



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined fifth and sixth periodic reports submitted by Ireland under article 44 of the Convention, due in 2021^{*}, ^{**}

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* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



Abbreviations

AGS	An Garda Síochána
AIM	Access and Inclusion Model
BFHI	Baby-Friendly Hospital Initiative
BOBF	Better Outcomes, Brighter Futures (The National Policy Framework for Children and Young People 2014–2020)
CAMHS	Child and Adolescent Mental Health Services
CHI	Children’s Health Ireland
CSO	Central Statistics Office
CSS	Child Safeguarding Statement
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
DHLGH	Department of Housing, Local Government and Heritage
DRM	Domestic Resource Mobilisation
DSP	Department of Social Protection
ECCE	Early Childhood Care and Education
EWO	Education Welfare Officer
EEA	European Economic Area
ELC	Early Learning and Care
EPIC	Empowering People In Care
ETB	Education and Training Board
EU	European Union
FSAI	Food Safety Authority of Ireland
GAL	Guardian ad Litem
GP	General Practitioner
GYDP	Garda Youth Diversion Project
HIQA	Health Information and Quality Authority
HSE	Health Service Executive
ICT	Information and Communications Technology
IPAS	International Protection Accommodation Service
IPO	International Protection Office
ISL	Irish Sign Language
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LSP	Local Sports Partnership
MIS	Migrant Integration Strategy 2017-2020
NCCA	National Council for Curriculum and Assessment

NCS	National Childcare Scheme
NDCPR	National Donor-Conceived Persons' Register
NDIS	National Disability Inclusion Strategy
NGO	Non-Governmental Organisation
NTRIS	National Traveller and Roma Inclusion Strategy
OCO	Ombudsman for Children's Office
OECD	Organisation for Economic Co-operation and Development
PE	Physical Education
PUP	Pandemic Unemployment Payment
RSE	Relationships and Sexuality Education
SDG	Sustainable Development Goal
SHCPP	Sexual Health and Crisis Pregnancy Programme
SIDO	Sports Inclusion Disability Officer
SPHE	Social, Personal and Health Education
TUSLA	Tusla, the Child and Family Agency
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
VAT	Value Added Tax
WHO	World Health Organization
YJS	Youth Justice Strategy

I. New developments

Reply to paragraph 1 (a) of the list of issues prior to reporting (CRC/C/IRL/QPR/5-6)

1. Ireland will continue to strengthen and sustain the significant policy and institutional developments for children of recent years. Integrating and optimising outcomes across policy, service provision, practice and associated innovations will be a key focus. 2022 will see several landmark initiatives such as the development of Ireland's national action plan for the EU Child Guarantee as well as the successor whole of government policy framework to *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (BOBF).
2. *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families* (2019), underpins major reforms including:
 - National Childcare Scheme (NCS);
 - New funding model for early learning and care, and school-age childcare;
 - Introduction of additional family leave;
 - Development of a national model of parenting supports;
 - Introduction of a child health workforce.
3. The 2021 *Youth Justice Strategy (YJS)* is grounded in child welfare principles with a focus on promoting positive behavioural change.
4. *Delivering Equality of Opportunity in Schools* (2017) outlines an ambitious set of objectives and 108 actions to support children at greatest risk of educational disadvantage. The Education (Admission to Schools) Act 2018 aims to improve the admissions process for parents and children.
5. *Sláintecare Healthy Communities* seeks to improve long-term health and well-being for the most disadvantaged communities.
6. The *Roadmap for Social Inclusion* (2020) emphasises supporting families and reducing child poverty.
7. Increased funding to Tusla, the Child and Family Agency (from €617 million in 2014 to €900 million in 2021) enhanced Child protection, welfare and family support services
8. The Children First Act commenced in 2017, brings new robust child protection measures.
9. The Irish Sign Language Act 2017 recognises Irish Sign Language (ISL) as a native language of the state.
10. The 2017 Criminal Law (Sexual Offences) Act enhanced legislative provisions for tackling sexual abuse of children. The Harassment, Harmful Communications and Related Offences Act 2020 addresses distribution of intimate images without consent.
11. The Arts Council's Young People, Children and Education programme, and the Creative Youth pillar of the Government's Creative Ireland Programme promote children and young people's engagement with creativity and the arts. All National Cultural Institutions have outreach programmes for children and young people.

Reply to paragraph 1 (b)

12. Awareness and information campaigns introduced to mitigate the impacts of the crisis on children and protect their rights included:
 - *Let's Play Ireland*, promoting play among children;
 - *Supporting Children*, highlighting 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*, a parenting services and information portal.

13. Tusla prioritised critical service areas including child protection, children in care (including court hearings), and domestic and sexual gender-based violence services. Sector-specific guidance and grants provided to the youth sector allowed services continue to provide supports safely. Child and parent helpline charities were supported to adapt to increased demand.

14. 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, supported by the *Let's Get Ready* campaign.

15. The Pandemic Unemployment Payment (PUP) provided direct support to households. The School Meals Programme funding was extended during school closures. Health services remained open with precautions to protect against COVID-19, including remote medical help and prescriptions.

16. Court proceedings were adapted in response to public health restrictions, including remote hearings in adoption and childcare proceedings.

17. An online consultation with young people was undertaken about the impact of COVID-19 on their mental health and well-being. Findings informed government campaigns and targeted measures.

18. The Government, with the youth sector and spunout.ie, undertook the *How's Your Head – Young Voices during COVID-19* online survey to highlight young people's experiences.

Reply to paragraph 1 (c)

19. Ireland embarked upon key reforms of its justice system, mainstreaming a child rights approach. An implementation plan (2020) outlines systemic reforms to investigate and prosecute sexual crimes, providing a more victim-centred approach. *Supporting a Victim's Journey* observes that children's vulnerability, both as victims and witnesses, is an important horizontal principle to be recognised in all actions.

20. Based on the ground-breaking *Greentown Report*, innovative approaches to tackle youth offending are supported in the new *YJS*. Designed with input from domestic and international experts including 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 3 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 caregiver. After a successful Dublin pilot, the highly regarded scheme was extended to other locations.

21. The government has committed to the establishment of specialised family courts within existing court structures. A key aspect of the reform is to create more family-friendly court processes and an improved physical environment and to facilitate obtaining the views of the child.

Reply to paragraph 2

22. 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 contributing to the implementation of the SDGs were developed with consideration of children and young people's specific rights and needs, and are frequently informed by direct consultation with them.

23. 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*, informed by consultation with young people, supports this commitment.

24. Department of Social Protection (DSP) payments for families with children aim to reduce child poverty. The *Roadmap for Social Inclusion* focuses on reducing child poverty (SDG1). The Working Family Payment and the One-Parent Family payment support parents to participate in the labour market (SDG8).

25. The *National Obesity Policy and Action Plan* (SDG3.4) and *Reducing Harm, Supporting Recovery 2017-2023* (SDG3.5) are examples of policies contributing to ensuring healthy lives for people of all ages. There are child-targeted actions, including the development of the first *National Healthy Eating Guidelines* for 1-4-year-olds and *Know Your Score*, a national drug awareness resource for secondary school students.

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

- Decreased deprivation rate for children (SDG1);
- Positive impact of early childhood education and care (SDG4);
- Reduced number of girls married under the age of 18 (to zero) (SDG5).

II. Rights under the Convention and its Optional Protocols thereto

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

Legislation

Reply to paragraph 3 (a)

27. The UNCRC does not form part of the domestic law of the state. However, the substance of rights it contains are protected by the Constitution and legislation. Legislative measures in the Child and Family Relationships Act 2015 and the Domestic Violence Act 2018, provide for a child's views to be heard in court proceedings. 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 additional rights (unenumerated personal 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.

Reply to paragraph 3 (b)

28. 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, was asked to assess the work required to undertake a comprehensive audit of Irish legislation for compliance with the UNCRC. This will inform the development of a programme of work across government to assess legislative compliance with the Convention.

Reply to paragraph 3 (c)

29. The Children First Act has key child protection measures, including mandatory reporting by key professionals working with children of child protection concerns above a certain threshold, and the preparation of Child Safeguarding Statements (CSS) by organisations providing services to children. The Act abolished the common-law defence of reasonable chastisement for corporal punishment. The statutory Children First Inter-Departmental Implementation Group promotes the importance of Children First compliance and a consistent approach across government.

30. The Children and Family Relationships Act 2015 modernised family law in areas including parentage, custody, access, maintenance and donor-assisted human reproduction. All provisions of the Act have fully commenced. The Act regulates donor-assisted human

reproduction procedures carried out in the state, including the legal parentage of children born from such procedures.

Comprehensive policy, strategy and co-ordination

Reply to paragraph 4 (a)

31. *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 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, promoting physical activity in school settings, reached 851 schools by the end of 2019.

32. The new *YJS*, 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 will be expanded to ensure national coverage.

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

34. To implement the national equality strategies, measures were deployed to target marginalised groups of children to advance their rights to play, education, healthcare and enjoyment of their own culture.

Reply to paragraph 4 (b)

35. The BOBF framework has now concluded. It established a strong implementation infrastructure, facilitating robust cross-governmental collaboration and civil society engagement, resulting in key achievements in areas including child poverty and health. The collaborative approach on child poverty led to a significant drop in the consistent poverty rate between 2014 and 2019.

36. The new framework has been delayed until 2022 to consider the impact of COVID-19, and will build on two significant recent initiatives: the development of the EU Child Guarantee Action Plan and the UNCRC state report for Ireland's hearing in 2022.

Reply to paragraph 4 (c)

37. The Department of Children, Equality, Disability, Integration and Youth (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. New functions transferred to DCEDIY, including responsibility for policy, legislation and services relating to integration, equality and disability.

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

- The operation of Tusla;
- Sectoral programmes for early childhood care and education, after-school services and youth services;
- *Growing Up in Ireland (National Longitudinal Study of Children and Young People)*, CYPSC and other relevant activities.

39. With its expanded responsibilities, DCEDIY's budget supports the implementation of a number of equality strategies and International Protection Accommodation Services

(IPAS). While the scope of the latter is not limited to children and young people, they benefit from relevant measures.

Reply to paragraph 4 (d)

40. 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 criminal law enforcement, where those functions are closely associated with rights concerning violence against children and special protection measures. Joint working protocols facilitate engagement between AGS and Tusla as well as HSE and Tusla, including liaison mechanisms at local, regional and national levels.

41. Tusla is tasked with supporting regular school attendance, while the National Council for Curriculum and Assessment (NCCA) is responsible for the development of early years, the school curriculum and assessment, and the National Council for Special Education oversees the education of children with disabilities. Education and Training Boards (ETBs) are local education authorities providing management support and oversight to a considerable number of schools and further education colleges as well as apprenticeships and youth services.

42. DSP oversees birth registration. The Irish Naturalisation and Immigration Service is responsible for administering the functions of the Minister for Justice regarding international protection, immigration and citizenship matters.

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

Allocation of resources

Reply to paragraph 5 (a)

44. Establishing a children's Department simplifies tracking budgetary resources spent on children and young people, 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, and children's disability services. A pilot report was produced in 2016 on government expenditure on children. Work is ongoing to potentially build upon this analysis of the state's allocation of resources for children.

45. Ireland has introduced 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 impact of public services on people's lives. Equality budgeting was introduced to inform 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.

46. Significant reforms have led to improvements in services resource allocation by providing an evidence-based, needs-led approach to commissioning in areas including youth services, family support, and domestic, sexual and gender-based violence services. A major review of the funding model for early years childhood education and care is underway, aiming to improve accessibility and affordability.

Reply to paragraph 5 (b)

47. 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 equality goal under the equality budgeting initiative included improving access to childcare benefitting children and their parents, 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 recipients of public spending, and how budgetary policy decisions affects them.

48. In 2020, the Central Statistics Office (CSO) carried out a data audit to improve the availability of data disaggregated by equality dimensions, enabling more differentiated analysis of public expenditure by identifying societal groups such as families and children. The audit informs the equality data strategy development seeking to improve equality data's availability and use. Data availability can empower proofing tools facilitating the integration of equality perspectives into the budgetary cycle. The state's increasing ability to identify resource allocation to different age groups will allow a greater analysis of resource allocation to children's services in particular, and to identify any disparities in resource allocation and gaps in service provision.

Reply to paragraph 5 (c)

49. Budgetary allocations provide services to Traveller and Roma children even though no specific budget line exists within budgetary programmes due to 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 Inclusion Strategy 2017–2021* (NTRIS), a number of funded projects target Traveller and Roma populations specifically, including children and young people. Data collection on ethnicity in public services (for example, education), along with regular surveys, support monitoring access of those groups to public services.

50. Children's disability services have a dedicated budget with funding provided for respite services. The HSE is reconfiguring these services into children's disability network teams under the *Progressing Disability Services* programme.

51. Under the *National Service Plan*, the HSE will provide 9 additional centre-based respite services, providing 10,400 additional respite nights along with alternative respite projects including Saturday clubs, breakaway schemes, and summer schemes. The HSE will provide 214 intensive respite support packages to children and young adults.

52. An additional €9 million will be provided in 2022 to build the capacity of respite services in each Community Healthcare Organisation area for children and adults, as well as providing alternative models of respite.

Reply to paragraph 5 (d)

53. The Office of Government Procurement's official guidance requires public bodies to advertise all contracts for supplies and services with an estimated value of €25,000 (excluding 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 (excluding VAT) awarded without a competitive process to the Comptroller and Auditor General.

54. 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 resources are not diverted from their intended purpose.

Reply to paragraph 5 (e)

55. Considerable efforts were made to protect children and their families from the adverse effects of the COVID-19 pandemic. The PUP provided direct support to households without

affecting entitlement to other welfare payments for families. Funding was extended for school meals programmes during school closures.

56. 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 allowing maintenance of essential frontline services, while many Tusla staff were redirected to frontline services. Youth services were adapted to continue providing support to disadvantaged groups, and Core Youth Justice Services continued to operate adapted services.

57. The HSE ensured essential services for the most vulnerable, including children, were maintained as far as possible. Through the pandemic, children's disability services and Child and Adolescent Mental Health Services (CAMHS) provided face-to-face appointments where necessary while assisting other groups remotely by phone.

58. In 2020 and 2021, a programme of summer provision was 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. The COVID Learning and Support Scheme (CLASS) was introduced in 2021 to mitigate the impact of Covid-19 closures and restrictions.

Data collection

Reply to paragraph 6 (a)

59. Significant steps taken to improve the collection and quality of disaggregated data concerning children's rights under the Convention include:

(a) The CSO has standardised relevant questions across surveys and the census, enabling greater comparability to explore policy options;

(b) Tusla collects and publishes disaggregated data about its activities. One metric published is the number of abuse and neglect referrals, by referral source. Children at particular risk in the community may be registered on the Tusla managed Child Protection Notification System, a secure information system. The introduction of agency-wide digital information systems, from paper-based and local systems, has improved reporting of disaggregated data on key indicators;

(c) The Health Research Board (HRB) updated their existing disability databases to include people with autism receiving or awaiting services. The HSE is rolling out new Children's Disability Network Teams, whose management information systems will feed data into the HRB database;

(d) The population census captures information on Traveller and Roma children across several domains. The *State of the Nation's Children* report disaggregated data on Travellers, using data from surveys such as the *Health Behaviour in School-aged Children* survey. Pobal collects data on participation in early childhood education and care services, and the DE on school enrolment. The Statistical Spotlight report *Young Travellers in Ireland* (2020) presents data on Traveller and Roma children and young people. The national needs assessment of the Roma population in 2018 helped to address existing data deficits for this group;

(e) The monthly *Pathway Accommodation and Support System* report tracks the number of children in homeless families in emergency accommodation and a July 2021 upgrade allows for identification of children under 18 years of age within homeless families. This replaced the use of the dependants' figure as a proxy for the number of children in emergency accommodation;

(f) Eurostat publishes information on children with irregular migrant status in Ireland. The Migrant Rights Centre of Ireland carried out a survey *Growing Up Undocumented in Ireland* (2019) collected information on a sample of this population.

Reply to paragraph 6 (b)

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

61. The *State of the Nation's Children* report provides the most up-to-date online data on children's outcomes, and is widely used by policy makers. DCEDIY publishes a Statistical Spotlight series focusing on specific themes, such as young Travellers, and the BOBF 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.

62. The CSO has developed initiatives to improve data dissemination. The CSO Databank is a key data source derived from population censuses and administrative databases, with options for cross-tabulation and disaggregation across policy domains. An open data portal was established with a growing amount of public sector data. A 2020 equality data audit improved the availability of data disaggregated by equality dimensions, including 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.

63. The Outcomes for Children Data & Information Hub, an online interactive area-based geomapping system developed by Tusla and DCEDIY, offers a national solution for mapping outcomes and indicators for children and young people. Built on agreed indicators under each of the five national outcomes, work is ongoing to expand the use of data and provide an intuitive, user-friendly platform for professionals.

64. Tusla has data-reporting relationships with key state agencies, focusing on service delivery and highlighting areas for improvement in policy and operations.

Dissemination, awareness-raising and training**Reply to paragraph 7**

65. The government works with civil society organisations to raise awareness and promote implementation of the Convention. Ireland's first Child Summit in 2016, co-hosted by the then Department of Children and Youth Affairs and the Children's Rights Alliance, focused on the recommendations made in the UN Committee's 2016 Concluding Observations.

66. The Ombudsman for Children Act 2002 established the Ombudsman for Children's Office (OCO) in 2004. Its first core statutory function is to promote the rights and welfare of children, including through awareness-raising campaigns and educational workshops.

67. 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:

- HIQA child inspectors;
- DE schools inspectors;
- Educational Research Centre (focusing on continued professional development of teachers);
- Sport Ireland's Active Schools Flag Team as part of the *National Physical Activity Plan*.

68. *A National Framework for Children and Young People's Participation in Decision-Making*, developed to enable the inclusion of children in decision-making in all areas, has guidance for adult decision-makers to use in both policy, programme and service design to everyday settings.

Independent monitoring

Reply to paragraph 8 (a)

69. The Ombudsman for Children Act 2002 specifies the statutory responsibilities, duties and jurisdiction of the OCO. Its second core statutory function is to examine and investigate complaints made by, or on behalf of, children in relation to administrative actions of public bodies, which have had, or may have had, an adverse effect on the child. By law, the OCO is independent and receives its funding by a letter of allocation from DCEDIY to the OCO detailing its annual funding.

Reply to paragraph 8 (b)

70. The OCO may investigate complaints regarding children's services, including international accommodation protection services. Its website has a dedicated section in child-friendly language, explaining how to make a complaint and what to expect from the complaints process.

71. Tusla has a complaints and feedback mechanism 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.

72. Tusla's formal complaints process, *Tell Us*, is available to any Tusla service recipient. The website advises on making complaints, their management and the complaints escalation process. Under the National Standards, including those related to residential care, Tusla is required to provide all children who enter care with child-friendly information on 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.

Reply to paragraph 8 (c)

73. Public bodies have a mandatory duty under EU Directives to exclude companies at the selection stage from further consideration if convicted of specified offences. The core principles of public procurement (equal treatment, non-discrimination, proportionality and transparency) must be adhered to in all cases.

74. Tusla's *Commissioning Strategy 2019–2023* acknowledges the Public Sector Equality and Human Rights Duty and commits Tusla to commission services that promote equality, prevent discrimination and protect human rights in line with this duty. Tusla's Commissioning Toolkit, for service commissioning staff and providers, promotes a culture of participation. Services should be participatory and human-rights-based for children and adults who use them. Tusla's Equality, Diversity and Inclusion programme drives initiatives demonstrating the agency's commitment to equality, diversity and inclusion.

Children's rights and the business sector

Reply to paragraph 9 (a)

75. 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. A multi-stakeholder group comprising government, civil society and businesses, including several national groups representing businesses, monitors the plan's implementation.

76. The Safety, Health and Welfare at Work Act 2005 is the principal legislation governing occupational health and safety. Secondary legislation complements the 2005 Act, including the Safety, Health and Welfare at Work (General Application) Regulations 2007, placing obligations on employers, employees and others regarding 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.

77. The Equal Status Acts 2000–2018 prohibit discrimination in the provision of goods and services, accommodation and education on nine grounds, prohibiting businesses and enterprises from discriminating against children based on their age. The Irish Human Rights and Equality Commission has developed resources to support compliance with these requirements.

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

79. The Department of Enterprise, Trade and Employment transposes employment rights measures for children employed in specific sectors, for example, 2021 regulations provide enhanced health and safety measures for young people employed in the fishing and marine sector.

Reply to paragraph 9 (b)

80. The Health and Safety Authority enforce occupational safety and health legislation, which inspects approximately 10,000 workplaces annually to assess compliance with statutory occupational safety and health requirements. Enforcement tools available to the inspector range from advisory, information, prohibition, or ultimately criminal prosecution, involving fines of up to €3 million, or a custodial sentence of a maximum of two years.

81. The Environmental Protection Agency is responsible for overseeing enforcement of environmental law; regulating Ireland's greenhouse gas emissions, managing waste, and protecting people from the harmful effects of radiation. They grant licenses for waste facilities, intensive agriculture, and large-scale industrial activities, so are at the forefront of standard regulation through annual audits and inspections of premises and the prosecution of breaches of the regulations.

Reply to paragraph 9 (c)

82. 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:

- Analysing trade and capital flows between Ireland and developing countries;
- Analysing Ireland's tax treaty network with developing countries;
- Reviewing relevant provisions in domestic tax legislation.

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

84. In 2017, Ireland joined the Addis Tax Initiative, an international commitment to strengthen co-operation 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 OECD Guiding Principles for supporting taxation. Ireland's long-term support of the African Tax Administration Forum was recognised at their 2019 General Assembly, where Ireland was awarded a 'Most Valued Development Partner' award.

85. Ireland has made strong contributions to the significant developments achieved through the OECD Base Erosion and Profit Shifting process from its outset in 2013, and recently joined 136 countries in the OECD Inclusive Framework in an agreement on historic far-reaching changes to the international tax framework.

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

Non-discrimination

Reply to paragraph 10 (a)

86. The *First Annual Report on the Implementation of the LGBTI+ National Youth Strategy 2018–2020* outlined the implementation of actions across several domains, with a particular emphasis on education, health, safe and inclusive spaces, and increased consideration of the issues faced by Trans young people.

87. *NTRIS, Migrant Integration Strategy 2017-2020 (MIS)* and *National Disability Inclusion Strategy 2017–2021 (NDIS)* facilitated the promotion of educational rights for marginalised groups and promoted school retention, revision of the curriculum, reform of admission policies, and teaching English to migrant students.

88. Developing and implementing the 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 their child had benefited and 76% of services indicated AIM had made the culture at their preschool more inclusive.

Reply to paragraph 10 (b)

89. A 2020 public consultation gathered the views of communities, experts and the public on updating Ireland's incitement to hatred legislation. The consultation received 3,526 responses, discussing experiences of children in primary school, and accounts of people whose first experience of hate speech was as a schoolchild.

90. In April 2021, the Minister for Justice published the General Scheme of the Criminal Justice (Hate Crime) Bill 2021, which will create new, aggravated forms of certain existing criminal offences, where those offences are motivated by prejudice against protected characteristics, including:

- Gender (including gender expression or identity);
- Disability;
- Recognition of Traveller ethnicity in the main definitions in the new law and on the same basis as other ethnicities.

91. The independent Anti-Racism Committee, appointed by government in June 2020, has a mandate to review current evidence and practice and recommend to government how to strengthen tackling racism. The committee's *Interim Report* was published in April 2021. The committee launched a public consultation (April-July 2021) to collect views of wider civil society; the public; Oireachtas members; the business sector; media; and other parties. It included written submissions, an online survey, and facilitated online workshops (including one for the 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.

Reply to paragraph 10 (c)

92. The Education (Admission to Schools) Act 2018 brought major reform to school admissions policies which positively affect children of minority faith or no faith background, ethnic minorities, migrants and refugees who might be new to school catchment areas.

93. A two-year pilot, *Social Inclusion and Community Activation Programme*, is being implemented in over 50 schools to address barriers impacting Traveller and Roma children's attendance, participation and retention in education.

94. Considerable efforts were made to address child poverty, including through increases in social welfare payments in recent budgets. The *Roadmap for Social Inclusion 2020-2025* includes a commitment to set a new target for child poverty.

95. The introduction of the NCS was designed to make it easier to access early childhood education and care.

96. The LGBTI+ National Youth Strategy 2018-2020 implemented actions to address discrimination among the young LGBTI+ population, involving training professionals, ensuring the full participation by LGBTI+ in education free from inequality, bullying or exclusion and running awareness raising activities

97. Since AIM's introduction, more than 5,000 children with disabilities have received targeted supports enabling them to participate in mainstream pre-school, and many other children are benefitting from universal supports.

98. The government implemented measures to help children and families seeking international protection, including increased daily allowance payments, access to Exceptional Needs Payments and the Back-to-School Clothing and Footwear Allowance, (which can help with child-related costs). The white paper to end Direct Provision, (February 2021), aims to replace the current system with a new International Protection Support Services system, including an International Protection Payment and International Protection Child Payment, financed by DCEDIY and administered by DSP.

99. Unmarried fathers have options under the Guardianship of Infants Act 1964 to obtain guardianship that enables them to exercise parental rights and responsibilities in respect of their children, including applying to court for a declaration of guardianship. A child whose parents are not married can acquire a name in several ways, with one option being signing a Statutory Declaration and having it witnessed by the Registrar. A child's surname can be changed if parents marry following their birth.

Best interests of the child

Reply to paragraph 11

100. In line with Article 42A of the Constitution, section 3 of the Guardianship of Infants Act 1964, as substituted by section 45 of the Children and Family Relationships Act 2015, 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 to give paramountcy to the best interests of the child.

101. The Child Care Act 1991 governs alternative care in Ireland. This Act requires that in any proceedings relating 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 interests' principles in childcare proceedings. The review of the Child Care Act proposes to extend the application of the 'best interests' principle to the entirety of the Act.

102. 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

Reply to paragraph 12

103. 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 including 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 measures targeting children, including:

- Early intervention and mental health support;
- Capturing and raising awareness of the link between drugs/alcohol misuse and suicidal behaviour;

- Co-ordination structures to ensure an integrated, multi-sectoral response.

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

105. Youth organisations deliver programmes under *UBU Your Place Your Space* for disadvantaged, vulnerable and marginalised young people, including young people who may face particular mental health challenges. Specialised organisations (for example, Jigsaw) provide targeted support to young people with greater needs.

106. Addressing the root causes of suicide from a child protection perspective requires reducing the incidence and effects of child 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.

107. Tusla and the HSE developed *Hidden Harm*, a strategy to guide people working in adult mental health and addiction services on addressing potential harm to children occurring with parental addiction and mental health difficulties.

Respect for the views of the child

Reply to paragraph 13 (a)

108. The Guardianship of Infants Act 1964 as amended by the Children and Family Relationships Act 2015 enables the court to hear the child in person or appoint an expert to determine and convey the child's views to the court in guardianship, custody and access proceedings.

109. The Domestic Violence Act 2018 facilitates the court in seeking the views of a child when an order is sought on behalf of the child.

110. The Child Care Act 1991 requires that in childcare 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 their views.

111. The principal means to obtain the child's views in public law childcare proceedings is through the testimony of professionals, including social workers, and via the appointment of a *guardian ad litem* (GAL) under Section 26 of the Act. The Child Care (Amendment) Bill 2021 will introduce a presumption in favour of appointing a GAL in childcare proceedings. If not appointing a GAL to a child who is capable of forming their own views, the courts must have determined the means by which to facilitate 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 their best interests. Proposed reforms will seek to regulate the existing ad-hoc system of appointments and provide a statutory basis for the establishment of a national service to provide the necessary professional oversight and support.

112. The *Child and Youth Participation Strategy 2019-2023* provides for measures to ensure the adequate involvement of children and young people in decisions taken by Tusla and services commissioned by the agency.

Reply to paragraph 13 (b)

113. The Guardianship of Infants Act 1964 (Section 32), as inserted by the Children and Family Relationships Act 2015 allows the courts to consider the evolving capacity of children, and gives the courts flexibility to ensure children's views can be heard including through the appointment of an expert to determine and convey the child's views. 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.

Reply to paragraph 13 (c)

114. Ninety-three percent of the agreed actions in the *National Strategy on Children's and Young People's Participation in Decision-Making 2015* are completed or in progress, reflecting a high level of commitment to ensuring the voices of children and young people are appropriately listened to in developing policies and services across government.

115. The mid-term review of the strategy (2019) findings reflect that government departments and agencies are making efforts to ensure children and young people are consulted appropriately at policy and strategy level, but work needs to continue to ensure 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 children and young people are enabled to participate in decision-making on issues of relevance to their lives.

Reply to paragraph 13 (d)

116. The Programme for Government contains many 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.

117. One of the proposed 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. The Commission will be well placed, if requested, to examine the prospect of reducing the voting age.

C. Civil rights and freedoms (arts. 7, 8 and 13–17)**Birth registration and nationality****Reply to paragraph 14 (a)**

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

119. The rebuttal of presumption of paternity is due to be extended to include 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 a mother seeking international protection is married, but her husband is not the father and has not sought international protection.

Reply to paragraph 14 (b)

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

121. An applicant under this legislation is defined as a parent, guardian or person in loco parentis to the child. Children cannot apply for citizenship on their own behalf.

Reply to paragraph 14 (c)

122. 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 provisions on 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

Reply to paragraph 15 (a)

123. Parts 2 and 3 of the Children and Family Relationships Act 2015 provide a legal framework for registering the births of children born as a result of assisted human reproduction (AHR) involving donated eggs, 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 now receives notifications of all live births from AHR procedures performed in the state. This ensures donor-conceived children will have access to information about their origins.

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

125. 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.

Reply to paragraph 15 (b)

126. The Irish state recognises the right of all children to private and family life. 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.

127. 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 well-being of his child should be his first consideration. The document states 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.

128. 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 or Neglect service for adults.

Freedom of thought, conscience and religion

Reply to paragraph 16

129. Responsibility for providing a programme of religious education rests with the patron bodies of individual primary schools, not the state. There are diverse 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.

130. The NCCA is consulting the public on a Draft Primary Curriculum Framework as Ireland seeks to move into a new educational era.

131. 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. Schools are not required to include the NCCA-developed *Religious Education* programme.

132. Where any school opts to teach religious instruction/faith formation programme rooted exclusively or almost exclusively in a particular religious tradition, parents must be

advised, and the school must offer alternative subjects for those who do not want religious instruction.

Access to appropriate information

Reply to paragraph 17 (a)

133. The *Digital Strategy for Schools 2015–2020* sets out current policy on using digital technologies in teaching, learning and assessment:

- Promoting embedding digital technologies in all school activity so their use becomes a seamless part of the education experience;
- Expecting schools to have a Communication/Teaching and Learning Platform, facilitating engagement between school and home and assisting parents to support their children’s learning activities;
- Underpinned by a €210 million investment through an Infrastructure Grant for schools;
- Developing a follow-on strategy from a stakeholder consultation process.

134. 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.

Reply to paragraph 17 (b)

135. The Junior Cycle Framework promotes digital literacy skills through eight key skills (all with an ICT/digital component) and through Statements of Learning. A new revised Primary Curriculum Framework will 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 IT courses in the Leaving Certificate Applied programme. Computer Science was introduced as a Leaving Certificate subject.

136. 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, including digital literacy, to support the *Literacy and Numeracy Strategy 2011-2020* and *Interim Review 2017*. The *Adult Literacy for Life* strategy was published in September 2021.

137. The Online Safety and Media Regulation Bill will provide for the appointment of an Online Safety Commissioner, as part of a wider Media Commission, to oversee a new regulatory framework for online safety. They will have the power to designate online services for regulation, and create and enforce binding online safety codes and 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, providing information and advice to children and young people, teachers and parents.

Reply to paragraph 17 (c)

138. The Online Safety and Media Regulation Bill will establish a Media Commission, including an Online Safety Commissioner. This Commissioner will oversee a regulatory framework for online safety to ensure that designated online services, including certain social media platforms, respond appropriately to protect the public from exposure to some of the most serious forms of harmful online content. The Commissioner will devise and enforce online safety codes with a view to achieving that aim.

139. The Commission will have the ability to monitor the compliance of regulated entities and, where there is a suspicion of non-compliance, order an investigation with the applicable

codes or rules. If the Commission takes the view that non-compliance has not been appropriately remedied, they may then seek court approval to apply the following sanctions:

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

140. 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 sexual abuse material. Under the *National Cyber Security Strategy*, the state is committed to ratifying it.

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

Reply to paragraph 18 (a)

141. The *Children First Guidance 2017* informs professionals and members of the public to recognise signs of child abuse or neglect, make a referral to Tusla, and when necessary to contact AGS about a child's safety. Tusla launched a comprehensive 90-minute basic Children First online training programme in 2017. Mandated persons (including AGS members, teachers, psychologists and other categories of professionals listed in the Act) are required to report child protection concerns over a defined threshold to Tusla.

142. The Criminal Law (Sexual Offence) Act (2017) provides for offences relating to sexual acts with protected persons, 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 threatening or grossly offensive messages (including distributing images without consent).

143. Under the Victims of Crime Act 2017, child victims are presumed to have protection needs and can benefit from additional measures such as the option to record video evidence. The Implementation Plan in response to a review includes actions related to children, including training professionals' groups and extending the Barnahus model to other locations.

Reply to paragraph 18 (b)

144. The Children First Inter-Departmental Implementation Group promotes compliance by departments with their obligations under the Act and monitors implementation of the Children First Guidelines across government, promoting shared responsibility in preventing and addressing child abuse and neglect across all child service sectors. Resources were developed to support organisations and individuals discharging their duties. By the end of December 2020, 38,000 mandated reports were received since the commencement of the Act. Furthermore, 7,250 Tusla staff and agency staff assigned to Tusla had completed the eLearning programme, along with 320,000 others.

145. The Domestic Violence Act 2018 represented a significant improvement in legal protections available to all victims, with several impacting child welfare:

- Children can make their views known to the court where an order is sought on their behalf. The court now has the option of appointing an expert to assist the court to ascertain these views;
- A victim can be accompanied to court by a person of their choice and can give evidence by live television link;
- Restrictions are in place on media reporting and attendance by the public at criminal court proceedings;

- There is now an extensive but non-exhaustive list of factors 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 people aged under 18 to marry were repealed.

146. Since commencement in 2019, there have been successful prosecutions for coercive control.

Reply to paragraph 18 (c)

147. Tusla's funding has significantly increased to Tusla from €617 million in 2014 to €900 million in 2021, including for Children First implementation.

148. The Children First Act 2015 provides key child protection measures and operates together with the non-statutory obligations provided in *Children First: National Guidance for the Protection and Welfare of Children*. Under the Act, providers of relevant services are required to undertake a risk assessment and publish a CSS. It 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 Child Safeguarding Statement Compliance Unit to implement this provision. Between 2018 and the end of August 2021, the CSSCU had reviewed 1,800 CSSs leading to the initiation of 31 enforcement actions.

Reply to paragraph 18 (d)

149. The government has invested significantly in early intervention and prevention programmes to address poverty and disadvantage, while tackling risk factors associated with violence and abuse.

150. Tusla implemented a *Partnership, Prevention and Family Support Programme* to facilitate integrated early supports for a child at community and individual family level, before problems escalate to child protection interventions. *Hidden Harm*, developed by Tusla and the HSE, ensures people working with adults in addiction and mental health treatment are mindful of children's needs, making appropriate referrals. 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.

151. The new *YJS* 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 General Scheme of the Policing, Security and Community Safety Bill makes 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.

Reply to paragraph 18 (e)

152. Sexually abused children require specialised, timely and differentiated services. Typically provided separately by the state agencies responsible for child protection, criminal investigation, forensic and medical assessment and therapeutic service delivery, respective protocols were established to support co-operation.

153. A specialised co-ordinated service based on the Barnahus model has been established in the West of Ireland. The service uses the 'one door principle' (a child must come to only 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.

Reply to paragraph 18 (f)

154. A March 2020 report on the pilot Barnahus project identified several scaling up issues to be addressed. The main recommendations concern differing legal and regulatory needs between agencies working in the field of child abuse, governance, data sharing, interagency

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

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

Reply to paragraph 18 (g)

156. Child Protection Procedures for Primary and Post-Primary Schools (2017), give clear direction and guidance for meeting statutory obligations under Children First in school settings.

157. The Seanad has passed the Education (Student and Parent Charter) Bill (2019) which proposes to replace Section 28 of the 1998 Act and supplement it with new provisions, including those dealing with grievances of students or their parents related to the school. The Bill aims to create a more cohesive approach to students and parents expectations of schools and how schools engage with them.

158. Tusla has a formal complaints process, *Tell Us*, available to anybody receiving services from the agency. Tusla's website has information on making complaints, their management and complaints escalation. All staff within Tusla are authorised to receive complaints, and to refer these to the complaints officer locally.

159. Under the National Standards for both Foster Care and Children's Residential Services, 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. 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.

160. To assist in ensuring homeless services are of a high standard, a National Quality Standards Framework was developed for all local authority and NGO services. Theme 1 focuses on the need to have person-centred services with services users' rights and autonomy at the centre, including the right to have a complaint heard and answered. Local authorities oversee the provision of emergency accommodation and inspect facilities not covered under the Framework.

Reply to paragraph 18 (h)

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

162. 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 DE was agreed in 2019.

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

164. Youth services provide programmes exploring and countering bullying and cyberbullying 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, a major component of which is a focus on cyberbullying.

Harmful practices

Reply to paragraph 19 (a)

165. 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.

166. Two or three children per year are born in Ireland with ambiguous genitalia and are referred to Children's Health Ireland (CHI) as the centre with a full range of specialists to diagnose the cause of the ambiguity. The hospital counsels and supports parents 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.

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

Reply to paragraph 19 (b)

168. 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 families.

169. In light of the particular vulnerability of this age group, research was commissioned to inform the development of a system for under 16s. A scoping exercise aims to finalise the research specifications soon. It is expected research findings will inform the development of a system robust enough to support children while minimising associated risks.

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

Family environment, including adoption

Reply to paragraph 20 (a)

170. The Judicial Council Act 2019 established the Judicial Council. The Judicial Studies Committee facilitates 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 Committee is preparing its training strategy.

171. In the Greater Dublin area, a specialised court has been set up where judges deal with childcare cases exclusively.

172. The government will publish a Bill in 2022 to establish a specialised family court system to address current challenges concerning specialisation and prioritisation. The reform involves appointing judges with specialised training, skills and experience, ensuring a dedicated focus on family law.

Reply to paragraph 20 (b)

173. Since 2019, the NCS provides 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 unassessed subsidy is available until age 3 or when the child starts the Early Childhood Care and Education (ECCE) free pre-school scheme. The subsidies are calculated on family income, child's age and educational stage, and number of children in the family. Families on the lowest incomes receive the highest level of subsidies.

174. 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 per week. The NCS includes sponsorship arrangements allowing 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.

175. Significant progress has been made developing a new funding model in early learning care and school-age childcare, to ensure increased state-level investment delivery for children and families, including greater affordability and accessibility. A statutory 1-year review of the NCS is currently underway.

Reply to paragraph 20 (c)

176. International child abduction cases involving Ireland and the United Kingdom fall 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 against Transnational Organised 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 allows for the transfer of child protection cases between Ireland and the UK, both jurisdictions being party to the convention.

Children deprived of a family environment

Reply to paragraph 21 (a)

177. A child in alternative care's written care plan is based on their assessed needs, including health and education. In line with their level of understanding and maturity, a social worker consults a child in alternative care on decisions made about their care and gives them an opportunity to make their views known. Each child in care should have a specific allocated social worker who oversees the implementation of its care plan. Care plans are reviewed on a statutory fixed schedule, or more frequently if required. In December 2020, 93% of children in care had an allocated social worker and 97% of children in care had an up-to-date care plan.

178. Tusla has transitioned to a national digital information system, capturing intake records, care planning, placement reviews and needs assessments. Tusla's Quality Assurance Directorate internally monitors performance against key indicators including 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 reporting satisfaction with the care planning process and their ability to express their views in the process.

Reply to paragraph 21 (b)

179. An admission to care by voluntary agreement is a formal arrangement under the Child Care Act 1991, involving 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 would result in continuing neglect or abuse.

180. Tusla operates under the policy *Practice Guidance on Voluntary Admission to Care*, which states voluntary care should only be agreed if considered appropriate and proportionate. The guidance indicates voluntary care arrangements should be for 1 year. If Tusla recommends the child remains further, then an application should be made for a care order.

181. The government recently approved proposals to amend the Child Care Act 1991, including 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, with a child-in-care review every 6 months for the first 2 years, and annually after that. A child, parent/guardian or social worker can request a review meeting at any time.

Reply to paragraph 21 (c)

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

183. Where a child in care demonstrates challenging behaviours that put its own safety at risk, a special care placement may be appropriate. This is a secure form of care providing intensive, stabilising therapeutic interventions and wraparound supports in small centres with a high staff-to-resident ratio.

184. In exceptional circumstances, children are placed outside of Ireland where a required specific service is not available, for example specialist child or adolescent psychiatric care. Given Ireland's relatively small population, the very small number of highly challenging cases means maintaining such specialist services would be a significant challenge. From 2016 to Q1 2020, an average of five young people were placed in overseas residential placements annually, all in the UK. These figures do not include foster care or other placements.

185. 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 where children are placed abroad are subject to the regulatory and inspection framework of that jurisdiction and Tusla examines inspection reports before placement.

Reply to paragraph 21 (d)

186. Several government departments and agencies work with Tusla to ensure children in care with disabilities or mental health issues have their needs met.

187. *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* (2020) outlines how the HSE, Tusla, and other relevant agencies can collaborate, co-operate and co-ordinate to provide the best possible care for children. It is underpinned by key HSE and Tusla policies, setting out liaison and escalation mechanisms from local to national level while identifying respective decision-makers.

188. Both agencies have committed to working in a timely and proactive manner to facilitate the best potential outcomes for children in care with complex disabilities and vulnerable individuals with non-complex disabilities. The protocol states children with a complex disability (including mental health issues) in the care of the state will access hospital, mental health, disability, primary care and specialist services similar to 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 considered when determining a child's vulnerability factor relative to children not in care.

Reply to paragraph 21 (e)

189. All children and young people in alternative care must have an allocated social worker. Between 2014 and 2020, 93% of children in care had an allocated social worker. Children in care without 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.

190. The Child Care Act 1991 governs Tusla's aftercare policy. There were 2,835 young people/adults in receipt of aftercare services at the end of 2020 with 82% (2,322) having an aftercare plan. Of those assessed as needing an aftercare worker, 91% (1,953/2,139) had one.

Tusla acknowledges a small number of young people in aftercare find the transition to adult life challenging, and identify those young people for intensive supports.

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

F. Children with disabilities (art. 23)

Reply to paragraph 22 (a)

192. Persons with disabilities' human rights are enshrined in legislation. The Equality Acts prohibit discrimination on the grounds of disability 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, recognising ISL as a native language of the state.

193. The NDIS is a whole-of-government strategy, which, alongside the *Comprehensive Employment Strategy for People with Disabilities 2015–2024*, 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.

194. Progress was reported on actions concerning children, including the rollout of the AIM in early childhood education and care; piloting a new model providing therapeutic support in educational settings; increasing participation in higher education institutions; and reconfiguring children's disability services by the HSE.

Reply to paragraph 22 (b)

195. The HSE provides services for persons with disabilities and their careers, including basic health services, assessment, rehabilitation, income maintenance, community care, and residential care respite, home care and day care.

196. Under *Progressing Disability Services for Children and Young People*, the HSE is 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. All 91 teams are expected to be in place by the end of 2021. These teams will provide inter-disciplinary, child- and family-centred healthcare services, ensuring children are directed to the most appropriate service based on the complexity of their presenting needs rather than based on diagnosis. Additional funding in 2021 provided 185 new therapy posts to strengthen children's disability services teams and address overdue needs assessments, provide home support packages to children and young people, and open new respite centres.

197. The Department of Housing, Local Government and Heritage (DHLGH) funds a Housing Adaptation Grant for People with a Disability, to make homes more suitable for persons with physical, sensory or intellectual disabilities or mental health difficulties. The Capital Assistance Scheme funds approved housing bodies to provide accommodation for people with specific categories of housing needs, including persons with disabilities.

Reply to paragraph 22 (c)

198. Since 2016, AIM supports 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 ECCE programme (extended in 2018 to two full years prior to school entry). Universal supports under AIM include workforce training in early learning and care (ELC) settings, including *Diversity, Equality and Inclusion Guidelines* (2016) training, and the Leadership for Inclusion programme, which supports training of an Inclusion Co-ordinator in every ELC setting.

199. Targeted supports under AIM respond to assessments of children's needs in the pre-school context rather than a diagnosis. They 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;
- Funding to reduce the adult-child ratio in the pre-school room where a child needing additional support is attending.

200. AIM has provided targeted supports to more than 15,500 children with disabilities in 3,600 pre-schools since 2016. Thousands more children are benefitting from universal supports under AIM, and more than 60% of settings now have a qualified Inclusion Co-ordinator. An evaluation of AIM was completed in 2021, and consideration will be given to its enhancement or extension, for example to other age groups. Consideration will be given to other supports existing for children with a disability in ELC, and the scope to consolidate and streamline these under AIM, or to align eligibility and access routes as well as practice and training.

201. Work began in 2021 on a programme to support the use of the *Universal Design Guidelines for Early Learning and Care Settings* (2019) in future building and retrofitting programmes for ELC and school-age childcare settings.

Reply to paragraph 22 (d)

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

203. In general, educational provision for children with special needs is made in special schools; special classes attached to ordinary schools; and 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. Additionally:

- 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 Certificate Examinations facilitates access to state examinations by candidates who would have certain difficulties because of a physical, visual, hearing or learning difficulty.

204. Since 2018, a new School Inclusion Model pilot project has tested 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.

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

206. The *Social Inclusion and Community Activation Programme 2018 to 2022* is Ireland's primary social inclusion intervention to support disadvantaged communities and individuals. Since 2018 over 4,500 individuals with a disability were assisted on a one-to-one basis.

207. 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 persons of all ages with disabilities, and seeks to improve accessibility in art programmes and venues.

208. Local authorities receive capital funding to refurbish or incorporate natural play elements to existing play and recreation facilities, aiming to improve access and inclusivity to the park, provide a facility for children and young people with additional needs, and provide access and inclusivity to play equipment for all children.

Reply to paragraph 22 (e)

209. *Children First: National Guidance for the Protection and Welfare of Children* outlines steps to be taken to ensure a child or young person is protected from abuse, and to report suspected abuse. 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 a crime has been committed and a child has been wilfully neglected or physically or sexually abused, it will immediately formally notify AGS.

210. 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)

Health and health services

Reply to paragraph 23 (a)

211. 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 they intend to remain in Ireland for at least 1 year. Any person accepted by the HSE as being ordinarily resident in Ireland is entitled to either full (medical card) or limited eligibility for health services.

212. Medical cards are issued to people 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.

213. All children under the age of six are entitled to a GP visit card, which provides free GP services. Medical cards are issued for 1 year to those seeking international protection, where their application is supported by relevant documentation, and are subject to normal reviews.

214. The *MIS* contains actions to ensure migrants access to public services, including health services. This includes information in language-appropriate and easily accessible formats. 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 living in Ireland.

215. Targeted initiatives, programmes and supports have been implemented to improve the health status of Travellers and Roma. *NTRIS* contains over 30 health-related actions across four themes.

Reply to paragraph 23 (b)

216. The Irish state invests approximately €2 billion annually in new medicines. A large proportion of medicines for rare diseases have a significant budget impact. Therefore, a key

objective of the HSE is to secure access to these new and innovative medicines in a timely and affordable manner.

217. The HSE has full statutory powers decide on the reimbursement of medicines, with decisions made on objective scientific and economic grounds. It has a robust assessment and negotiation process to deliver improved value for money for new medicines. The recent allocation of dedicated funding for new medicines enabled the HSE to reimburse 15 orphan drugs in 2021, representing over one-third of the total of new drug approvals.

Reply to paragraph 23 (c)

218. The HSE's *National Consent Policy* advocates putting children's interests and well-being at the centre of all decisions, ensuring children'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.

219. 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. 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 considered best placed to safeguard the health and well-being of their children.

Reply to paragraph 23 (d)

220. The *National Maternity Strategy 2016–2026* recommends full compliance with the WHO *Baby-Friendly Hospital Initiative* (BFHI). As part of the strategy's implementation, all maternity hospitals and units are implementing the WHO/UNICEF *10 Steps to Successful Breastfeeding* and the HSE's *Infant Feeding Policy for Maternity and Neonatal Services* (2019).

221. A programme of work is underway to develop a model to implement the WHO BFHI in maternity hospitals/units, and put required standards in place.

Reply to paragraph 23 (e)

222. Encouraging mothers to breastfeed is a priority for Ireland. The HSE established a National Breastfeeding Committee which developed *Breastfeeding in a Healthy Ireland – HSE Action Plan 2016-2021*.

223. 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 advertising and marketing practices of infant formula. They drafted a guidance document to assist health professionals and industry, and prepared an assessment tool to assist with checking marketing materials for compliance. The FSAI routinely follows up on incidences of non-compliance.

Adolescent health

Reply to paragraph 24 (a)

224. The Health (Regulation of Termination of Pregnancy) Act 2018 permits termination to be carried out in cases where there is a risk to the life, or of serious harm 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. Since 1 January 2019, services for termination of pregnancy are delivered in both community and hospital settings.

225. The Act provides universal access to termination of pregnancy services for people ordinarily resident in the state (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 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 partners or family members. Free, non-judgmental, confidential information and counselling is also available by freephone helpline and online webchat, which includes ISL translation.

Reply to paragraph 24 (b)

226. Ireland's first *National Maternity Strategy – Creating a Better Future Together 2016–2026* recommends woman-centred services providing integrated, team-based care facilitating a woman's choice where clinically appropriate. The strategy's model of care addresses the complexity associated with maternity care by ensuring capacity and ability to quickly provide specialised and complex care to mother and baby.

227. Together with the *National Maternity Strategy*, the *HIQA National Standards for Safer Better Maternity Services (2016)* provides a framework to ensure maternity service providers are meeting the needs of women, their babies and partners, and that a consistent service is delivered nationwide.

228. All women, including teenage and adolescent mothers, can 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.

229. Specific supports are provided to young parents, including the *Teen Parents Support Programme*.

Reply to paragraph 24 (c)

230. Social, Personal and Health Education (SPHE) and Relationships and Sexuality Education (RSE) are important parts of the school curriculum.

231. In 2021 following a major review, work on updating or developing new specifications for SPHE/RSE commenced. Work will include engagement with key education stakeholders and further public consultation before any new curriculum specifications are finalised.

232. The *National Sexual Health Strategy 2015–2020* aims to improve sexual health and well-being and reduce negative sexual health outcomes. The HSE's Sexual Health and Crisis Pregnancy Programme (SHCPP) leads the strategy's implementation, providing accessible and appropriate information, resources and supports for children, young people and parents, including websites like www.B4Udecide.ie and www.sexualwellbeing.ie.

Reply to paragraph 24 (d)

233. The *National Sexual Health Strategy 2015–2020* contains actions to support parents in engaging with their children on sexual health issues and actions in the education system to improve young people's experience of sexual health education, by providing training and resources for teachers and youth workers. In addition, the youth work sector plays a role in providing relationship and sexuality education, and delivering comprehensive programmes to young people in line with good practice guidelines. The SHCPP website features a range of relevant resources.

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

235. The Teen Parents Support Programme provides support to young mothers, fathers and their families from pregnancy until their child reaches 2 years of age. One-to-one supports are tailored to meet identified concerns in all areas of a young parent's life. The programme supported 697 young mothers and fathers and their families in 2019.

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

Reply to paragraph 24 (e)

237. 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 initiation of alcohol consumption by children and young people. The Act prohibits advertising of alcohol on public transport, near schools and in areas frequented by children. Alcohol advertising and sponsorship at children's events are prohibited. The Act regulates price promotions, and from January 2022 will require alcohol to be sold above a minimum unit price to make it less affordable for young people.

238. Ireland's National Drugs Strategy *Reducing Harm, Supporting Recovery* seeks to prevent or delay substance use, reducing negative health and social consequences. The HSE's national drug and alcohol information and support resource, www.drugs.ie, develops and implements 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 15-18-year-olds is being rolled out in schools nationwide.

Mental health**Reply to paragraph 25 (a)**

239. Person-centred and outcomes-focused, *Sharing the Vision – A Mental Health Policy for Everyone* (June 2020) recognises the importance of early intervention, with a strong focus on prevention and positive mental health promotion. Taking a lifecycle approach for all ages and stages in people's lives, it specifically outlines recommendations to promote positive mental health, resilience and well-being among children and young people, and seeks to enhance CAMHS.

240. The National Implementation and Monitoring Committee drives and monitors implementation of *Sharing the Vision*. A General Scheme of a Bill to amend the Mental Health Act 2001 issued to the Oireachtas Health Committee following government approval for pre-legislative scrutiny, which commenced November 2021.

241. The General Scheme contains provisions related to the care and treatment of children:

- A new discrete Part of the Act related to children;
- Revised criteria for detention of children;
- Introduction of guiding principles for children;
- 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.

242. The Expert Group on the Review of the Mental Health Act recommended children over 16 years of age be given the right to consent to their admission and treatment.

243. The Mental Health (Amendment) Act 2018 amends the 2001 Act to introduce guiding principles for adults and 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 were considered in the General Scheme.

Reply to paragraph 25 (b)

244. CAMHS is a specialist clinical service for those under 18 with mental health difficulties. The national mental health policy aim is to reduce the number of young people who need this intervention through effective prevention and lower-level intervention services.

245. Primary care practitioners such as GPs or psychologists refer young people with moderate to severe mental health difficulties to specialist mental health services. Multi-disciplinary teams in the community provide these, where those with needs above a certain threshold are referred to specialist inpatient settings. Over 90% of mental health needs can be successfully treated in primary care, with fewer than 10% referred to specialist

community-based mental health services. Of these, 1%-2% require inpatient care, and nine out of every 10 of these admissions are voluntary.

246. 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.

Reply to paragraph 25 (c)

247. The government is committed to the development of recovery-oriented services as outlined in *A National Framework for Recovery 2018-2020*, and recognises the service user's right to self-determination and to have their voice heard. At a policy level *Sharing the Vision* states that advocacy should be available as a right to all mental health service users.

248. The HSE has committed to develop an advocacy service for CAMHS in its operational plan, which was piloted in two areas.

249. To inform further development of CAMHS advocacy services, the HSE commissioned an independent evaluation of the service. Based on the evaluation, the National CAMHS Advocacy Steering Group recommended further development of the advocacy model, with priority given to capacity-building work before expanding the service into new areas.

Standard of living

Reply to paragraph 26 (a)

250. The *Roadmap for Social Inclusion* (January 2020) sets out commitments concerning children and families, including particularly vulnerable groups. It establishes a Social Inclusion Roadmap Steering Group to monitor progress and oversee implementation, chaired by the Minister of State with responsibility for social inclusion. Measures in recent budgets to assist families with children include:

- Increased allowances for a Qualified Child associated with social welfare payments;
- Increases in the income limit for the Working Family Payment;
- Removal of the earnings disregard from the One-Parent Family Payment.

251. An annual progress report is produced for each Roadmap commitment and key metric including specific indicators focused on children and families. This report is submitted to the Senior Officials Group on Social Affairs and Equality and the Cabinet Committee. The Programme for Government includes a commitment to implement the Roadmap.

Reply to paragraph 26 (b)

252. Children living in emergency accommodation are in the care and custody of their parents. Emergency accommodation managers are designated mandatory reporters under Children First, with clear statutory obligations to report concerns regarding child abuse or neglect. Tusla inspects all organisations providing services to children who are required to develop child-safeguarding policies. Tusla has training materials available to all organisations providing services to children, to identify potential signs of abuse or neglect.

253. Tusla's National Homeless Liaison officer co-ordinates with local authorities regarding children and families in emergency accommodation. If a family in homeless accommodation is referred to Tusla, it may result in the provision of services from family support to child protection services, depending on the family's identified needs. All families have access to their local Tusla-funded Family Resource Centre.

254. The state funds 50% of the cost of a replacement mobile home where a Traveller family's existing unit has become uninhabitable through unforeseen circumstances, including storm or fire damage. Extra funding was provided for additional facilities during the COVID-19 pandemic.

255. *Housing for All – A New Housing Plan for Ireland* (September 2021), expresses particular concern about family homelessness, especially the potential effects on children. It

commits to enhancing existing supports and early intervention methods through multiagency co-ordination, which will be of particular benefit to lone parents.

256. The Plan will increase 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 annually over the next 5 years, with 9,500 of these being new-builds, and an average of 6,000 affordable homes for purchase or rent.

Reply to paragraph 26 (c)

257. A GP visit card entitles all children under six years of age to free GP services. A phased expansion to all children under 13 years of age is planned.

258. Budget 2021 funded the *Healthy Communities Programme* to provide enhanced health and well-being programmes in the most disadvantaged areas with the highest proportion of young families. The first phase targets core HSE services aimed at improving key determinants of health within 18 areas of deprivation, focusing on smoking cessation, healthy eating, parenting, social prescribing, and the HSE's *Making Every Contact Count* programme.

259. Delivering Equality of Opportunity in Schools (DEIS) is the main policy initiative to tackle educational disadvantage. In the 2020/21 school year there were 887 schools in the DEIS programme serving 185,000 pupils (1 in 5). The programme provides supports including additional teaching posts, home school community liaison co-ordinator posts, enhanced grant funding for schools, additional funding for schoolbooks, curriculum supports, and additional access to well-being supports. Schools in the DEIS programme have access to the School Meals Programme that provides regular, nutritious food to children unable, due to lack of good quality food, to take full advantage of the education provided to them. This programme continued for schools during the periods of COVID-19 enforced remote learning.

260. Aftercare is the planning and support in place to meet the needs of young people leaving statutory care at 18 years of age, assisting them in making the transition to independent living, and is not determined by socio-economic status. The aftercare age range eligibility is 18 to 21 years, and can be extended up to age 23 if the young person is in education. Supports include provision of an aftercare worker, drop-in services, and accommodation and financial supports (grants, bursaries and social protection payments).

Reply to paragraph 26 (d)

261. The Social Welfare Consolidation Act 2005 provides for the Habitual Residence Condition in accordance with EU legislation and European Court of Justice Jurisprudence. Being habitually resident in the state is one requirement, , for receipt of certain social protection payments and applies equally to all applicants and beneficiaries, regardless of nationality or ethnic background with no minimum period of residence in the state required. Deciding Officers and Designated Persons must have regard to EU Regulations that deal with the right of residence for EU/EEA citizens and their families.

262. In its November 2019 ruling (Record No. 2019/146), the Supreme Court determined that a parent must be habitually resident in the state for Child Benefit to be paid in respect of a child.

Reply to paragraph 26 (e)

263. Significant progress has been made in tackling child and family homelessness. In July 2018 there were 1,778 families in emergency accommodation, reduced to 930 families in July 2021 – a 48% reduction.

264. *Housing for All* is the government's multi-annual, multi-billion-euro housing plan to 2030, 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 (that is, provision of homes), and includes specific responses for the Traveller community.

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

266. There are several options for Traveller accommodation including standard local authority housing and through private housing assisted by the local authority or voluntary organisations.

267. In 2018, the Traveller Accommodation Expert Group reviewed the Traveller Accommodation Act 1998, and other legislation impacting on provision and delivery of accommodation for Travellers. In July 2019, the Expert Group delivered 32 recommendations across four topics considered, ranging from changes to procedure and policy to changes in legislation.

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

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

Education

Reply to paragraph 27 (a)

269. The Education (Admission to Schools) Act 2018 aims to tackle discrimination in school admission by ensuring ‘soft barriers’ do not exclude children, by prohibiting schools from taking into account a student’s academic ability, skills or aptitude in enrolment.

270. The DE spends approximately €215 million on general capitation for schools, with a further €18 million allocated under the Free Education Scheme to provide assistance for books, including book rental schemes.

271. Education is a key theme under successive equality strategies that include actions aimed to improve access and participation of children from ethnic minority and migrant backgrounds, and children with disabilities.

272. The National Standards for Foster Care give high priority to the educational needs of those in foster care. Their 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 children in care have optimal educational experience.

273. The Schools Broadband Access Programme provides for broadband connectivity in all schools and allocates €13 million annually to cover the costs. Post-primary schools have high-speed connectivity and primary schools will be provided with high-speed connectivity by the end of 2022.

274. Under the National Recovery and Resilience Plan, schools received €50 million in 2020 to address the digital divide and provide relevant digital infrastructure to support learners at risk of educational disadvantage.

Reply to paragraph 27 (b)

275. The Education (Admission to Schools) Act 2018 contains measures to improve the admissions process for parents and children. The Act creates an equitable and consistent approach to how school admissions policies operate for all primary and post-primary schools.

276. The Act ensures schools must admit all applicants if places are available. School admission policies must state they will not discriminate against applicants.

Reply to paragraph 27 (c)

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

278. In 2021, access to secular schools continued to improve, with 159 multi-denominational primary schools and 359 multi-denominational or non-denominational post-primary schools available, representing approximately 50% of post-primary schools and pupils.

Reply to paragraph 27 (d)

279. 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 must make all reasonable efforts to ensure the continued education of the student. Tusla's Education Support Service publishes data on expulsions and suspensions in the Annual Attendance Report

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

281. In September 2021, new guidelines were published for school authorities and parents/guardians on the use of reduced timetables in schools, ensuring use is limited to circumstances where absolutely necessary, and provides for reporting of reduced timetables.

Reply to paragraph 27 (e)

282. The NCCA conducted a major review of instruction (2018) on these issues across all stages of education. The review considered issues of consent; contraception; healthy, positive, sexual expression and relationships; safe use of the internet; the role of the school ethos; and LGBTI+ matters. This will result in new specifications for SPHE/RSE being developed. Work will include engagement with key education stakeholders and further public consultation before any new curriculum specifications are finalised.

283. The SHCPP has developed information, resources and supports for children, young people and parents that complement the school curriculum.

Reply to paragraph 27 (f)

284. The NCCA undertook a review of the senior cycle and is finalising its advisory report. Among the areas considered were stress levels relating to the focus on terminal examinations, and appropriate arrangements for assessment, reporting and certification.

285. New subjects and revised specifications for existing subjects are being introduced. All new and revised specifications include additional assessment components, removing some of the focus on and pressure from the final written examination.

286. Alternative methods of certification (Calculated Grades (2020) and Accredited Grades (2021)) were introduced due to COVID-19. Both methods were provided along with the option of written examinations, without a requirement for students to undertake certificate examinations. These methods provided a means of assessing and reporting on students' learning and attainment, while acknowledging the disruption to class tuition time during school closures. The DE continues to signpost schools and students to the HSE/HSE-funded e-mental health services with information on minding student well-being during COVID-19.

Reply to paragraph 27 (g)

287. Covid-19 measures designed to support vulnerable learners and those at risk of educational disadvantage included:

- Information for parents to support children's learning during school closures;
- Guidance for schools on supporting continuity of education for children at risk of educational disadvantage or early school leaving;
- Grant funding of €100 million to address schools' ICT needs and to support remote learning during the pandemic;
- Guidance documents to support teachers on school re-opening, to evaluate and progress each student's learning stage.

288. The 2020 Calculated Grades system informed the 2021 Accredited Grades process design. The Technical Working Group's design of the Calculated Grades model used demographic characteristics, including school socio-economic status. It included a validation process to ensure the statistical standardisation process presented fair and equitable results, as much as possible in line with previous outcomes. 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 or gender effects were not exacerbated within the model.

Rest, leisure, recreation and cultural and artistic activities

Reply to paragraph 28 (a)

289. 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 programmes and youth diversion initiatives. In 2019, LSPs targeted over 220,000 children through school-based and pre-school activities. A new 3-year Sports Action Plan aims to support more active lifestyles amongst children and young people, including marginalised groups.

290. A national network of Sports Inclusion Disability Officers (SIDOs) is being developed and aligned to local structures. SIDOs aim to increase participation of persons with disabilities in sport, fitness and physical activity, in partnership with all relevant stakeholders.

291. The 2017 Creative Youth Plan under the Creative Ireland Programme is a culture-based, whole-of-government well-being initiative. It aims to support young people's overall learning, development and well-being through enhanced and inclusive access to creative activities both in education and community settings. In implementing the plan, supported initiatives aim to increase access to creative activities, including those targeted at young people who are marginalised or at risk of marginalisation.

292. 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. Equality, intercultural and integration programmes are funded to embed inclusion and diversity actions within the youth sector. Local Creative Youth Partnerships support collaboration between youth services and the artistic/cultural community.

293. 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.

Reply to paragraph 28 (b)

294. The Physical Education (PE) curriculum in schools is gender-neutral with equal opportunities for boys and girls to access the curriculum. The emphasis is on participation for all, both in curricular and extracurricular physical activity.

295. The new PE junior cycle specification includes a minimum of 135 hours across the 3 years, aligned to the Junior Cycle Framework. At senior cycle, PE is available as both an examinable and non-examinable subject.

296. A Senior Cycle Physical Education Framework supports teachers in planning quality PE learning for all senior cycle students.

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

Asylum-seeking, refugee and migrant children

Reply to paragraph 29 (a)

297. Education and healthcare for migrant, refugee and international-protection-seeking children is through mainstream education and health systems on the same basis as Irish nationals.

298. A set of national standards for accommodation centres were developed, setting out clear expectations for service providers. Accommodation centres are contractually bound to provide menus that reasonably meet the dietary needs of different ethnic groups and the prescribed dietary needs of any person accommodated at the centre. There is regular consultation between centre management and residents regarding preferences for inclusion of specific foods on menus.

299. All centres provide recreation areas. The Daily Expenses allowance (weekly rate €38.80 per adult and €29.80 per child) is paid to applicants for international protection residing within state-provided accommodation. 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, school stationery kits are distributed to children residing in direct provision accommodation, Emergency Orientation and Reception Centres, and homeless emergency accommodation.

300. The *MIS* contains actions to ensure access to education, including:

- Monitoring school enrolment policies to assess their effect on migrant students;
- Monitoring the adequacy of language supports in schools;
- Diversity training for teachers.

301. Unaccompanied minors seeking international protection 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, funding was allocated to support the needs of this cohort, including intake, specialised care and additional aftercare supports.

Reply to paragraph 29 (b)

302. The Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process (2020), informed the development of the white paper on ending the direct provision system of accommodation and support services in February 2021. The white paper outlines government policy to establish a new International Protection Support Service, and incorporates recommendations of the Expert Advisory Group.

303. The new system will be grounded in principles of human rights, respect for diversity, and respect for privacy and family. The system's design will offer greater support and autonomy to international protection applicants. It will operate on a not-for-profit basis and rely on strong engagement and co-operation between the state and not-for-profit organisations.

304. A DCEDIY transition team leads on implementing the new system. The team is progressing a detailed implementation plan and is working with DHLGH, the Housing Agency, and local authorities on developing the new accommodation model (including acquiring suitable properties), and developing applicant supports, including an income support payment and an integration model.

305. A Programme Board, whose membership includes a former resident of international protection, independent experts, non-government stakeholders and key departments, was established to monitor progress.

306. A 3-person External Advisory Group was established to provide independent oversight of the reform process contained in the white paper.

307. The new system should be operational by December 2024.

Reply to paragraph 29 (c)

308. Work is progressing on the preparatory steps required for HIQA's role as an independent monitoring mechanism for standards in IPAS accommodation centres. Detailed work is determining the appropriate legislative underpinning for this role. It is intended that monitoring arrangements will commence in 2022.

309. Currently, accommodation centres are subject to three unannounced inspections per year – twice by an independent company (QTS Limited) and once by IPAS officials. The current inspection programme continued despite COVID-19.

Reply to paragraph 29 (d)

310. The International Protection Act 2015 introduced a single procedure, bringing the state into line with protection processing arrangements in other EU states. The Act abolished the Office of the Refugee Applications Commissioner and responsibility for the examination 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 functions.

311. The 2015 Act provides that a child under the age of 18 arriving at a port of entry or at the IPO seeking to make an application for international protection, and who is not in the custody of an adult, be referred to Tusla who may then decide that an application for international protection should be made on behalf of the minor. The IPO together with Tusla makes arrangements to process an application, and Tusla supports the minor throughout the process, including attending at their interview.

312. Specially trained IPO caseworkers process applications from unaccompanied minors. Efforts to return unaccompanied minors to their country of origin are undertaken as part of a voluntary return arrangement rather than on foot of a deportation order. Dependent children of applicants for international protection are treated as part of their parents' application.

Reply to paragraph 29 (e)

313. Unaccompanied minors arriving in the state are referred to Tusla's Team for Separated Children Seeking International Protection. Tusla arranges an appointment with a social worker on the day of referral and an initial assessment takes place to identify the child's background and any particular vulnerabilities, informing Tusla's response to the child's care and clinical needs and is considered in their care plan. Tusla social workers support children with their applications for international protection, including seeking legal advice.

Children belonging to minority groups

Reply to paragraph 30 (a)

314. The government has supported Traveller and Roma children's access to education through:

- Rollout of a two-year pilot education programme in over 50 schools, trialling a new approach to addressing barriers to education in Traveller and Roma communities regionally;
- DEIS, focusing on tackling educational disadvantage, has benefited many Traveller children;
- Review of Traveller culture and history in the curriculum;
- Targeting Irish Travellers in the *National Plan for Equity of Access to Higher Education 2015-2021*.

315. *Roadmap for Social Inclusion 2020-2025* actions focus on addressing child and food poverty, and piloting the Hot Meals scheme, contribute to ensuring access of Traveller and Roma communities to adequate standards of living.

316. To address the specific housing needs of Traveller communities:

- 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);
- An expert review on Traveller accommodation was published in 2019 and a Programme Board was established to drive the implementation of recommendations.

317. Targeted initiatives and programmes support Traveller and Roma communities' access to health services:

- The HSE delivers health-related services and supports to Travellers and Roma, spending €10 million annually. Initiatives include 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 *Traveller Health Action Plan* will soon be completed. The 2021 budget expanded these services.

Reply to paragraph 30 (b)

318. *NTRIS*, a whole-of-government approach, brings government departments and agencies together, along with representatives of both Traveller and Roma communities. It contains 149 actions grouped under 10 themes, including cultural identity, education, employment, health, and accommodation, to improve 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.

319. The strategy demonstrates strong progress with notable milestones in realising the inclusion of Traveller and Roma communities.

320. A mid-term review of *NTRIS* 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 *NTRIS*.

Reply to paragraph 30 (c)

321. *NTRIS* features actions aiming to bolster cultural identity, including:

- Commitments to support International Roma Day;
- Developing initiatives exploring Traveller and Roma arts, cultures and traditions;
- Developing intergenerational initiatives in collaboration with local Traveller and Roma organisations to support cultural continuity;
- Promoting positive self-identity to promote, pass on and preserve knowledge of traditional Traveller or Roma crafts and skills.

322. The DE prepared intercultural guidelines to develop education resources on Traveller and Roma culture and history for use in education, in collaboration with Traveller and Roma organisations. The NCCA is reviewing Traveller history and culture in the curriculum.

323. The National Museum of Ireland supported the development of a project promoting Traveller historical artefacts by creating a portal for educators and teachers to access curated material, and a resource to support discussion and open up new perspectives on Irish Traveller culture specifically, and Irish history generally.

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

Reply to paragraph 30 (d)

325. The Habitual Residence Condition is part of Irish social welfare legislation 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 most means-tested social assistance payments and Child Benefit. The requirements apply equally to all applicants and beneficiaries, regardless of nationality or ethnic background.

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

327. Under these schemes, anyone present in the state, including those seeking international protection, 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.

328. The Back-to-School Clothing and Footwear Allowance is payable (once a year) to people with children in receipt of a qualifying payment.

Reply to paragraph 30 (e)

329. The *YJS* 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.

330. Government-funded research has identified the over-representation of Traveller children within the child protection system. Tusla provides increased supports to the Traveller community through Family Resource Centres, community and voluntary organisations, and CYPSC, to address early welfare risks and reduce numbers of these children being received into care. Further measures include providing culturally appropriate placements for Traveller children coming into care, establishing bursary schemes for Travellers who wish to become social workers, and increasing the number of Traveller and Roma foster carers.

Administration of child justice**Reply to paragraph 31 (a)**

331. The Children Act 2001 sets out the age of criminal responsibility (Section 52). A child aged 10 to 11 can be charged with the most serious crimes only (murder or serious sexual assaults) and this provision has never been used. A child aged 12 to 13 can be charged with a crime, but only with the express consent of the Director of Public Prosecutions and this has been used on very rare occasions. For the 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 children are prosecuted only as a last resort and when diversion is not appropriate – that is, only for serious offences or for repeat offending where earlier interventions have not been successful.

Reply to paragraph 31 (b)

332. The new *YJS* was guided by an expert Steering Group and informed by consultation with key agencies, stakeholders and practitioner experts, as well as a public consultation process conducted online between April and June 2020.

333. The strategy, published in April 2021, is a deliverable under the current Programme for Government. The Department of Justice 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.

Reply to paragraph 31 (c)

334. 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.

335. The majority of cases before the courts are dealt with in the Children Court (District Court level).

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

337. The Children Act provisions, 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 *YJS*.

Reply to paragraph 31 (d)

338. The Children Act 2001 provides the framework for the youth justice system, including the *Garda Diversion Programme*, enshrining the principle of using detention as a last resort.

339. The new *YJS* prioritises engagement with children and young people most at risk of involvement in criminal activity, by developing services through the existing 105 GYDPs. The strategy prioritises specialised initiatives to engage and support those with entrenched patterns of offending, and children who may be under the coercive control of criminal networks.

340. The 2001 Act provides that community sanctions may be imposed by the courts as an alternative to detention, including restorative processes. These provisions will be subject to review, with a view to further enhancement as part of the implementation of the new *YJS*.

Reply to paragraph 31 (e)

341. Oberstown Children Detention Campus is a distinct facility for the detention of children only. There is no association with adult offenders. The Children Act 2001, states *'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'*.

342. The Act enables the Minister for Children, Equality, Disability, Integration and Youth to authorise members of an independent authority, HIQA, to undertake inspections at least annually. The inspections pay particular attention to young people's detention conditions and facilities available to them, policies and practices regarding the normal routine of school, health and safety, and well-being. Inspection reports confirm compliance with international standards on children's rights and areas for improvement are identified in the report's Action Plan.

Reply to paragraph 31 (f)

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

344. On admission to Oberstown Children Detention Campus, each young person is assessed to determine an individual programme, considering their age, offence, education and care. This approach provides young people with opportunities to learn practical skills to reduce the likelihood of relapse and to address the offending behaviour through delivery of risk-reducing programmes.

345. Preparation for leaving involves practical programmes covering all aspects of a young person's life including accommodation, living skills, finances, work, education and health. Parents/family/carers and representatives from various services are involved, to enhance the likelihood of successful reintegration. The services of a Youth Advocacy Programme and a Family Mentoring Service are provided to assist young people.

346. The new *YJS* includes objectives to develop enhanced, timely and effective services for preparing children for safe return to the community.

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

Reply to paragraph 32 (a)

347. The minimum age for enlistment to the Permanent and Reserve Defence Forces is 18. The Defence (Amendment) Act 2021 removed references in the Defence Act 1954 to the enlistment of people under the age of 18 in the Defence Forces.

348. The Ombudsman for the Defence Forces was established as an independent statutory body following the Ombudsman (Defence Forces) Act 2004. It is an independent office tasked with investigating complaints made by current and former members of the Irish Defence Forces.

349. Disciplinary matters involving serving members of the Defence Forces, depending on the circumstances, is managed through the military discipline provisions of the Defence Act and the Defence Forces Regulatory Framework. Military Police may investigate and it may proceed to court martial. AGS, however, has jurisdiction for any and all allegations involving civilian adults and minors.

350. The OCO can monitor and review the operation of the Ombudsman for Children Act 2002, including S11.1.b. If amendments are deemed necessary to the 2002 Act, the Ombudsman can make recommendations to the Minister, or submit a report, or both.

Reply to paragraph 32 (b)

351. The involvement of people under the age of 18 years in hostilities, including with non-state-armed groups or the military, is not directly prohibited in criminal law. However, coercing a person under 18 years to become involved in hostilities could be contrary to the general offence of coercion in section 9 of the Non-Fatal Offences Against the Person Act 1997.

352. Amendments to the relevant Defence Force Regulations increased the minimum age for recruitment to the Permanent and Reserve Defence Forces to 18. The Defence (Amendment) Act 2021 gives full effect in the Defence Acts to the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict.

Reply to paragraph 32 (c)

353. On referral to Tusla, unaccompanied minors are initially assessed which may assist identifying situations where a child has 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.

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

355. IPAS provides vulnerability assessments for all children entering the international protection process who are accompanied by a parent or guardian. The assessment begins with an initial interview when the applicant first applies for international protection. If this initial assessment indicates the applicant has vulnerabilities within the meaning of the law governing vulnerability assessments, further assessments may be undertaken. Both assessments determine whether the applicant has special reception needs arising from any vulnerabilities identified.

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

357. All children in care, including unaccompanied minors, have a medical card. Children seeking international protection with families can 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.
