Violence Against Children and Special Protection Measures. An Garda Síochána (AGS) has responsibility for all policing duties, providing State security services and carrying out criminal law enforcement, where those functions are closely associated with rights concerning Violence Against Children and Special Protection Measures. Joint working protocols are in place to facilitate engagement between AGS and Tusla as well as HSE and Tusla, including providing for respective liaison mechanisms at local, regional and national level.

Tusla is tasked with supporting regular school attendance (Art. 38), while the National Council for Curriculum and Assessment (NCCA) is responsible for the development of early years, the school curriculum and assessment (Art. 29) and the National Council for Special Education oversees the education of children with disabilities (Art. 33). Educational and Training Boards (ETB) are local

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.

education authorities that provide management support and oversight to a considerable number of schools and further education colleges as well as apprenticeships and youth services.

The Department of Social Protection (DSP) oversees birth registration (Art. 7). The Irish Naturalisation and Immigration Service is responsible for administering the functions of the Minister for Justice in relation to asylum, immigration and citizenship matters (Art. 8).

All key agencies (Tusla, HSE, AGS, ETB and DSP) are represented at the local CYPSCs, which is the main structure to plan and co-ordinate services provision at local level. The Government has recently accepted proposals to place them on a legislative footing. Since 2014, the Children and Young People Policy Consortium, provided for under BOBF has acted as the main forum for policy co-ordination at national level.

## Allocation of resources

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;\*

A dedicated Department for Children makes tracking a significant part of the budgetary resources spent on children and young people easier, including expenditure on early years' education and care, child protection and welfare and youth services. Other significant areas of expenditure across Government include social welfare payments for children and their families, State expenditure on primary and secondary education, paediatric services including the construction of the new Children's Hospital as well as children's disability services. A pilot report was produced in 2016 on Government expenditure on children. Work is ongoing to explore potential methodologies to update and build upon this analysis of the State's allocation of resources for children.

Ireland has introduced a number of reforms to enhance its budgetary framework. The Performance budgeting initiative has sought to broaden the scope of expenditure policy to include an increased focus on the public services that are provided and the impact that these services are having on people's lives. Equality Budgeting has been introduced to provide information on how proposed or ongoing budgetary decisions impact on particular groups in society, thereby integrating equality concerns into the budgetary process. The Government is progressing the development of a well-being framework. While not specific to children, these reforms will contribute to an increased focus on children's rights by bringing a holistic approach to budgeting.

Significant reforms have led to improvements in the allocation of resources for services by providing for an evidence-based, need-led approach to commissioning in areas such as youth services as well as family support and domestic, sexual and gender-based violence services. A major review is underway concerning the funding model for early years' childhood education and care which aims to improve their accessibility and affordability.

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

Equality budgeting and well-being budgeting focus on the differentiated impact of public expenditure on societal groups such as children, with a strong focus on disadvantaged groups. One of the equality goals under the equality budgeting initiative included improving access to childcare that benefits both children and their parents and especially those on low incomes. Social Impact Assessments are a framework for analysing the effects and impacts of government policy on the citizen and a new model was designed to examine the demographic profile of those in receipt of public spending, and how they are impacted by budgetary policy decisions.

In 2020, the Central Statistics Office carried out a data audit to improve the availability of data disaggregated by equality dimensions. This enables more differentiated analysis of public expenditure by identifying societal groups such as families and children. The audit informs the development of an equality data strategy that will seek to improve equality data’s availability and use. The availability of the data subsequently can empower proofing tools that facilitate the integration of equality perspectives into the budgetary cycle. The State’s increasing ability to identify how resources are allocated to different age groups will allow for a greater analysis of how resources are allocated to children’s services in particular and to identify any disparities in resource allocation and gaps in service provision.

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

Budgetary allocations provide for a range of services to Traveller and Roma children despite the fact that no specific budget line exists within budgetary programmes in light of the small number of children in those groups. Many targeted programmes supporting disadvantaged children benefit children from Traveller and Roma backgrounds. Under the *National Traveller and Roma Social Inclusion Strategy*, a number of funded projects target Traveller and Roma populations specifically including children and young people. Data collection on ethnicity in a range of public services (e.g. education) along with regular surveys supports monitoring of the access of those groups to public services.

Children’s disability services have a dedicated budget with funding also provided for respite services. The HSE is reconfiguring these services into children’s disability network teams. The State spends over €2 billion supporting children with disabilities accessing education including special classes, special education teachers, Special Needs Assistants as well as offering transport and technology supports. The Access for Inclusion Model (AIM) has supported thousands of children with a disability to access and participate in the early childhood care and education programme.

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

The Office of Government Procurement (OGP)’s official guidance requires public bodies to advertise all contracts for supplies and services with an estimated value of €25,000 (exclusive of



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

VAT) and upwards on eTenders, the national tendering platform, except in justifiably exceptional circumstances. Government Departments and Offices must report all contracts above €25,000 (exclusive of VAT) awarded without a competitive process to the Comptroller and Auditor General.

Each State body’s internal audit unit must review compliance with procurement procedures as required by the Audit and Risk Committee. Procurement practices are subject to audit and scrutiny by the Comptroller and Auditor General and all accountable officers and persons are publicly accountable for expenditure incurred. The Local Government Audit Service carries out similar functions for local authorities’ expenditure. The robust safeguards are designed to ensure that resources are not diverted from their intended purpose.

**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.**

Considerable efforts have been made to protect children and their families from the adverse effects of the COVID-19 pandemic. The Pandemic Unemployment Payment (PUP) has provided direct support to households during the pandemic and it did not affect entitlement to other welfare payments to families such as One Parent Family Payment. Funding was extended for school meals programmes during school closures.

Tusla, in partnership with other organisations, developed innovative ways to deliver services during the pandemic, particularly via online platforms or by telephone while maintaining physical visits where necessary to protect children from harm. Significant additional funding was allocated to key sectors to allow them maintain essential frontline services, while many Tusla staff were redirected to frontline services. Youth services were adapted to continue to provide support to disadvantaged groups and Core Youth Justice Services continued to operate during the pandemic, with adapted services.

The HSE sought to ensure that essential services for the most vulnerable, including children, were maintained as far as possible. Through the pandemic, children disability services and Children and Adolescent Mental Health Services (CAMHS) provided face-to-face appointments where necessary while providing assistance to other groups remotely by phone.

In summer 2020, a programme of summer provision was made available to all schools in disadvantaged areas as well as learners with Special Educational Needs to help address the impact of periods of enforced remote learning.

## Data collection

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;
<p>Significant steps have been taken to improve the collection and quality of disaggregated data concerning children’s rights under the Convention:</p> <ul style="list-style-type: none"><li>i) Tusla collects and publish disaggregated data about its activities. One metric published is the number of referrals of abuse and neglect, by referral source. Children at particular risk in the community may be registered on the Child Protection Notification System (CPNS), a secure information system managed by Tusla. The introduction of agency-wide digital information systems, moving away from paper-based and local systems has improved reporting of disaggregated data on key indicators.</li><li>ii) The Health Research Board (HRB) updated their existing disability databases to include people with autism who are receiving or awaiting services. The HSE is rolling out the new Children’s Disability Network Teams, whose management information systems will feed data into the HRB database.</li><li>iii) The population census captures information on Traveller and Roma children across a range of domains. The <i>State of the Nation’s Children</i> report disaggregated data on Travellers, using data from surveys such as the <i>Health-Behaviour in School-aged Children</i> survey. Pobal collects data on participation in early childhood education and care services and the Department of Education on school enrolment. The Statistical Spotlight report <i>Young Travellers in Ireland</i> (2020) presents data on Traveller and Roma children and young people. The national needs assessment of the Roma population in 2018 helped to address data deficits that existed for this group.</li><li>iv) The <i>Pathway Accommodation and Support System</i> (PASS) report tracks the number of children in families in emergency accommodation (homeless families) on a monthly basis. An upgrade to the system implemented in July 2021 allows for the identification of children under 18 years of age within families who are homeless. This replaced the use of the dependants figure as a proxy for the number of children in emergency accommodation.</li><li>v) Eurostat publishes information on children with irregular migrant status in Ireland. Furthermore, in 2019 the Migrant Rights Centre of Ireland (MRCI) carried out a survey <i>Growing up Undocumented in Ireland</i> which collected information on a sample of this population.</li></ul>	

**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.**

*Growing Up in Ireland* is a national longitudinal study started in 2006 and follows the progress of two groups of children, born in 1998 and 2008. The rich set of longitudinal data greatly enhances the evidence base on the lives of children in Ireland, thereby promoting the development of evidence informed policies and programmes for the implementation of children’s rights.

The State of the Nation’s Children report is a regularly updated online publication providing the most up to date data on children’s outcomes and is a widely used resource for policy makers. DCEDIY publishes a Statistical Spotlight series which focuses on specific themes, such as Young Travellers and publishes the Better Outcomes, Brighter Futures (BOBF) indicator set. The BOBF indicator set is a set of indicators for children and young people developed for and aligned with BOBF. This indicator set compiles data from a wide range of sources and tracks progress for children and young people aged 0-24 across the five national outcomes outlined in BOBF. It was developed specifically as a resource to support the ongoing implementation of BOBF and its constituent strategies.

The CSO has developed a number of initiatives for improving the dissemination of data. The CSO Databank is a key source of data derived from population censuses and administrative data bases, with a range of options for cross-tabulation and disaggregation across many policy domains. An open data portal was established with a growing amount of public sector data. A 2020 equality data audit was undertaken to improve the availability of data disaggregated by equality dimensions. The audit highlighted the potential for using unique identifiers to match data with the necessary safeguards and to carry out cross-analysis of data. The Equality Budgeting group formed an Equality Data Sub-Group to develop an equality data strategy.

The Outcomes for Children Data & Information Hub is an online interactive area based geo mapping system developed by Tusla and DCEDIY. The hub offers a national solution for mapping outcomes and indicators for children and young people. It is built around an agreed set of indicators under each of the five national outcomes for children and young people. Work is ongoing to expand the use of data and provide an intuitive, user-friendly platform for professionals to explore the needs in their communities and devise innovative service responses.

Tusla has a range of data reporting relationships with key State agencies focussing on service delivery, and highlighting areas for improvement in policy and operations.

## Dissemination, awareness-raising and training

8	Please provide information on awareness-raising programmes for children, parents and the general public, and the systematic training of all professional groups working with and for children, on the Convention, the Optional Protocol on the involvement of children in armed conflict and the Committee’s previous concluding observations.
<p>The Government works with civil society organisations to raise awareness of the Convention and promote its implementation. One example is Ireland’s first Child Summit in 2016, co-hosted by the then Department of Children and Youth Affairs and the Children’s Rights Alliance, which focused on the recommendations made in the UN Committee’s last Concluding Observations in 2016.</p> <p>The Ombudsman for Children Act 2002 established the Ombudsman for Children’s Office (OCO) in 2004. One of the two core statutory functions of the OCO is to promote the rights and welfare of children including through awareness raising campaigns and educational workshops.</p> <p>The Hub na nÓg’s establishment as a centre of excellence for promoting children’s participation in decision-making has provided increased capacity across all sectors in the provision of training, support and advice for service providers and policy makers. The aim is to promote a children’s rights focus in service provision and policy development and the inclusion of children in decision-making. The Hub has delivered training to:</p> <ul style="list-style-type: none"><li>• HIQA child inspectors</li><li>• Department of Education Schools Inspectors</li><li>• Education and Research Centre (focusing on continued professional development of teachers).</li><li>• Sport Ireland (five national sporting bodies and organisations) Active Schools Flag Team as part of the <i>National Physical Activity Plan</i></li></ul> <p>A <i>National Framework for Children and Young People’s Participation in Decision-Making</i> has been developed to enable the inclusion of children in decision-making in all areas with guidance provided for adult decision makers for use in both policy, programme and service design to everyday settings.</p>	

## Independent monitoring

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;
<p>The Ombudsman for Children Act 2002 details the statutory responsibilities, duties and jurisdiction of the Ombudsman for Children. Section 6(1) states “the Ombudsman for Children shall be independent in the performance of his or her functions under this Act”.</p>	

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;
Funding for the OCO is provided via the DCEDIY and is accompanied by a letter of allocation issued to the OCO detailing its annual funding.	

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;
<p>The OCO may investigate complaints regarding children’s services, including international accommodation protection services. It has a dedicated section on their website in child-friendly language, which explains how to make a complaint, and what to expect from the complaints process.</p> <p>Tusla has a complaints and feedback mechanism in place to receive complaints and other information on early years’ services (including from parents). Tusla and the Early Years Education Inspectorate are examining ways to incorporate the voice of children into their inspection frameworks.</p> <p>Tusla has a formal complaints process, ‘Tell Us’, available to anybody receiving services from the Agency. The website advises how to make a complaint, how complaints are managed and how to escalate complaints. Under the National Standards including those related to residential care, Tusla is required to provide all children who enter care with child-friendly information about how to make a complaint, and their rights and entitlements while in care. A review process is available within Tusla and the option is, subsequently, open to the child to make a complaint to the OCO.</p>	

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.
<p>Public bodies have a mandatory duty under EU Directives to exclude companies at the selection stage from further consideration if they have been convicted of specified offences. Furthermore, the core principals of public procurement: equal treatment, non-discrimination, proportionality and transparency need to be adhered to in all cases.</p> <p>Tusla’s Commissioning Strategy 2019-2023 acknowledges the Public Sector Equality and Human Rights Duty and commits Tusla to commission services in a way that promotes equality, prevents discrimination and protects human rights in line with this duty. Tusla’s Commissioning Toolkit, for staff and providers involved in the commissioning of services, seeks to promote a culture of participation and it notes that services should be participatory for the children and adults who use them and be human rights based. Furthermore, Tusla’s Equality, Diversity and Inclusion programme drives initiatives that demonstrate the agency’s commitment to equality, diversity and inclusion.</p>	

## Children’s rights and the business sector

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

Ireland’s *National Plan on Business and Human Rights 2017-2020* aims to promote the implementation of the UN Guiding Principles on Business and Human Rights. The Plan’s implementation is monitored by a multi-stakeholder group, comprising government, civil society and businesses, including a number of national groups representing businesses.

The Safety, Health and Welfare at Work Act 2005 is the principal piece of legislation governing occupational health and safety in Ireland. Detailed secondary legislation has been enacted to compliment the 2005 Act, including the Safety, Health and Welfare at Work (General Application) Regulations 2007. The Regulations place obligations on employers, employees and others as regards health and safety. Chapter 1 of Part 6 “Sensitive Risk Groups” of the General Application Regulations re-transposes the health and safety aspects of the EU Council Directive 94/33/EC on the protection of young persons at work.

The Equal Status Acts 2000-2018 prohibit discrimination in the provision of goods and services, accommodation and education on nine grounds. Therefore, businesses and enterprises are prohibited from discriminating against children on the basis of their age. Resources have been developed by the Irish Human Rights and Equality Commission to support compliance with these requirements.

The Online Safety and Media Regulation Bill will establish a regulatory framework for online safety to protect the general public, including children, from harmful material and will ensure that any user of an online service has access to an effective complaints mechanism operated by the online service itself.

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

Occupational Safety and Health legislation in Ireland is enforced by the Health and Safety Authority (HSA), which carries out approximately 10,000 workplace inspections each year to assess compliance with the statutory requirements in regard to occupational safety and health. Where non-compliance is found, a number of enforcement tools are available to the inspector. These may range from advisory, information, prohibition, or ultimately criminal prosecution which can involve fines of up to €3 million, or a custodial sentence of a maximum of two years.

The Environmental Protection Agency (EPA) is responsible for overseeing the enforcement of environmental law; the regulation of Ireland’s greenhouse gas emissions; waste management; and, the protection of the people of Ireland from the harmful effects of radiation. As the granter of licenses for waste facilities, intensive agriculture, and large scale industrial activities, the EPA is at the forefront of standard regulation through annual audits and inspections of premises and the prosecution of breaches of the regulations.

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.

Ireland is a strong supporter of international tax reform and development, and its' tax policy does not contribute to tax abuse by companies operating in other countries. Ireland was one of the first countries to commission an independent spill-over analysis of the impact of our tax system on developing countries. This project included:

- an analysis of trade and capital flows between Ireland and developing countries;
- an analysis of Ireland's tax treaty network with developing countries; and
- a review of relevant provisions in domestic tax legislation.

This 2015 report concluded that there was no negative spill-overs from the Irish tax regime, or Ireland's modern tax treaties, on the economies of developing countries.

Ireland joined the Addis Tax Initiative in February 2017, which is an international commitment to strengthen international cooperation in the area of tax and development. In this context, Ireland launched a Domestic Resource Mobilisation (DRM) initiative in 2019 to scale-up, share and shape support for tax administrations in developing contexts. DRM is a whole of government collaboration between the Department of Finance, the Department of Foreign Affairs and the Revenue Commissioners to strengthen partner countries' tax administrative capacity in line with the OECD Guiding Principles for supporting taxation. Ireland's long-term support of the African Tax Administration Forum (ATAF) was recognised at the 2019 General Assembly of ATAF, where Ireland was awarded a 'Most Valued Development Partner' award.

Ireland has made a strong contribution to the significant developments that have occurred within the international tax framework through the OECD BEPS process from its outset in 2013, and remains fully engaged in the current round of discussions aiming to achieve a consensus-based solution in 2021.

**B.**

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



## B. General Principles (arts. 2, 3, 6 and 12)

### Non-discrimination

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;
<p>The <i>First Annual Report on the Implementation of the LGBTI+ National Youth Strategy 2018-2020</i> outlined the implementation of actions across a range of domains, with a particular emphasis on education, health, safe and inclusive spaces, and increased consideration of the issues faced by trans young people.</p> <p>The <i>National Traveller and Roma Inclusion Strategy</i>, <i>Migrant Integration Strategy</i> and the <i>National Disability Inclusion Strategy</i> facilitated the promotion of educational rights for marginalised groups and promoted school retention, revision of the curriculum, reform of admission policies and the teaching of English to the migrant student population.</p> <p>Developing and implementing the Access and Inclusion Model (AIM) resulted in record numbers of children with a disability, Traveller children and children from the Roma community enrolling in early learning and care, and school-age childcare services since 2019. In an independent review, 78% of parents reported that their child had benefited and 76% of services indicated that AIM had made the culture at their preschool more inclusive.</p>	

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;
<p>A 2020 public consultation gathered the views of communities, experts and interested persons on how Ireland's incitement to hatred legislation should be updated to operate as effectively as possible. The consultation, received 3,526 responses, which discussed the experiences of children in primary school, and accounts of people whose first experience of hate speech was as a schoolchild.</p> <p>In April 2021, the Minister for Justice published the General Scheme of the Criminal Justice (Hate Crime) Bill 2021. The Bill will create new, aggravated forms of certain existing criminal offences, where those offences are motivated by prejudice against protected characteristics. This includes the addition of gender, including gender expression or identity, and disability, and to ensure Traveller ethnicity is recognised in the main definitions in the new law, on the same basis as other ethnicities.</p> <p>The Anti-Racism Committee, an independent Committee appointed by Government in June 2020, has a mandate to review current evidence and practice and make recommendations to Government on how to strengthen its approach to tackling racism. The Committee's Interim Report was published in April 2021. The Committee launched a public consultation (April-July 2021) to collect the views of wider civil society; the public; Oireachtas members; the business sector; media and other relevant parties. The public consultation included facilitated online workshops, written submissions and an on-line survey. The Committee held a special Facilitated Workshop for the</p>	

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;
Youth Sector. The Committee is reviewing material from the public consultation, and is drafting its National Action Plan Against Racism to be recommended to Government at the end of 2021.	

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
<p>The Education (Admission to Schools) Act 2018 involves a major reform of the operation of school admissions policies for all primary and post-primary schools. The legislative and policy changes positively affect children of minority faith or no faith background and ethnic minorities, migrants and refugees that might be new to school catchment areas.</p> <p>A 2-Year Pilot Education Programme is being implemented in over 50 schools to address barriers that impact on Travellers and Roma children’s attendance, participation and retention in education. The Social Inclusion and Community Activation Programme has benefited Traveller and Roma communities including families with children.</p> <p>Considerable efforts have been made to address child poverty including through increases in social welfare payments in the 2020 budget. The Roadmap for Social Inclusion 2020-2025 includes a commitment to set a new target for child poverty.</p> <p>The introduction of the National Childcare Scheme was designed to make it easier to access early childhood education and care. The <i>LGBTI+ National Youth Strategy 2018-2020</i> implemented a range of actions to address discrimination among the young LGBTI+ population, involving training professionals, reviewing the educational curriculum and running awareness raising activities.</p> <p>Since the introduction of AIM, more than 5,000 children with disabilities have received targeted supports to enable them to participate in mainstream pre-school and many other children are benefitting from universal supports.</p> <p>The Government implemented a number of measures to improve the situation of asylum seekers including families such as providing for an increase in daily allowance payments and ensuring access to Exceptional Needs Payments and the Back to School Clothing and Footwear Allowance, both of which can help with child-related costs. The White Paper to end Direct Provision, published in February 2021, aims to replace the current system with a new International Protection Support Services system, which includes an International Protection Payment and International Protection Child Payment, financed by DCEDIY and administered by DSP on behalf of DCEDIY.</p> <p>Unmarried fathers have a number of options to obtain guardianship that enable them to exercise parental rights and responsibilities in respect of their children, including applying for a declaration of guardianship. A child whose parents are not married can acquire a name in a number of ways, with one of those options being signing a Statutory Declaration and having it witnessed by the Registrar. A child’s surname can be changed if parents marry following his/her birth.</p>	

## Best interests of the child

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

In line with Article 42A of the Constitution, the Children and Family Relationships Act 2015 contains provisions regarding the best interests of children in family law proceedings which have been in operation since 18 January 2016. Section 3 of the Guardianship of Infants Act 1964, as amended by section 45 of the 2015 Act, provides that the best interests of the child shall be the paramount consideration for the court in proceedings where the guardianship, custody or upbringing of, or access to, a child is in question.

The best interests' principle is incorporated in the Child and Family Agency Act 2013 which requires Tusla, the body responsible for carrying out the State's functions in relation to child protection and alternative care, to give paramountcy to the best interests of the child in the performance of these functions.

The Child Care Act 1991 governs alternative care in Ireland. This Act requires that in any proceedings in relation to the care and protection of a child the court shall, having regard to the rights and duties of parents, regard the welfare of the child as the first and paramount consideration. The Child Care Amendment Bill 2019 seeks to replace welfare with best interest principles in child care proceedings. The review of the Child Care Act proposes to extend the application of the best interests' principle to the entirety of the Act.

The Mental Health (Amendment) Bill introduces a new part concerning children including a list of guiding principles that must be considered when interpreting the Act, such as the primacy of the best interests of the child.

## Right to life, survival and development

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

Ireland's national suicide prevention strategy, *Connecting for Life* aims to reduce suicide and self-harm rates, in the whole population and in priority groups such as young people. One of the Strategy's objectives is to enhance supports for young people with mental health problems or vulnerable to suicide. The latest implementation plan includes a number of measures targeting children such as:

- early intervention and mental health support,
- capturing and raising awareness of the link between drugs/alcohol misuse and suicidal behaviour, and
- the use of co-ordination structures to ensure an integrated, multi-sectoral response.

Data shows an improvement in the rate of suicide across all groups, and adolescents aged 15-19; however, it is acknowledged that significant improvement is still required.

13	Please provide information on the measures taken to prevent and address the root causes of suicide among children and adolescents
<p>Youth organisations deliver programmes under UBU Your Place, Your Space for young people who may be described as disadvantaged, vulnerable and marginalised, including young people who may face particular mental health challenges, whereas specialised organisations (Jigsaw) provide targeted support to young people with greater needs.</p> <p>Addressing the root causes of suicide from a child protection perspective requires reducing the incidence of child abuse and neglect, and reducing the effects of abuse and neglect as far as possible. Tusla maintains a robust child protection system with a strong early intervention component and liaises closely with relevant health services.</p> <p>Tusla and the HSE developed ‘Hidden Harm’, a strategy with guidance for people working in adult mental health and addiction services on how to address potential harm to children that may occur with parental addiction and mental health difficulties.</p>	

## Respect for the views of the child

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;
<p>The Guardianship of Infants Act 1964 (Section 31), amended by the 2015 Act (Section 63), provides that the views of the child that are ascertainable must be taken into account by the Court. The court can ascertain the views of the child in person or through an expert. Section 32 facilitates the hearing of the voice of the child by enabling the court to appoint an expert to determine and convey the child’s views to the court, so that the child’s voice can be heard in the proceedings.</p> <p>The Domestic Violence Act 2018 (Section 27) will facilitate the court in seeking the views of a child when an order is being sought on behalf of the child.</p> <p>The Child Care Act 1991 requires that in child care proceedings, the court shall insofar as is practicable give due consideration to the wishes of the child. The Child Care (Amendment) Bill 2021 will replace this with a new principle whereby the court will have to ascertain the views of the child and give due weight to his/her views.</p> <p>The principal means by which the child’s views are obtained in public law child care proceedings is through the testimony of professionals including social workers and via the appointment of a guardian <i>ad litem</i> (GAL) for the child under section 26 of the Act. The Child Care (Amendment) Bill 2021 will introduce a presumption in favour of appointment of a GAL in child care proceedings. If not appointing a GAL to a child who is capable of forming his or her own views, the courts must have determined the means by which to facilitate the expression of the child’s views. The proposed legislation will lay out the role and functions of the GAL, including an explicit duty to convey the views of the child to the court and advise on what is in his/her best interests. Proposed reforms will seek to regulate the existing ad-hoc system of appointments and provide a statutory basis for the</p>	

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;
<p>establishment of a national service which will provide the necessary professional oversight and support.</p> <p>In 2019, Tusla published the <i>Child and Youth Participation Strategy 2019-2023</i> which provides for a range of measures to ensure the adequate involvement of children and young people in decisions taken by Tusla and services commissioned by the Agency.</p>	

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
<p>The Guardianship of Infants Act 1964 (Section 32), as amended by the Children and Family Relationships Act 2015, enables the court to appoint an expert to determine and convey the child's views to the court.</p> <p>These provisions allow the courts to take account of the evolving capacity of children and give the courts the flexibility to ensure that all children's views can be heard. The Guardianship of Infants Act 1964 (Child's Views Expert) Regulations 2018 specify the qualifications and experience of an expert and the fees and allowable expenses that may be charged by such an expert.</p>	

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;
<p>Ninety three percent of the agreed actions contained in the <i>National Strategy on Children's and Young People's Participation in Decision-Making 2015</i> are completed or in progress, reflecting a high level of commitment to ensuring that the voice of children and young people is appropriately listened to in the development of policies and services across government.</p> <p>The findings of a mid-term review of the strategy (2019) reflect that Government Departments and Agencies are making efforts to ensure that children and young people are consulted appropriately at policy and strategy level, but work needs to continue to ensure that this filters down to funded agencies and programmes. Hub na nÓg will continue to support efforts made across Government in this area, including the development of a National Participation Framework, a guiding tool for organisations wishing to ensure that Children and Young People are enabled to participate in decision-making on issues of relevance to their lives.</p>	

**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**

The Programme for Government contains a broad range of electoral reforms including a commitment to establish an independent, statutory Electoral Commission. The Programme also contains a specific commitment to "Examine the Scottish experience of reducing the voting age to 17, in order to draw conclusions" within the lifetime of the current Dáil.

The Electoral Reform Bill General Scheme was published in January 2021 and includes a proposal to establish an Electoral Commission. The Joint Oireachtas Committee on Housing, Local Government and Heritage completed pre-legislative scrutiny of the General Scheme and published its report on 4 August 2021. The Bill is expected to be published in Autumn 2021.

It is intended that one of the Electoral Commission's initial functions will be to conduct research on electoral policies and procedures and provide advice to the Oireachtas and to the Minister for Housing, Local Government and Heritage when required. Once established, the Electoral Commission will be well placed, if requested, to examine the prospect of reducing the age at which a person would be entitled to vote at elections and referendums held in the State among other matters.

**C.**

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

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

### Birth registration and nationality

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

When completing a registration, a mother needs to provide a valid form of ID. If she is married only one parent needs to attend to sign the register. If the parents are not married then they both must attend to sign the register or to provide the other parent with their written consent to be registered as parent. The birth registration automatically begins the process of issuing a Personal Public Service (PPS) number and child benefit claim. There is a hardship clause, which allows the Head Registrar to exempt a person from signing the register if they can prove they are not able to attend.

The rebuttal of presumption of paternity is due to be extended to included married mothers who have not obtained a decree of divorce, decree of nullity or legal separation. This will allow a mother to provide evidence she has been living apart from her husband for more than 10 months. This will be especially useful in cases where an asylum seeker is married but her husband is not the father and has not sought asylum.

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

The Irish Nationality and Citizenship Act, 1956 (as amended) allows for the Minister to grant a certificate of naturalisation where the conditions for naturalisation have not been met where the applicant “is a stateless person within the meaning of the United Nations Convention relating to the Status of Stateless Persons.”

An applicant under this legislation is defined as a parent, guardian or person who is in loco parentis to the child. Children, in and of themselves, cannot apply for citizenship. With regard to separated children who are in the care of the State (Tusla), a process is in place for Tusla to make an application for a residence permission for such a child.

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

Ireland does not have a formal procedure for the determination of statelessness. As statelessness can arise at any stage in the immigration and protection process, it can typically be addressed through the various processes under the International Protection Act, 2015 which contain clear provisions with regard to securing the best interests of the child, including unaccompanied minors, or the various immigration processes where statelessness is not co-existent with a protection need.



## Right to identity

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;

Parts 2 and 3 of the Children and Family Relationships Act 2015 commenced in May 2020 providing a legal framework for registering the births of children who are born as a result of assisted human reproduction (AHR) involving donated eggs or sperm or embryos. The legislation establishes the National Donor-Conceived Persons Register (NDCPR), which requires records be kept regarding the identity of donors. The Department of Health has received the first notifications of all DAHR procedures taking place in the State, ensuring donor-conceived child have access to information about their origins.

The forthcoming Assisted Human Reproduction Bill will provide for a new regulatory authority to authorise surrogacy agreements, which meet numerous strict criteria. One of the criteria is that contact details of each intending parent, the surrogate and, where applicable, the donor, will be recorded on a National Surrogacy Register. In conjunction with the NDCPR, this will enable the State to vindicate the rights of donor-conceived persons, as well as those born as a result of a surrogacy agreement, to information about their origins and genetic identity.

Overall, consideration of the welfare and best interests of children born as a result of AHR is the key principle underpinning all legislative measures in this area.

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

The Irish State recognises the right to private and family life of all children. There is no impediment in Irish law or policy to prevent Catholic priests who father children caring for their children. However, the State has no power to compel any person to care for a child.

In 2017, the Irish Episcopal Conference approved the *Principles of responsibility regarding priests who father children while in ministry*, stating that if a priest fathers a child, the wellbeing of his child should be his first consideration. The document also outlines that priests in this situation need to discharge their responsibilities and give due consideration to the best interests of the child, civil and canon law and the views of the mother.

Access to psychological support is through the HSE primary care services and community mental health teams. There is limited free at point of service psychological support available in Ireland, including a national Childhood Abuse and Neglect Service for Adults.

## Freedom of thought, conscience and religion

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

Responsibility for providing a programme of religious education rests with the patron bodies of individual schools and not the State. There are a diverse number of patrons' programmes within the primary school system. Some are denominational or religious, emphasising the place of children's faith, spiritual and moral development in their lives. Others foster understanding of ethics and values.

The NCCA is consulting with the public on a Draft Primary Curriculum Framework as Ireland seeks to move into a new era in Irish education.

At post-primary level, the NCCA syllabuses are for students of all faith backgrounds and none. The content does not provide religious instruction and exposes students to a broad range of religious traditions and to the non-religious interpretation of life. The Department of Education does not require schools to include the NCCA-developed Religious Education programme.

Where any school opts to teach a programme of religious instruction/faith formation that is rooted exclusively or almost exclusively in a particular religious tradition, parents must be advised and the school must offer an alternative subject(s) for those who do not want religious instruction.

## Access to appropriate information

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

The Digital Strategy for Schools 2015-2020 sets out the current policy on the use of digital technologies in teaching, learning and assessment.

- The Strategy promotes the embedding of digital technologies in all classroom and school activity so that the use of digital technology becomes a seamless part of the whole education experience.
- All schools are expected to have a Communication/Teaching & Learning Platform in place which will facilitate engagement between school and home and will assist parents to support their children's learning activities.
- The Strategy is underpinned by a €210m investment by way of an Infrastructure Grant for schools, which has been delivered in full since 2016.
- The development of a follow-on strategy is underway which will be developed from a stakeholder consultation process.

Under the National Broadband Plan 679 primary schools in remote rural areas will be connected to high-speed broadband by 2022, well ahead of the original target delivery timeframe of 2026.

**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;**

The Junior Cycle Framework promotes digital literacy skills through eight Key Skills (all skills have an ICT/digital component) and through Statements of Learning. A new Primary Curriculum Framework will include curriculum revisions that develop competencies supporting children’s problem-solving and reasoning skills, and for interpreting and processing information and data. At post-primary level, several programmes and courses in ICT and Digital Literacy are already in place, particularly the Junior Cycle Short Course in Digital Literacy and the IT courses in the Leaving Certificate Applied programme. Computer Science has been introduced as a Leaving Certificate subject.

All primary and post primary schools will be supported to develop their Digital Learning Plan. The upskilling of teachers will continue to be a key priority in the promotion of digital technologies in teaching and learning. Annually €17 million was allocated for literacy and numeracy to include digital literacy to support the *Literacy and Numeracy Strategy 2011-2020* and Interim Review 2017. *Adult Literacy for Life (ALL)* strategy was published in September 2021.

The Online Safety and Media Regulation Bill 2020 provides for the appointment of an Online Safety Commissioner as part of a wider Media Commission to oversee the new regulatory framework for online safety. The Commissioner will have the power to designate online services for regulation and to create and enforce binding online safety codes. The Online Safety Commissioner will have a role in promoting positive digital citizenship among children and young people, in conjunction with Webwise and other educational partners. The Webwise programme is a key educational resource in the promotion of online safety for children and young people. It provides information and advice to children and young people, teachers and their parents.

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

The proposed Online Safety and Media Regulation Bill will establish a multi-person Media Commission, including an Online Safety Commissioner. The Online Safety Commissioner will oversee a regulatory framework for online safety with the aim of ensuring that designated online services, including certain social media platforms, take appropriate measures to protect the public from exposure to some of the most serious forms of harmful online content. The Online Safety Commissioner will devise and enforce online safety codes with a view to achieving that aim.

The Media Commission will have the ability to monitor the compliance of regulated entities and, where there is a suspicion of non-compliance, order an investigation into the compliance of a regulated entity with the applicable codes or rules. If the Media Commission takes the view that non-compliance has not been appropriately remedied, the Commission may then seek court approval to apply any of the following sanctions:

- Financial penalties of up to €20 million or 10% of turnover, whichever is higher
- Compelling the online service to take certain actions
- Blocking an offending online service in Ireland

Ireland has signed the Budapest Convention, the only globally binding international treaty on crimes committed via the internet and other computer networks, dealing with, inter alia, child

18(c)	Strengthen the regulatory framework for monitoring and investigating information and communications technology-related violations of children’s rights.
sexual abuse material. Under the National Cyber Security Strategy, the State is committed to ratifying it in 2021.	

**D.**

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

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

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

19(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;
<p>The <i>Children First Guidance 2017</i> instructs all professionals and members of the public about how to recognize signs of child abuse or neglect and how to make a referral to Tusla and when it is necessary to contact AGS about a child's safety. Tusla launched a comprehensive 90 minute basic Children First online training programme in October 2017. Mandated persons, which includes member of AGS, registered teachers, psychologists and other categories of professionals as listed in Schedule 2 of the Act, are required to report child protection concerns over a defined threshold to Tusla.</p> <p>The 2017 Criminal Law (Sexual Offence) Act provides for offences relating to sexual acts with protected persons and relating to offensive conduct of a sexual nature and harassment of victims of sexual offences. The Harassment, Harmful Communications and Related Offences Act 2020 extends the existing offence of sending threatening or indecent messages to apply to all threatening, false, indecent and obscene messages using any form of online or traditional method of communications (including distributing images without consent).</p> <p>Under the Victims of Crime Act 2017, child victims are presumed to have protection needs and they can benefit from additional measures such as the option to record video evidence. The Implementation Plan in response to a review, <i>'Supporting A Victim's Journey: A Plan to Help Victims and Vulnerable Witnesses in Sexual Violence Cases'</i> includes a number of actions related to children such as training of professionals groups and extending the One House, Barnahus model to other locations.</p>	

19(b)	Assess the impact of the Children First Act and the Domestic Violence Act in preventing and addressing child abuse and neglect;
<p>The Children First Inter-Departmental Implementation Group, established on a statutory footing under the Children First Act, promotes compliance by Departments with their obligations under the Act and monitors the implementation of the Children First Guidelines across Government. As a result, there is a shared responsibility in preventing and addressing child abuse and neglect across all sectors that provide services to children. A range of resources have been developed to support organisations and individuals discharging their duties. By the end of December 2020, some 38,000 mandated reports have been received since the commencement of the Act. Furthermore, some 7,250 Tusla staff and Agency staff assigned to Tusla had completed the eLearning programme to date, in addition to some 320,000 external persons.</p> <p>The Domestic Violence Act 2018 represented a significant improvement in legal protections available to all victims, with several impacting child welfare:</p>	

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

- Children have the opportunity to make their views known to the court where an order is sought on behalf of a child. The court now has the option of appointing an expert to assist the court to ascertain the views of the child.
- A victim has the possibility of being accompanied to court by a person of his or her choice and it is possible for them to give evidence by live television link.
- Restrictions are in place on media reporting and attendance by the general public at criminal court proceedings.
- There is now an extensive but non-exhaustive list of factors that courts must consider when dealing with applications for domestic violence orders.
- The Act provides for a new criminal offence of forced marriage.
- The legislative provisions that enabled persons who are aged under 18 to marry were repealed.

One notable development since commencement in 2019 is the fact there have been a number of successful prosecutions for coercive control.

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

The State has significantly increased funding to Tusla since its foundation in 2014, when funding stood at €617 million, to €900 million in 2021. Some of this increased funding has been for Children First implementation.

The Children First Act 2015 provides for a number of key child protection measures and operates side-by-side with the non-statutory obligations provided for in *Children First: National Guidance for the Protection and Welfare of Children*. Under the Children First Act 2015, providers of relevant services to children are required to undertake a risk assessment and to prepare and publish a Child Safeguarding Statement (CSS). The Act provides for Tusla to establish and maintain a register of non-compliance for service providers who fail to provide a copy of the CSS to Tusla when requested to do so. Tusla has established a CSSCU to support implementation of this provision. During 2019/20 the CSSCU reviewed 1,035 CSSs leading to the initiation of 26 enforcement actions.

**19(d) Address the root causes of violence and abuse**

There are various causes of violence and abuse (including neglect) within family contexts including, but not limited to, parental drug and alcohol misuse; stress due to poverty and financial worries; parental mental health difficulties; parental physical illness and children with additional needs. External factors such as areas with high crime rates may expose children to violence and abuse outside of their family context. The Government has made significant investment in early intervention and prevention programmes in communities to address poverty and disadvantage while tackling risk factors associated with violence and abuse.

Tusla implemented a work programme, *Partnership, Prevention and Family Support Programme* to facilitate the provision of integrated early supports for a child at community and individual family level before problems escalate to child protection interventions. Tusla and the HSE have developed a strategy, *Hidden Harm*, to ensure that people working with adults in addiction and mental health treatment are mindful of children's needs, and make appropriate referrals for support for these children. A key objective of *Children First* is to enable a wide range of professionals and the public to recognise instances where children may be at risk of abuse and neglect.

The new *Youth Justice Strategy* has a strong focus on early intervention and prevention and multi-agency collaboration on addressing underlying factors that may increase the likelihood of offending behaviour. The recently published General Scheme of the Policing, Security and Community Safety Bill is underpinned by concepts such as making the prevention of harm and protection of people who are vulnerable or at risk a whole of government responsibility, supported by new local and national structures.

**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;**

Children who have been sexually abused require specialised, timely and differentiated services. These have been typically provided separately by the State agencies responsible for child protection, criminal investigation, forensic and medical assessment and therapeutic service delivery although respective protocols have been put in place to support co-operation.

The State has committed to the establishment of a specialised coordinated service, based on the Barnahus model, and the first such service has been established in the West of Ireland. The service uses the one door principle (a child has only to come to one centre to receive multi-professional support). Barnahus strives to avoid secondary victimisation, achieved through a joint child investigative interview and providing a safe place for disclosure and neutral place for professional interventions. The State has committed to extending this service to other locations.

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

An appraisal of the implementation of the pilot Barnahus project was conducted in 2019, with a report finalised in March 2020. The report identified a range of issues to be addressed in terms of scaling up the Barnahus project. The main recommendations were in the areas of differing legal and regulatory needs between agencies working in the field of child abuse, governance, data



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

sharing, interagency working, and child-friendly justice. The steering group developed an implementation and action plan based on the recommendations.

The interdepartmental steering group in partnership with an inter-agency group are working on extending the model so that fully-shared services will be in three locations: Cork, Dublin and Galway. The aim is that the Barnahus will cater for children up to 18 years, with close engagement with the HSE's Sexual Assault Treatment Unit services for older teenagers.

**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;**

The Department of Education published *Child Protection Procedures for Primary and Post-Primary Schools* in 2017 giving clear direction and guidance to meeting statutory obligations under Children First in school settings.

The Education (Student and Parent Charter) Bill was published in September 2019 and passed by the Seanad. It proposes to replace Section 28 of the 1998 Act and supplement it with a number of new provisions including those that concern dealing with grievances of students or their parents related to the school. The Bill aims to create a more cohesive approach in the school system to what students and parents can expect from schools and how schools engage with students and their parents.

Tusla has a formal complaints process, 'Tell Us', available to anybody receiving services from the Agency. Information is published on the Tusla website about how to make a complaint, how complaints are managed and how to escalate complaints. All staff within Tusla are authorised to receive complaints, and to refer these to the complaints officer locally.

Under the 'National Standards for Foster Care', Tusla are required to provide all children who enter care with child-friendly information about how to make a complaint, and their rights and entitlements while in care. This is a requirement under the National Standards for Children's Residential Services. A national organisation, Empowering People in Care (EPIC Ireland), supports and advocates for children in care and who have experience of being in care, including helping the child if they wish to make a complaint.

To assist in ensuring that homeless services provided are of a high standard, a *National Quality Standards Framework* (NSQF) has been developed nationally for all local authority and NGO services. Theme 1 under NSQF focuses on the need to have person centred services with the services users' rights and autonomy at the centre, including the right to have a complaint heard and responded to. Local authorities oversee the provision of emergency accommodation and also inspect facilities that are not covered under the Framework. For example, in the Dublin Region, Dublin Region Homeless Executive (DRHE) seek to ensure that all relevant guidelines, policies and procedures are complied with including ensuring appropriate complaints procedures are in place for families with children. Families in homeless accommodation facilities in Dublin also receive housing advice and social support from NGO/DRHE Housing teams.

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

The *Action Plan on Bullying* sets out a comprehensive approach to tackling all forms of bullying. A number of the actions have been implemented in full including the publication of *Anti-Bullying Procedures for Primary and Post-Primary Schools*.

The Professional Development Service for Teachers supports professional capacity in tackling bullying. The National Anti-Bullying Research and Resource Centre researches bullying and runs a Train-the-Trainer online anti-bullying course for teachers. The Centre is host to the first UNESCO Chair on Tackling Bullying in Schools and Cyberspace. A Service Level Agreement between the Centre and the Department of Education was agreed in 2019.

Webwise is the Irish Internet Safety Awareness Centre, which has developed a dedicated School/Teachers Hub, Parents Hub and a Youth Hub providing practical information and advice on key issues such as cyberbullying. All schools are expected to have an Accepted Usage Policy in place that sets rights and sanctions regarding internet use for school purposes.

Youth services provide a number of programmes aimed at exploring and countering bullying and cyber-bullying among young people. Four major national organisations (NYCI, SpunOut, Foróige, and Youth Work Ireland) were supported to develop resources and programmes on digital and online safety, of which a focus on cyberbullying is a major component.

## Harmful practices

**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;**

Intersex is an umbrella term denoting a number of different variations in bodily characteristics that do not match strict medical definitions of male or female.

Approximately two to three children per year are born in Ireland with ambiguous genitalia and are referred to Children's Health Ireland (CHI) at Crumlin as the centre with a full range of specialists to assist with diagnosis of the cause of the ambiguity. The hospital counsels parents and supports them in every way while the inter-disciplinary team carries out a full assessment. Only when all the facts are known does the inter-disciplinary team (endocrinologists, paediatric urologists, social workers, and psychologists) sit down with the family and work out what is best in the child's interest now and into the future.

Consent is taken as per the consent protocols for the CHI children's hospitals, including a discussion of risks and benefits of proposed treatments and alternatives. Only medically necessary treatment, which may include surgery, will be performed. The decision for any medically necessary surgery will only be taken after a unanimous decision of the consultants and parents. The hospital holds quarterly national DSD (disorder of sex development) meetings inviting all specialists to discuss difficult cases or cases where the parents needed reassurance or a review.

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

In Ireland the process of gender recognition for adults requires self-declaration only. The avenue for 16-17 year olds currently requires parental consent and a court order, but the Government plans to make this less onerous by extending self-declaration to this age group, with counselling supports for these families.

In light of the particular vulnerability of this age group, it was decided to commission research to inform the development of a system for under 16s. A scoping exercise is being carried out with the aim to finalising the research specifications soon. It is expected that the research findings will inform the development of a system that is robust enough to offer support to children whilst minimising associated risks.

**E.**

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

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

### Family environment, including adoption

21(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;
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The Judicial Council was established under the Judicial Council Act 2019. The Judicial Studies Committee was created to facilitate the continuing education and training of judges. The Council, through this Committee, aims to reach and, where possible, surpass the standards of judicial training established in comparable states. The Judicial Studies Committee is in the process of preparing its training strategy.

In the Greater Dublin area, a specialized court has been set up where judges deal with child care cases exclusively.

The Government committed to the establishment of a specialized family court system to address current challenges concerning specialization and prioritization and published a Bill to that effect. The reform will involve the appointment of specialized judges with required training, skills and experience and ensuring a dedicated focus on family law.

21(b)	Ensure the availability of affordable childcare services, including for children in disadvantaged situations;
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The National Childcare Scheme (NCS) was introduced in 2019 and provides for an equitable and progressive system of universal and income-related subsidies for children up to the age of 15 with a particular focus on low income families. The income assessed subsidy is means tested and calculated based on individual circumstances. The universal unassessed subsidy is available until 3 or when the child starts the ECCE free pre-school scheme. The available subsidies are progressive and are calculated on the level of family income, the child's age and educational stage, and the number of children in the family. Families on the lowest incomes receive the highest level of subsidies.

Where parents are not engaged in work or study, the NCS subsidises up to 20 hours per week. Where parents are engaged in work or study, the NCS subsidises up to 45 hours of per week. The NCS includes sponsorship arrangements that allow for additional support for vulnerable families where there is an identified need for early learning and childcare on the grounds of child development or child welfare.

Developing a new funding model in early learning care and school-age childcare has made significant progress. This is to ensure that increased State level investment delivers for children and families including a greater level of affordability and accessibility. A statutory one year review of the NCS is currently underway.

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.
<p>International child abduction cases involving Ireland and the United Kingdom can be dealt with under the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Both countries are parties to a number of conventions concerning trafficking such as the Palermo Protocol to the UN Convention on against Transnational Crime, which facilitates engagement related to illicit transfer of children. The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children will allow for the transfer of child protection cases between Ireland and the UK, both jurisdictions being party to the agreement.</p>	

## Children deprived of a family environment

22(a)	Ensure the effective implementation of individual needs assessments, care planning, placement reviews and record-keeping for all children in alternative care;
<p>A child in alternative care's written Care Plan is based on the assessed needs of the child, including health, education, and other needs. In line with the child's level of understanding and maturity, a social worker consults a child in alternative care on any decisions made about their care and gives the child an opportunity to make their views known. Each child in care has a specific allocated social worker who oversees the implementation of their Care Plan to meet their identified needs. Care Plans are reviewed on a statutory fixed schedule or more frequently if required.</p> <p>Tusla has transitioned to a national digital information system, which captures intake records, care planning, placement reviews and needs assessments. Tusla's Quality Assurance Directorate internally monitors performance against key indicators such as care planning statistics. HIQA inspects Tusla's children in care services against the required regulations and national standards. Where deficits in care planning are identified, Tusla makes an Action Plan to remedy the problem. In 2019, HIQA inspectors met or spoke with 256 children and young people in a variety of settings, with the majority of children reporting satisfaction with the care planning process and their ability to express their views in the process.</p>	

22(b)	Monitor the use of voluntary care arrangements and ensure periodic reviews of children placed in voluntary alternative care;
<p>An admission to care by voluntary agreement is a formal arrangement, under the Child Care Act 1991, that involves the parent giving informed consent. In these cases, the parent works in partnership with Tusla. A parent can revoke their consent to voluntary care at any time. The threshold for admission to care is deliberately set at a high level as the Constitution and the UNCRC identify a family as the most appropriate placement for a child. Tusla will always endeavour to maintain a child with their family unless to do so will result in continuing neglect or abuse.</p> <p>Tusla operates under the policy '<i>Practice Guidance on Voluntary Admission to Care</i>', which states that voluntary care should only be agreed if it is considered to be an appropriate and proportionate arrangement. The guidance indicates that voluntary care arrangements should be in place for one</p>	

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

year, and if Tusla recommends that the child remain in care after that, then an application should be made for a care order in respect of the child.

The Government recently approved proposals to amend the Child Care Act 1991, which includes changes to provisions underpinning voluntary care, aligned with the new operational policy. All children in care, including those in voluntary care, have a care plan meeting when first entering care; after that, there is a child in care review every six months for the first two years, and once a year after that, and a child, parent/guardian or social worker can ask for a review meeting at any time.

**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;**

In Ireland, the vast majority of children in care are in foster care. Tusla regularly recruits foster carers across all backgrounds. Particular focus has been given in recent years to the recruitment of Traveller and Roma foster carers and provision of specialist foster carers for unaccompanied minors.

Where a child in care demonstrates challenging behaviours which puts their own safety at risk, a Special Care placement may be appropriate. This is a secure form of care which provides intensive, stabilizing therapeutic interventions and wraparound supports. These placements are in small centres, with a high staff-to-resident ratio.

Children are placed outside of Ireland in exceptional circumstances where a specific service that they need is not available in Ireland, for example, specialist child or adolescent psychiatric care. Given Ireland's relatively small population, the very small number of highly challenging cases means that maintaining such specialist services would be a significant challenge. For the years 2016 to Q1 2020, an average of 5 young people were placed in overseas residential placements annually, all in the UK.

Where children are placed abroad they remain in the care of the Irish State. They have an allocated social worker who visits them in their placement and a care plan that is reviewed within the statutory framework. All centres in which children are placed abroad are subject to the regulatory and inspection framework of that jurisdiction. Tusla makes itself aware of inspection reports prior to the placing of a child.

**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;**

A number of Government Departments and agencies work together with Tusla to ensure that children in care with disabilities or mental health needs have their needs met.

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;

*A Joint Protocol for Interagency Collaboration Between the Health Service Executive and Tusla – Child and Family Agency to Promote the Best Interests of Children and Families* was published in late 2020. It outlines how the HSE and Tusla, as well as other relevant agencies, can collaborate, co-operate and co-ordinate to provide the best possible care for children. The Protocol is underpinned by a number of key HSE and Tusla policies. The protocol sets out liaison and escalation mechanisms from local level to the national level while identifying respective decision-makers.

The two agencies have committed to working in a timely and proactive manner to facilitate the best potential outcomes for children in care with a complex disability and vulnerable individuals with non-complex disabilities. The Joint Protocol states that children with a complex disability (including a mental health issue) in the care of the Irish State will access hospital, mental health, disability, primary care and specialist services in the same way as other children. Access to these services will be by priority, and the degree to which identified needs are complex will determine prioritisation. Of note is that the 'in care' status is taken into consideration when determining a child's vulnerability factor relative to children not in care.

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

All children and young people in alternative care must have an allocated social worker. During the 2014-2019 period, 93% of children in care had an allocated social worker. Children in care who do not have an allocated social worker are still visited by social workers from the relevant alternative care teams, and child in care reviews are still conducted in line with the regulations.

The Child Care Act 1991 and Tusla's aftercare policy govern aftercare. There were 2,900 young persons / adults in receipt of aftercare services at the end of Q3 2020. Of these 2,900 young persons / adults, 83% (2,411) had an aftercare plan. Of those assessed as needing an aftercare worker, 91% (1,987 / 2,175) had an aftercare worker. Tusla acknowledges that a small number of young people in aftercare find the transition to adult life challenging, and identify those young people for intensive supports.

In 2021, Tusla received once-off funding to provide educational supports for children in care, and young adults with experience of care. As part of the project, a bursary scheme was launched to provide financial support to young people, aged between 18 and 30, to attain their educational and career development goals.



**F.**

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

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

23(a)	Review relevant legislation and national disability inclusion strategy 2017-2021 to ensure a human rights-based approach to disability;
<p>Persons with disabilities' human rights are enshrined in legislation. Discrimination on the grounds of disability is prohibited under the Equality Acts in accessing employment and education and the provision of goods and services. The Equality (Miscellaneous Provisions) Act, 2015, introduced "housing assistance" as a new discriminatory ground. The Irish Sign Language (ISL) Act 2017 commenced in 2021 which recognises ISL as a native language of the State.</p> <p>The <i>National Disability Inclusion Strategy 2017 – 2021</i> (NDIS) is a whole of Government Strategy, which, alongside the <i>Comprehensive Employment Strategy for People with Disabilities 2015-2024</i>, is the key framework for policy and actions to address the needs of persons with disabilities, including children. The National Disability Authority, an independent statutory advisory body, conducts an annual independent assessment of progress on NDIS actions.</p> <p>Progress has been reported on a number of actions concerning children such as the roll-out of the Access and Inclusion Model in the Early Childhood Education and Care programme, the piloting of a new model to provide therapeutic support in educational settings, increased participation in higher education institutions and the reconfiguration of children's disability services by the HSE.</p>	

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;
<p>The HSE provides and funds a range of services for people with disabilities and their carers. These services include basic health services as well as assessment, rehabilitation, income maintenance, community care and residential care respite, home care and day care.</p> <p>Under the <i>Progressing Disability Services for Children and Young People</i> programme, the HSE is currently reconfiguring children's disability services into 91 Children's Disability Network Teams (CDNTs) to ensure equitable access to standardised multi-disciplinary services as committed to in the Programme for Government; 41 Teams are now in place. These teams will provide inter-disciplinary, child and family centred healthcare services ensuring that children are directed to the most appropriate service based on the complexity of their presenting needs rather than based on diagnosis. Additional funding provided in 2021 is providing 185 new therapy posts to strengthen teams in Children's Disability Services and to address overdue assessments of needs, to provide home support packages to children and young people and open new respite centres.</p> <p>Funding is provided from the Department of Housing, Local Government and Heritage for a Housing Adaptation Grant for People with a Disability, which is administered by local authorities, to make changes to a home to make it more suitable for a person with a physical, sensory or intellectual disability or mental health difficulty. The Capital Assistance Scheme provides essential funding to Approved Housing Bodies for the provision of accommodation for persons with specific categories of housing needs, including persons with disabilities.</p>	

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

The Access and Inclusion Model (AIM) was introduced in 2016 to support the inclusion and full participation of children with disabilities in mainstream pre-school education. It is a multi-level programme of universal and targeted supports, focused primarily on supporting children's participation in the universal, free Early Childhood Care and Education (ECCE) programme (available for the two years prior to school entry). Universal supports under AIM include training for the workforce in early learning and care (ELC) settings, including: training in *Diversity, Equality and Inclusion Guidelines* (2016), and the Leadership for Inclusion (LINC) programme, which supports the training of an Inclusion Coordinator in every ELC setting.

Targeted supports under AIM respond to assessments of children's needs in the context of the pre-school setting rather than a diagnosis, and include: specialist advice from inclusion specialists within Better Start, the National Early Years Quality Development Service; a small capital grants programme for equipment and minor alterations; and funding to services to reduce the adult-child ratio in the pre-school room where a child in need of additional support is attending.

Since 2016, AIM has provided targeted supports to more than 15,500 children with disabilities in 3,600 pre-schools. Thousands more children are benefitting from universal supports under AIM, and more than 60% of settings now have a qualified Inclusion Coordinator. A full evaluation of AIM has commenced and will be completed by end 2021.

**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;**

Persons with disabilities in Ireland have equal rights of access to education. The Equality Acts prohibit discrimination against persons with a disability in the areas of admission, access, participation, expulsion and sanction. The Education (Admission to Schools) Act, 2018 (commenced in 2020) provides that schools must explicitly state in admission policies that they will not discriminate against an applicant on a number of grounds, including disability.

In general, educational provision for children with special needs is made: in special schools; in special classes attached to ordinary schools; and in integrated settings in mainstream classes. The numbers of special classes, special education teachers and Special Needs Assistants are at unprecedented levels, with additional provision of €2 billion for children with special educational needs. Further to this:

- The School Transport Scheme provides free school transport to children with disabilities.
- The Assistive Technology Grant enables schools to purchase specialist equipment recommended by the National Council for Special Education.
- Specially trained visiting teachers for children who are deaf/hard of hearing or blind/visually impaired provide referrals to children for assistive accommodations.
- The scheme of Reasonable Accommodations at the State Examinations facilitates access to the certificate examinations by candidates who would have certain difficulties because of a physical, visual, hearing and/or learning difficulty.

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;

Since 2018, a new School Inclusion Model pilot project has been testing a model of tailored therapeutic supports by providing speech and language and occupational therapy within educational settings. This pilot was approved for continuation in August 2020, with plans to recruit up to 31 speech and language, and occupational therapists.

The AIM programme seeks to deliver an inclusive pre-school experience, ensuring that every eligible child can meaningfully participate in and avail of the benefits of quality early years care and education.

The Social Inclusion and Community Activation Programme 2018 to 2022 is Ireland's primary social inclusion intervention to support disadvantaged communities and individuals and over 4,500 individuals with a disability have been assisted on a one-to-one basis since the start of 2018.

Arts & Disability Ireland, a national development and resource organisation for arts and disability funded mostly by the Government, promotes engagement with the arts at all levels – as professional artists, audience members and arts workers – for people of all ages with disabilities, and seeks to improve accessibility in art programmes and venues.

Capital funding is provided to local authorities to refurbish or incorporate natural play elements to existing play and recreation facilities. This funding aims to improve access and inclusivity to the park; provide a facility for children and young people with additional needs, and providing access and inclusivity to the play equipment for all children.

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

*Children First: National Guidance for the Protection and Welfare of Children* outlines the steps which should be taken to ensure that a child or young person is protected from abuse, and to report suspected abuse. It states that residential care settings, including residential centres providing care to children with disabilities as well as foster carers are legally obliged to report any suspicions of abuse to Tusla. If Tusla suspects that a crime has been committed and a child has been wilfully neglected or physically or sexually abused, it will formally notify the Gardaí without delay.

All referrals received by Tusla are screened on the day they are received, regardless of source. The first concern is establishing whether immediate risk exists for the child. Tusla's *Child Protection and Welfare Practice Handbook, Volume 2* has a specific section dedicated to children with disabilities.

**G.**

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

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

### Health and health services

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);

Entitlement to health services in Ireland is primarily based on residency and means. The HSE normally regards a person as "ordinarily resident" in Ireland if they satisfy the HSE that it is their intention to remain in Ireland for a minimum period of one year. Any person, who is accepted by the HSE as being ordinarily resident in Ireland is entitled to either full (medical cards) or limited eligibility for health services.

Medical cards are issued to persons who, in the opinion of the HSE are unable to provide health services for themselves and their dependents without undue hardship. In certain circumstances, the HSE may exercise discretion and grant a medical or GP (general practitioner) visit card, even though an applicant's income exceeds the income threshold, where he or she faces difficult financial circumstances, such as extra costs arising from an illness or undue hardship exists.

All children under the age of 6 are entitled to a GP visit card which provides for GP services without charge for the card holder. Medical Cards are issued to asylum seekers for one year where their application is supported by relevant documentation and are subject to normal review thereafter.

The *Migrant Integration Strategy 2017-2020* contains a number of actions that seeks to ensure access to public services including health services. This includes the provision of information in language-appropriate formats and in a manner easily accessible to migrants. The new *Intercultural Health Strategy (2018-2023)* outlines an integrated approach to addressing the many and unique health and support needs experienced by service users of diverse ethnic and cultural backgrounds who live in Ireland.

A range of targeted initiatives, programmes and supports have been implemented to improve the health status of Travellers and Roma. The *National Traveller and Roma Inclusion Strategy 2017-2021* contains over 30 health-related actions across four themes.

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

The Irish State invests approximately €2 billion annually in new medicines. The availability of new medicines for rare diseases has strengthened in recent years, with those drugs likely to have a significant budget impact. A key objective of the Irish health service is to secure access to these new and innovative medicines, in a timely and affordable manner.

The HSE has full statutory powers to make decisions on the reimbursement of medicines with decisions made on objective, scientific and economic grounds. It has a robust assessment and negotiation process in place to deliver improved value for money for new medicines.

24(c)	Enact legislation that explicitly and comprehensively provides for children’s consent to and refusal of medical treatment;
<p>The <i>Health Service Executive National Consent Policy</i> advocates for putting the child’s interests and well-being at the centre of all decisions and ensuring that the child’s own voice is heard and respected as far as possible. The policy affirms that children have the right to have their views taken into consideration by giving their assent to the proposed treatment or service.</p> <p>The Non-Fatal Offences against the Person Act 1997 (Section 23) provides that a person over the age of 16 years can give consent to surgical, medical or dental treatment. Aligned with that the practice is to accept that 16- and 17-year olds can give consent for medical interventions, without the necessity to seek and secure parental consent. There are currently no legal provisions in Ireland for minors under 16 years to give consent on their own behalf. Parents and legal guardians are generally considered best placed to safeguard the health and wellbeing of their children.</p>	

24(d)	Increase the number of hospitals certified as baby-friendly;
<p>The <i>National Maternity Strategy, 2016 – 2026</i> recommends full compliance with the WHO <i>Baby-friendly hospital initiative</i> (BFHI). As part of the Strategy’s implementation, all maternity hospitals and units are implementing the WHO/UNICEF “<i>10 steps to Successful breastfeeding</i>” and the HSE’s <i>Infant Feeding Policy for Maternity and Neonatal Services</i> (2019).</p> <p>A significant programme of work is underway to develop a model for the implementation of the WHO BFHI in maternity hospitals/units and put in place the required standards.</p>	

24(e)	Develop a national strategy on breastfeeding and implement the International Code of Marketing of Breastmilk Substitutes.
<p>Encouraging mothers to breastfeed is a priority for Ireland. The HSE has established a National Breastfeeding Committee which developed the “<i>Breastfeeding in a Healthy Ireland – HSE Action Plan 2016-2021</i>”.</p> <p>The principles of the WHO Code of Practice are reflected in EU Delegated Regulation 2016/127, which came into force in February 2020. In advance of this, the Food Safety Authority of Ireland (FSAI) established a working group in relation to the advertising and marketing practices of infant formula in Ireland. The FSAI has drafted a guidance document to assist health professionals and industry and prepared an assessment tool to assist the checking of marketing materials for compliance. The FSAI routinely follows up on any incidences of non-compliance identified.</p>	

## Adolescent health

25(a)	Ensure children’s access to age-appropriate reproductive health services, including free and safe abortion and post-abortion services to girls
<p>The Health (Regulation of Termination of Pregnancy) Act 2018 was commenced on 1 January 2019. It permits termination to be carried out in cases where there is a risk to the life, or of serious harm</p>	

**25(a) Ensure children’s access to age-appropriate reproductive health services, including free and safe abortion and post-abortion services to girls**

to the health, of the pregnant woman; where there is a condition present which is likely to lead to the death of the foetus either before or within 28 days of birth; and without restriction up to 12 weeks of pregnancy. Services for termination of pregnancy commenced on 1 January 2019 and are delivered in both community and hospital settings.

The Act provides universal access to termination of pregnancy services for people who are ordinarily resident in the State (i.e., services are provided free of charge), regardless of age. The State funds counselling agencies to provide non-directive, non-judgmental crisis pregnancy and post-abortion counselling. Face-to-face counselling is provided free of charge in a variety of venues and locations across the country, and can be accessed by anyone affected by crisis pregnancy or by termination of pregnancy, including women, their partners or family members. Free, non-judgmental, confidential information and counselling is also available by freephone helpline and online webchat, which includes ISL translation.

**25(b) Protect the rights of pregnant teenagers, adolescent mothers and their children**

Ireland's first *National Maternity Strategy - Creating a Better Future Together 2016 -2026* was published in January 2016. The Strategy recommends that services should be woman-centred, and provide integrated, team-based care to facilitate a woman’s choice where clinically appropriate. The model of care outlined in the Strategy will address the complexity associated with maternity care by ensuring the capacity and ability to provide specialised and complex care to both mother and baby quickly and as responsively as required.

In parallel with the *National Maternity Strategy*, the *HIQA National Standards for Safer Better Maternity Services* were published in December 2016. The Standards provide a framework for maternity service providers to ensure that they are meeting the needs of women, their babies and their partners, and that a consistent service is delivered across the country.

All women in Ireland, including teenage and adolescent mothers, have the option to receive their antenatal, intrapartum and post-natal care free of charge as part of a shared model of care with their GP under the Maternity and Infant Care Scheme.

There are specific supports provided to young parents such as the Teen Parents Support Programme.

**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**

Social, Personal and Health Education (SPHE) and Relationship and Sexuality Education (RSE) in school settings are an important part of the curriculum.

Following a major 2018 review, work on updating or developing new specifications for SPHE/RSE commenced in the NCCA in 2021, focusing on Junior Cycle. Work will include engagement with all



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

the key education stakeholders and a further process of public consultation before any new curriculum specifications are finalised.

The *National Sexual Health Strategy 2015-2020* aims to improve sexual health and wellbeing and to reduce negative sexual health outcomes. The HSE Sexual Health and Crisis Pregnancy Programme leads the strategy's implementation and provides a range of accessible and appropriate information, resources and supports for children, young people and parents. These include websites such as [www.B4Udecide.ie](http://www.B4Udecide.ie) and [www.sexualwellbeing.ie](http://www.sexualwellbeing.ie)

25(d) Raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men

The *National Sexual Health Strategy 2015-2020* contains specific actions to support parents in engaging with their children on sexual health issues. This includes actions in the education system that aim to improve young people's experience of sexual health education by providing better training and resources for teachers and youth workers. In addition to the formal education system (SPHE, RSE), the Youth Work sector plays an important role in providing relationship and sexuality education, and delivering comprehensive programmes to young people in line with good practice guidelines. The HSE Sexual Health Crisis Pregnancy Programme (SHCPP) includes a wide range of relevant resources on its website.

The National Condom Distribution Service, which provides free condoms in specific venues and to high risk groups in Ireland, includes a clear focus on young people and commenced distribution of condoms on third level campuses in late 2019.

The Teen Parents Support Programme provides support to young mothers, young fathers and their families from pregnancy until their child reaches two years of age. Supports are tailored to meet identified concerns in all areas of a young parent's life and provided through one-to-one support. The programme supported 697 young mothers and fathers and their families in 2019.

Parental programmes are a key component of the Sláintecare Healthy Communities initiative, which is focused on the implementation of community health and well-being programmes in deprived areas.

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

The Government places high importance on the serious health risk that alcohol use poses to children and young people. A core objective of the Public Health (Alcohol) Act 2018 is to delay the initiation of alcohol consumption by children and young people. The Act prohibits the advertising of alcohol on public transport, near schools and in other areas frequented by children. It also regulates price promotions and will shortly require alcohol to be sold above a minimum unit price in order to make it less affordable for young people.

Ireland's National Drugs Strategy, '*Reducing Harm, Supporting Recovery*' seeks to prevent or delay substance use to reduce the negative health and social consequences of drug and alcohol use. The HSE's national drug and alcohol information and support resource, [www.drugs.ie](http://www.drugs.ie) develops and implements on an ongoing basis harm reduction and education campaigns aimed at increasing awareness of the risks of drug use. An evidence-based resource ('Know the Score') on alcohol and drugs for senior cycle school students (15-18 years) has been rolled out in schools across the country.

## Mental health

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;

The refreshed national mental health policy, *Sharing the Vision – A Mental Health Policy for Everyone*, was published in June 2020. Person-centred and outcomes focused, *Sharing the Vision*, recognises the importance of early intervention when problems manifest, with a strong focus on prevention and positive mental health promotion. It takes a lifecycle approach and seeks to promote positive mental health and build resilience at all ages and stages in people's lives. It specifically outlines recommendations to promote positive mental health and well-being among children and young people and seeks to enhance CAMHS.

The National Implementation and Monitoring Committee (NIMC) has been established to drive and monitor implementation of *Sharing the Vision*. NIMC members have been appointed and the first NIMC meeting took place on 11 December 2020. Government approved a General Scheme of a Bill to amend the Mental Health Act 2001 on 13 July 2021. The General Scheme was sent to the Oireachtas Health Committee following Government approval for pre-legislative scrutiny, which is expected in autumn/winter 2021.

Government approved a General Scheme of a Bill to amend the Mental Health Act 2001. Numerous provisions related to the care and treatment of children are included in the General Scheme, including:

- a new discrete Part of the Act related to children,
- revised criteria for detention of children,
- the introduction of guiding principles for children, and

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;
<ul style="list-style-type: none"> <li>• the inclusion of additional safeguards for children, including the right to advocacy, statutory recovery plans for all patients and access to information for all children receiving treatment under the Act.</li> </ul> <p>The Expert Group also recommended that children over 16 years of age be given the right to consent to their admission and treatment.</p> <p>The Mental Health (Amendment) Act 2018 amends the 2001 Act to introduce guiding principles for adults and for children. The 2018 Act cannot be commenced until the Assisted Decision-Making (Capacity) Act 2015 has been fully commenced. The provisions of the 2018 Act was taken into account in the General Scheme.</p>	

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
<p>CAMHS is a specialist clinical service for those under 18 with mental health difficulties. Some conditions treated in CAMHS include moderate to severe depression, anxiety, eating disorders and self-harm. The policy aim is to reduce the number of young people who need this intervention through effective prevention and lower level intervention services.</p> <p>Young people with moderate to severe mental health difficulties are referred to specialist mental health services by Primary Care practitioners such as GPs or psychologists. Specialist mental health services are provided by multi-disciplinary teams in the community where only those with needs above that threshold are referred to specialist in-patient settings. Over 90% of mental health needs can be successfully treated within a Primary Care setting, with a need for fewer than 10% to be referred to specialist community-based mental health services. Of this number, approximately 1%-2% have needs that require in-patient care, and nine out of every ten of these admissions are voluntary.</p> <p>The HSE continues to maximise provision of CAMHS by the 72 CAMHS teams and 4 CAMHS inpatient units nationally, in line with annual HSE Service Plans.</p>	

26(c)	Establish a mental health advocacy and information service that is specifically for children and accessible and child-friendly.
<p>The Government is committed to the development of recovery-oriented services as outlined in 'A National Framework for Recovery 2018-2020' and recognises that the Service user's right to self-determination and to have their voice heard is essential to this. At a policy level 'Sharing the Vision' 2020 states that advocacy should be available as a right to all service users using mental health services in Ireland.</p> <p>The HSE has committed to develop an advocacy service for CAMHS in its operational plan, which has been piloted in two areas.</p>	

26(c)	Establish a mental health advocacy and information service that is specifically for children and accessible and child-friendly.
<p>The HSE commissioned an independent evaluation of the service as part of the service improvement project to inform the further development of advocacy services within CAMHS. Based on the evaluation, the National CAMHS Advocacy Steering group recommended the further development of the advocacy model with a priority given to capacity building work before expanding the service into new areas.</p>	

## Standard of living

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
<p>The <i>Roadmap for Social Inclusion</i> published in January 2020 sets out a range of commitments concerning children and families, including particularly vulnerable groups. It includes establishing a Social Inclusion Roadmap Steering Group to monitor progress and oversee implementation. This group is chaired by the Minister of State with responsibility for social inclusion and is comprised of senior representatives of responsible Departments and three external members from the Community and Voluntary Sector and will meet at least twice a year.</p> <p>A report on progress against each Roadmap commitment and key metric is produced on an annual basis, including specific indicators focused on children and families. This report is submitted to the Senior Officials Group on Social Affairs and Equality for discussion prior to submission to the Cabinet Committee for consideration. The Programme for Government includes a commitment on the implementation of the Roadmap.</p>	

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
<p>Children living in emergency accommodation are in the care and custody of their parents. Managers of emergency accommodation are designated mandatory reporters under Children First, with clear statutory obligations to report concerns in relation to abuse or neglect of children. All organisations providing services to children are required to develop child-safeguarding policies, which are inspected by Tusla. Tusla has made a range of training materials available to all organisations providing services to children, to identify potential signs of abuse or neglect.</p> <p>Tusla has a National Homeless Liaison officer to co-ordinate with local authorities regarding children and families in emergency accommodation. If a family in homeless accommodation is referred to Tusla, this referral may result in the provision of services from family support to child protection services, depending on the family's identified needs. All families, in any area, have access to the local Tusla-funded Family Resource Centre.</p> <p>The State provides 50% funding of the cost of a replacement mobile home for instances where a Traveller family's existing unit has become uninhabitable through unforeseen circumstances such a</p>	

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

storm or fire damage. Extra funding has been provided to provide additional facilities during the COVID-19 pandemic.

*Housing for All – A New Housing Plan for Ireland*, launched in September 2021, expresses particular concern about family homelessness, especially the potential effects on children, and commits to enhancing existing supports and early intervention methods for such families through multiagency coordination. These additional supports will be of great benefit to all families but, in particular, to lone parents for whom the challenges around parenting are greater.

The Plan will increase new housing supply to an average of at least 33,000 new units per year over the next decade. This will include over 10,000 social homes each year over the next five years, with 9,500 of these being new-builds, and an average of 6,000 affordable homes for purchase or rent.

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;

All children under 6 years of age are entitled to a GP visit card, which provides for GP medical services without charge for the cardholder. A phased expansion of automatic entitlement to a GP visit card to all children under 13 years of age is planned subject to a suitable commencement time. While medical card and GP visit card eligibility is provided based primarily on financial assessment, automatic eligibility for children ensures that the cost of GP consultations is not a potential deterrent to children accessing GP care.

Budget 2021 provided funding to support the rolling out of the *Healthy Communities Programme* that seeks to provide enhanced Health and Wellbeing Programmes within areas that have the greatest levels of disadvantage and highest proportion of young families. The first phase of Healthy Communities will target core HSE services that are aimed at improving key determinants of health, within 18 areas of deprivation, focussing on smoking cessation, healthy eating, parenting, social prescribing and the HSE's *Making Every Contact Count* programme.

*Delivering Equality of Opportunity in Schools (DEIS)* is the main policy initiative to tackle educational disadvantage. In the 2020/21 school year there are 887 schools in the DEIS Programme serving 185,000 pupils (one in five). The DEIS programme provides for a range of supports including additional teaching posts, home school community liaison coordinator posts, enhanced grant funding for schools, additional funding for school books, curriculum supports and additional access to wellbeing supports. Schools in the DEIS programme have access to the School Meals Programme that provides regular, nutritious food to children who are unable, due to lack of good quality food, to take full advantage of the education provided to them. This programme was continued for schools during the periods of enforced remote learning caused by the COVID-19 pandemic.

Aftercare is a term used to describe the planning and supports put in place to meet the needs of a young person who is leaving statutory care at 18 years of age, to assist them in making the transition to independent living, and it is not determined by socio-economic status. The core age range for eligibility for aftercare is 18 to 21 years of age, and can be extended if the young person is

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;

undertaking a course in education, up to the age of 23. Supports include the provision of an aftercare worker, drop-in services, accommodation and financial supports including grants, bursaries and social protection payments as may be appropriate.

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

The Habitual Residence Condition (HRC) is provided for in the Social Welfare Consideration Act 2005 and is in accordance with EU legislation and with European Court of Justice jurisprudence. Being habitually resident in the State is a requirement, amongst others, for receipt of certain social protection payments and applies equally to all applicants and beneficiaries, regardless of nationality or ethnic background. There is no minimum period of residence in the State required to satisfy the habitual residence condition. Deciding Officers and Designated Persons must have regard to EU Regulations which deal with the right of residence for EU/EEA citizens and their families.

In its November 2019 ruling (Record No. 2019/146) the Supreme Court determined that in applications for child benefit the claimant (i.e. the parent) must be habitually resident in the State for Child Benefit to be paid in respect of a child.

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

Accommodation for Travellers is provided across a range of options, including standard local authority housing and through private housing assisted by the local authority or voluntary organisations.

In 2018, the Traveller Accommodation Expert Group reviewed the Traveller Accommodation Act 1998, and other legislation that impacts on the provision and delivery of accommodation for Travellers and the report was finalised in July 2019. The Expert Group has delivered 32 recommendations across the four topics considered; they range from changes to procedure and policy, to changes to legislation.

In 2020, the State re-introduced the provision of funding, on a case-by-case basis, for the acquisition of housing for Traveller families to prevent families entering homelessness and to provide accommodation for families that cannot be provided for from standard social housing stock.

Significant progress has been made in tackling child and family homelessness. In July 2018 there were 1,778 families in emergency accommodation which has been reduced to 930 families based on the most recent information from July 2021; this represents a fall of 48%.

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

*'Housing for All - a New Housing Plan for Ireland'* is the Government's housing plan to 2030 which is a multi-annual, multi-billion euro plan to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. It contains a comprehensive strategic approach to tackling homelessness by using a 'Housing Led' approach (i.e. provision of homes) and includes specific responses for members of the Traveller Community.

Housing for All aims to identify and support families experiencing long-term homelessness that have complex support needs with the view to helping them exit homelessness and maintaining their homes.

**H.**

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



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

### Education

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;
<p>The Education (Admission to Schools) Act, 2018 aims to tackle any discrimination regarding schools admission. The Act’s provisions seek to ensure that ‘soft barriers’ do not exclude children, by prohibiting schools from taking into account a student’s academic ability, skills or aptitude in enrolment.</p> <p>The Department of Education spends approximately €215m on general capitation for schools and a further €18m is allocated to schools under the Free Education Scheme in order to provide assistance for books, including book rental schemes.</p> <p>The DEIS programme provides for a range of supports including additional teaching posts, enhanced grant funding for schools, additional funding for school books, curriculum supports and additional access to wellbeing supports.</p> <p>Education is a key theme under respective equality strategies that include actions aimed to improve access and participation of children from ethnic minority (e.g. Traveller community), migrant backgrounds and children with disabilities. Education for children with special needs is an ongoing priority for Government with the numbers of special classes, special education teachers and Special Needs Assistants at unprecedented levels.</p> <p>The National Standards for Foster Care state that the educational needs of children and young people in foster care are given high priority, and such needs and progress must be considered and recorded in assessments, care plans and reviews. There is close co-operation between schools and social workers, parents and foster carers to ensure that children in care have optimal educational experience.</p> <p>Under the Schools Broadband Access Programme, the Department of Education provides for broadband connectivity for all schools and allocates some €13m per annum to cover the costs involved. All post-primary schools have high speed connectivity with most on speeds of 200Mbps plus. It is intended to provide high speed connectivity to all primary schools by the end of 2022. This will be achieved through the National Broadband Intervention Area Plan, commercial provision and an enhanced broadband project and supported through the National Recovery and Resilience Plan (NRRP).</p> <p>Under NRRP, the Department of Education distributed €50m to schools in 2020 to address the digital divide and provide relevant digital infrastructure to support their learners at risk of educational disadvantage.</p>	

**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;**

The Education (Admission to Schools) Act 2018, commenced in July 2018, contains a series of measures that will improve the admissions process for all parents and children across the country. The Act is intended to create an equitable and consistent approach to how school admissions policies operate for all primary and post-primary schools.

The Act will ensure that a school must admit all students applying where it is not oversubscribed and places are available. The Act states that a school must state in its admission policy that it will not discriminate in its admission of the student or applicant.

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

The Government’s objective is to have 400 multi-denominational or non-denominational schools in the primary system by 2030.

From February 2021, access to secular schools has continued to improve, with 159 multi-denominational primary schools now available as well as 359 multi-denominational or non-denominational post-primary schools. The latter is equated to approximately 50% of the total stock of schools, and a similar representation in terms of pupils.

**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;**

The Education (Welfare) Act 2000 requires schools to notify an Education Welfare Officer (EWO), when a student is not attending school regularly or when it intends to expel a pupil. In both situations, the EWO is required to make all reasonable efforts to ensure the continued education of the student. Data on the numbers of expulsions and suspensions is published by Tusla Education Support Service in the Annual Attendance Report.

The Education Act 1998 (Section 29) provides for an appeal against a board’s decision to suspend a student from the school for a cumulative period of 20 school days in any one school year.

The Department of Education is developing Guidelines to clarify for school authorities and parents/guardians the use of reduced timetables in schools. When introduced, the guidelines will ensure that the use of reduced timetables is limited to only those circumstances where it is absolutely necessary and, will provide for the reporting of reduced timetables when they are put in place.

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;
<p>A major review of instruction on these issues across all stages of education was conducted in 2018 by the NCCA. The review considered the issues of consent, contraception; healthy, positive, sexual expression and relationships; safe use of the Internet; the role of the school ethos, and LGBTQ+ matters. Resulting from that review, new specifications for SPHE/RSE are being developed, with an initial focus on the Junior Cycle. This work will include engagement with all the key education stakeholders together with a further process of public consultation before any new curriculum specifications are finalised.</p> <p>HSE Sexual Health and Crisis Pregnancy Programme has developed a range of information, resources and supports for children, young people and parents that complements the school curriculum.</p>	

28(f)	Reform the Leaving Certificate examination with a view to reducing the stress caused to children;
<p>The NCCA has undertaken a significant review of the senior cycle and are finalising their advisory report. Among the areas considered in the review have been the stress levels relating to the focus on terminal examinations, and appropriate arrangements for assessment, reporting and certification at senior cycle.</p> <p>In addition to this review, new subjects and revised specifications for existing subjects are being introduced. All new and revised specifications include additional assessment components, which remove some of the focus and pressure on the final June written examination.</p> <p>As a result of COVID-19, alternative methods of certification in the form of Calculated Grades (2020) and Accredited Grades (2021) were introduced. Both Calculated and Accredited Grades were provided in addition to the option of written examinations, without a requirement for students to undertake certificate examinations. These systems' purpose is to provide a means of assessing and reporting on students' learning and attainment while acknowledging the disruption they faced in their class tuition time as a result of school closures. The Department of Education continues to signpost schools and students to the HSE/HSE-funded e-mental health services with information on minding student wellbeing during the COVID-19 pandemic.</p>	

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.
<p>In response to school closures due to the COVID-19 pandemic, the Department of Education developed a number of measures designed to support vulnerable learners and those at risk of educational disadvantage. Supports put in place included:</p> <ul style="list-style-type: none"> <li>• information to parents to support children's learning during the enforced school closures,</li> <li>• specific guidance to schools on how to support continuity of education for children at risk of educational disadvantage and those at risk of early school leaving</li> </ul>	

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.

- Grant funding of €100 million to address schools' ICT needs and to support remote learning during the pandemic.

The Department of Education provided guidance documents to support teachers on the re-opening of schools and to advise them on taking time to identify where pupils/students were at in their learning and to build from this. In 2020, a programme of summer provision was available to all schools in the DEIS programme and learners with Special Educational Needs to help address the impact of periods of enforced remote learning.

The 2021 Accredited Grades process design was informed by the experience of implementing the Calculated Grades system in 2020. The use of demographic characteristics, including the socio-economic status of the school, was inherent in the Technical Working Group's design of the Calculated Grades model. The model was inclusive of a validation process which served to ensure that the statistical standardisation process was presenting results that were as fair and equitable and in line with previous outcomes as much as possible. It checked whether the model was resulting in any particular group being advantaged or disadvantaged relative to previous years. The validation process checked, for example, that disadvantage effects, or gender effects, are not exacerbated within the model.

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

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
<p>Sport Ireland supports the design and delivery of targeted initiatives by Local Sports Partnerships (LSPs) and National Governing Bodies of Sport, including school-based initiatives, sports camps, Youth Leadership programme and Youth diversion initiatives. In 2019, LSPs targeted over 220,000 children through school-based and pre-school activities. A new three-year Sports Action Plan is nearing completion and it will aim to support more active lifestyles amongst children and young people including marginalised groups.</p> <p>A national network of Sports Inclusion Disability Officers (SIDOs) is being developed and aligned to local structures. SIDOs aim to increase the participation of persons with disabilities in sport, fitness and physical activity in partnership with all relevant stakeholders.</p> <p>The Government published the Creative Youth Plan in 2017 under the Creative Ireland Programme. The Plan is a culture-based, all of Government well-being initiative. It aims to support young people's overall learning, development and wellbeing through enhanced and inclusive access to creative activities both in education and community settings. In implementing the Plan, a range of supported initiatives have aimed at increasing access to creative activities, including those targeted at marginalised young people, or those at risk of marginalisation.</p> <p>The UBU Your Place Your Space scheme funds targeted youth services supporting young people experiencing marginalisation or who are disadvantaged, vulnerable or at risk of not flourishing. Furthermore, equality, intercultural and integration programmes are funded to embed inclusion and diversity actions within the youth sector. Local Creative Youth Partnerships are designed to support collaboration between youth services and the artistic/cultural community.</p> <p>The National Play Day initiative promotes play opportunities across Ireland through grants to local authorities to develop play and recreational opportunities for young people, with a strong focus on disadvantaged communities.</p>	

29(b)	Develop a curriculum of physical leisure activities that can be enjoyed by all students, including girls.
<p>The Department of Education strives to ensure that the Physical Education (PE) curriculum in schools is gender neutral and that equal opportunities are provided to boys and girls to access the curriculum. The emphasis is on participation for all, both in curricular and extracurricular physical activity.</p> <p>A new Junior Cycle Physical Education specification includes a minimum of 135 hours across the three years of Junior Cycle, aligned to the Framework for Junior Cycle. At Senior Cycle, PE is available through both an examinable subject and as non-examinable subject.</p>	

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

A Framework for Senior Cycle Physical Education has been published and is designed to support teachers in planning quality learning in Physical Education for all students in Senior Cycle.

I.

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

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

### Asylum-seeking, refugee and migrant children

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
<p>Education and healthcare for migrant, refugee and asylum-seeking children is through the mainstream education and health systems on the same basis as Irish nationals.</p> <p>A set of national standards for accommodation centres has been developed, which sets out clear expectations for service providers. These accommodation centres are contractually bound to provide menus that reasonably meet the dietary needs of the different ethnic groups and the reasonable prescribed dietary needs of any person accommodated at the centre. There is regular consultation between the centre management and the accommodation centres residents about preferences for inclusion of specific foods on menus and, where possible, this is facilitated.</p> <p>Recreation areas are provided in all centres. The Daily Expenses allowance is paid to applicants for international protection who reside within state provided accommodation. This is paid at a weekly rate of €38.80 per adult and €29.80 per child. Protection seekers can also access Exceptional Needs Payments and the Back to School Clothing and Footwear Allowance. Under the Fund for European Aid to the Most Deprived (FEAD), school stationery kits have been distributed to children who reside in Direct Provision Accommodation, Emergency Orientation and Reception Centres, and Homeless Emergency Accommodation.</p> <p>The <i>Migrant Integration Strategy 2017-2020</i> contains specific actions to ensure access to education including:</p> <ul style="list-style-type: none"><li>• the monitoring of school enrolment policies to assess their effect on migrant students;</li><li>• the monitoring of the adequacy of language supports in schools; and</li><li>• diversity training for teachers.</li></ul> <p>Unaccompanied minors seeking asylum in Ireland are received into the care of Tusla, and their identified needs are supported according to the same regulations and standards as all children in care within the State. In Budget 2021, dedicated funding has been allocated to support the needs of this cohort, including intake, specialised care and additional aftercare supports.</p>	

30(b)	Implement the recommendations of the Expert Group on Direct Provision, including to replace direct provision;
<p>The Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process was published in October 2020. The report has informed the development of the White Paper on ending the 'Direct Provision' system of accommodation and support services in February 2021. The White Paper sets out a Government policy to establish a new International Protection Support Service and incorporates the recommendations of the Expert Advisory Group.</p>	



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

The new system, as laid out in the White Paper, will be grounded in the principles of human rights, respect for diversity and respect for privacy and family. The system's design will offer greater support and greater autonomy to International Protection applicants. It will operate on a not-for-profit basis and will rely on strong engagement and co-operation between the State and not-for-profit organisations.

A Programme Board, whose membership includes a former resident of international protection, independent experts, non-government stakeholders and key departments, has been established to monitor progress. The Programme Board held its first meeting 29 July 2021, and will meet monthly initially. It is envisaged that the new system will be operational by December 2024.

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

The DCEDIY is engaged in consultations with the Department of Health and HIQA on establishing an independent monitoring mechanism for standards in International Protection Accommodation Service (IPAS) accommodation centres. The intention is that such monitoring arrangements will commence in 2021.

Currently, accommodation centres are subject to three unannounced inspections per year – twice by an independent company (QTS Limited) and once by officials of IPAS. The current inspection programme was compromised by the COVID -19 pandemic. Nonetheless, it is expected that each of the direct provision accommodation centres will be inspected three times in 2021.

**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;**

The International Protection Act 2015 (commenced on 31 December 2016) has introduced a single procedure, bringing the State into line with protection processing arrangements in all other EU States. Under the Act, the Office of the Refugee Applications Commissioner was abolished and responsibility for the investigation and determination of applications for international protection and related permission to remain matters transferred to a new International Protection Office (IPO). The IPO is statutorily independent in the performance of its international protection functions.

The International Protection Act 2015 (Section 14) provides that a child under the age of 18, arriving at a port of entry or at the International Protection Office (IPO), and who is not in the custody of an adult, will be referred to Tusla. Tusla may then decide that an application for international protection should be made on behalf of the minor. Specific arrangements will be made by the IPO together with Tusla to process an application and Tusla will support the minor throughout the process, including attending at their interview.

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;

The IPO has specially trained caseworkers to process applications from unaccompanied minors. Any efforts to return unaccompanied minors to their country of origin would be undertaken as part of a voluntary return arrangement rather than on foot of a deportation order. Dependent children of applicants for international protection are dealt with as part of their parents' application.

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.

Where unaccompanied minors arrive in the State (such as at airports or ports) they are referred to the Team for Separated Children Seeking Asylum in Tusla. Tusla arrange for all children to see a social worker on the day of referral and an initial assessment takes place. The initial assessment process seeks to identify the child's background and any particular vulnerabilities that present. Any vulnerabilities identified inform Tusla's response to the care and clinical needs of the child and are considered in the child's care plan. Tusla social workers support children with their applications for asylum, including seeking legal advice.

## Children belonging to minority groups

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;

The Government has supported Traveller and Roma's children access to education through a number of measures:

- The roll-out of a 2-Year Pilot Education Programme in over 50 schools, which trials a new approach to addressing barriers to education in Traveller and Roma Communities regionally.
- The DEIS Programme which focuses on tackling educational disadvantage has benefited many Traveller children.
- Review of Traveller culture and history in the curriculum.
- Irish Travellers are a target group of the *National Plan for Equity of Access to Higher Education 2015-2021*

Actions under the *Roadmap for Social Inclusion 2020-25* focused on addressing child poverty and food poverty and the piloting of Hot Meals scheme contribute to ensuring access of Traveller and Roma communities to adequate standard of living.

Resources have been allocated to address the specific housing needs of Traveller communities.

<b>31(a)</b>	<b>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>
<ul style="list-style-type: none"> <li>• The 2021 Capital Budget for Traveller-specific accommodation is €15.5 million (€14.5 million in 2020) and the 2021 Current Budget for Traveller-specific accommodation is €5.8 million (€4.7 million in 2020).</li> <li>• An expert review on Traveller Accommodation was published in 2019 and a Programme Board was established to drive the implementation of the recommendations.</li> </ul> <p>A range of targeted initiatives programmes and supports have been implemented to support Traveller and Roma communities' access to health services:</p> <ul style="list-style-type: none"> <li>• The HSE spends around €10 million annually on Traveller and Roma specific health initiatives including primary healthcare projects (Traveller Health Unit and Traveller Primary Health projects), counselling, public health nurses, mental health promotion and culturally-sensitive suicide prevention services. A new <i>Traveller Health Action Plan</i> will soon be completed.</li> <li>• Additional funding in the 2021 budget supports the development of a Roma Health structure.</li> </ul>	

<b>31(b)</b>	<b>Implement the National Traveller and Roma Inclusion Strategy 2017-2021, including resources allocated, progress achieved and plans for evaluation;</b>
<p>The <i>National Traveller and Roma Inclusion Strategy (NTRIS) 2017-2021</i> represents a whole of Government approach and brings Government Departments and Agencies together along with representatives of both Traveller and Roma communities.</p> <p>The NTRIS contains 149 actions, grouped under ten themes including Cultural Identity; Education; Employment; Health and Accommodation with the aim of improving the lives of Traveller and Roma Communities. Progress on these actions is monitored by a Steering Committee, chaired at Ministerial level, which includes Traveller and Roma representatives and civil society organisations.</p> <p>The strategy demonstrates strong progress with a number of notable milestones in realising the inclusion of Traveller and Roma communities.</p> <p>A mid-term review of the NTRIS review was finalised in March 2021. An independent review will take place when the Strategy comes to an end, which will inform the development of the next National Traveller and Roma Strategy.</p>	

<b>31(c)</b>	<b>Promote the cultural rights of Traveller and Roma children;</b>
<p>The <i>National Traveller and Roma Inclusion Strategy 2017 – 2021</i> features a number of actions aiming to bolster cultural identity. These actions include:</p> <ul style="list-style-type: none"> <li>• commitments to support International Roma Day,</li> <li>• developing initiatives exploring Traveller and Roma arts, cultures and traditions,</li> </ul>	

**31(c) Promote the cultural rights of Traveller and Roma children;**

- developing intergenerational initiatives in collaboration with local Traveller and Roma organisations to support cultural continuity, and
- promoting positive self-identity to promote, pass on and preserve knowledge of traditional Traveller and/or Roma crafts and skills.

The Department of Education prepared intercultural guidelines for primary and post-primary schools which support schools in collaboration with Traveller and Roma organisations to develop education resources on Traveller and Roma culture and history for use in education. The NCCA is reviewing Traveller History and Culture in the curriculum.

The National Museum of Ireland has supported the development of a project promoting Traveller historical artefacts. This will include the creation of a portal for educators and teachers to access curated material and a resource that will support discussion and open up new perspectives on Irish Traveller Culture specifically and Irish history generally.

The formal recognition of Traveller ethnicity in 2017 has provided greater opportunities to advance projects that increase the visibility of Traveller culture and heritage which will help in promoting greater understanding, respect and inclusion.

**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**

The Habitual Residence Condition is part of Irish social welfare legislation and in accordance with EU legislation and with European Court of justice jurisprudence. Being habitually resident in the State is a requirement, amongst others, for receipt of social assistance payments (which are means tested) and Child Benefit. The requirements apply equally to all applicants and beneficiaries, regardless of nationality or ethnic background.

Immediate and flexible payments, such as the Exceptional Needs Payments or Urgent Needs Payments, are not conditional on the habitual residence condition as these payments may be required to meet an immediate, unforeseen and once-off need.

Under this scheme, anyone present in the State, including asylum seekers, refugees, migrants, Travellers or Roma, can apply for a payment arising from an exceptional or urgent need. There is no automatic entitlement to a payment as each application is determined based on the particular circumstances of the case.

**31(e) Address the over-representation of Traveller children in the care system and the child justice system.**

The Government acknowledges the significant diversity issues that are evident when considering the involvement of children and young people in the criminal justice system. The *Youth Justice Strategy* emphasises the need for State and State-funded services to engage effectively with the range of community, family and personal circumstances applying to each child or young person, including members of the Traveller community.

**31(e) Address the over-representation of Traveller children in the care system and the child justice system.**

The over-representation of Traveller children within the child protection system has been identified through research funded by the Government. Tusla has provided increased supports through Family Resource Centres, community and voluntary organisations as well as CYPSC to the Traveller community, to address any welfare risk early and reduce the numbers of these children being received into care. Further measures have been developed recently such as providing culturally appropriate placements for Traveller children coming into care, establishing bursary schemes for Travellers who wish to become social workers and a project aimed at increasing the number of Traveller and Roma foster carers.

## Administration of child justice

**32(a) Raise the age of criminal responsibility to 14 years**

The age of criminal responsibility in Ireland is set out in the Children Act 2001 (Section 52). The Act provides that a child aged 10 to 11 can be charged with the most serious crimes only: murder or serious sexual assaults. This provision has never been used. The Act provides that a child aged 12 to 13 can be charged with a crime, but only with the express consent of the Director of Public Prosecutions. This provision has had to be used on very rare occasions. However, for the vast majority of crimes and for most purposes the effective age of criminal responsibility in Ireland is 14. While these provisions will continue to be kept under review, Ireland's rights-based and child-centred youth justice system ensures that children are prosecuted only as a last resort and when diversion is not appropriate – i.e. only for serious offences or for repeat offending where earlier interventions have not been successful.

**32(b) Adopt a new Youth Justice Strategy;**

The new *Youth Justice Strategy* has been developed under the guidance of an expert Steering Group and been informed by detailed consultation with key agencies and stakeholders and practitioner experts, as well as a public consultation process carried out on-line between April and June 2020.

Implementation of a new *Youth Justice Strategy*, which was published on 15 April 2021, is a deliverable under the current Programme for Government. To support implementation, the Department of Justice has established a research partnership with the University of Limerick to provide evidence for the effectiveness of policies and programmes. The Strategy provides for cross-agency oversight and governance arrangements and dedicated stakeholder engagement structures for the community sector and academic experts.

**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;**

Diversion measures are the default option for children who come into contact with the justice system, and children are prosecuted only when diversion is not appropriate.

The vast majority of the cases that come before the Courts are dealt with in the Children Court (District Court level).

An important safeguard is that a criminal trial in Ireland can only proceed if the accused has or had the mental capacity to a) understand that the act was wrong and b) to understand the nature of court proceedings. This serves as a very important protection to the human rights of children in this age group who are alleged to have committed the most serious crimes.

The provisions in the Children Act, including in relation to serious offences and those who were under 18 at the time of offence will be reviewed as part of the broader review of the Act to be progressed under the *Youth Justice Strategy*.

**32(d) Promote alternative measures to custody and detention;**

The Children Act 2001, which provides the framework for the Youth Justice system, includes provisions relating to the Garda Diversion Programme and enshrines the principle of using detention as a last resort.

The new *Youth Justice Strategy* will prioritise the enhancement of engagement with children and young people who are most at risk of involvement in criminal activity, principally by development of services available through the existing 105 GYDP. The Strategy prioritises a range of specialised initiatives to engage and support those with more entrenched patterns of offending and children who may be under the coercive control of criminal networks.

The Children Act 2001 provides for a range of community sanctions which may be imposed by the courts as an alternative to detention. The Act includes restorative processes which may be used as appropriate. These provisions will be subject to review, with a view to further enhancement as part of the implementation of the new Youth Justice strategy.

**32(e) Ensure that detention, including custody and pre-trial 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;**

In the Children Act 2001 the principles relating to the exercise of criminal jurisdiction over children states that *“any penalty imposed on a child for an offence should cause as little interference as possible with the child’s legitimate activities and pursuits, ... a period of detention should be imposed only as a measure of last resort”* (Section 96 (2)). Oberstown Children Detention Campus is a distinct facility for the detention of children only. There is no association with adult offenders.

The Act enables the Minister for Children, Equality, Disability, Integration and Youth to authorise members of an independent authority, HIQA, to carry out inspections at least once every 12

**32(e)** Ensure that detention, including custody and pre-trial 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;

months. The inspections pay particular attention to areas including the conditions young people are detained in and the facilities available to them, policies and practices regarding the normal routine of the school, and health and safety, and wellbeing. Inspection reports confirm compliance with international standards on children's rights. The Action Plan of each report identifies any areas for improvement.

**32(f)** Provide rehabilitation and reintegration services for children leaving detention.

Throughout a young person's detention placement, there is awareness of the importance of preparing the young person for their return to their families and communities.

On admission to Oberstown Children Detention Campus, each young person is assessed via a service, which takes into consideration many factors including the young person's age, offence, education and care when determining an individual programme. Through this approach, young people are provided with opportunities to learn practical skills to reduce the likelihood of relapse and to address the offending behaviour through the delivery of risk reducing programmes.

Preparation for leaving involves practical programmes which cover all aspects of a young person's life including accommodation, living skills, finances, work, education and health. Their parents/family/carers as well as representatives from various services are involved with a view to enhancing the likelihood of their successful reintegration. The services of a Youth Advocacy Programme and a Family Mentoring service are provided to assist young people.

In addition, the new *Youth Justice Strategy* includes objectives to develop enhanced, timely and effective services for preparing children for their safe return to the community.

**Optional Protocol on the involvement of children  
in armed conflict**



## Optional Protocol on the involvement of children in armed conflict

**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

The Ombudsman for the Defence Forces was established as an independent statutory body as a result of the Ombudsman Act 2004. The Ombudsman for the Defence Forces Ireland is an independent office tasked with investigating complaints made by current and former members of the Irish Defence Forces.

Disciplinary matters involving serving members of the Defence Forces, depending on the circumstances, are dealt with through the military discipline provisions of the Defence Act and the Defence Forces Regulatory Framework and may be investigated by the Military Police, and additionally may proceed to Court Martial. An Garda Síochána, however, have jurisdiction for any and all allegations involving civilian adults and minors.

**33(b)** Criminalize the involvement of children in hostilities domestically and abroad

An amendment to the relevant Defence Force Regulations, increased the minimum age for recruitment to the Permanent Defence Force to not less than 18 years of age with effect from July 2013. The minimum age for enlistment to the Reserve Defence Force was increased to not less than 18 years of age by Regulatory change with effect from February 2014.

Amendments to the Defence Act, currently progressing through the Oireachtas, will remove the references in the Defence Act to the enlistment of persons under the age of 18 and will give full effect in the Defence Act to the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict.

**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

On referral to Tusla, unaccompanied minors have an initial assessment which may help to identify situations where a child may have been involved in armed conflict. Safety planning may be conducted where there is an identified risk that a child may be removed from the country to a conflict zone.

The assessment and care planning processes aim to identify the child's needs and experiences to date, and to put in place the appropriate medical, therapeutic, educational and psychological supports to address the child's identified needs.


IPAS provides a vulnerability assessment for all children who enter the international protection process, and who are accompanied by a parent or guardian. The vulnerability assessment begins with an initial interview when the applicant first applies for International Protection. If this initial assessment indicates that the applicant has one or more vulnerabilities within the meaning of the law governing vulnerability assessments, one or more further assessments may be carried out.

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

Taken together, these assessments are used to determine whether the applicant has special reception needs arising from any vulnerabilities identified.

IPAS staff and centre managers are trained in Trauma Informed Child Development and Children First. A training programme is currently being compiled for all staff conducting vulnerability assessments concerning torture, sexual, physical violence and intercultural training.

All children in care, including unaccompanied minors, have a medical card and asylum seeker children with families can also qualify for a medical card. They have full access to all public health services including mental health supports similar to Irish children and priority is assessed on clinical need not care or immigration status.



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