



Convention on the Rights of the Child

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Summary record of the 2683rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 25 January 2023, at 10 a.m.

Chair: Ms. Otani

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined fifth and sixth periodic reports of Ireland (continued) (CRC/C/IRL/5-6; CRC/C/IRL/QPR/5-6)

1. *At the invitation of the Chair, the delegation of Ireland joined the meeting.*
2. **Mr. O’Gorman** (Ireland) said that the Department of Children, Equality, Disability, Integration and Youth was stronger than its predecessor. It focused on the cross-cutting issue of vulnerability and placed human rights and equality at its core.
3. The national equality data strategy would, once adopted, address the need for more disaggregated data, especially on minority groups, by harmonizing data collection across government departments and agencies. A series of measures had already been taken to improve the collection of data on migrant, Traveller and Roma children, Traveller applicants for housing support and young people leaving care.
4. The child poverty and well-being unit would bring together civil servants from several government departments in a unit that would take a coordinated approach to child poverty, in consultation with the Children’s Rights Alliance, Barnardos and other civil society organizations. The unit, which should be established by the end of the first quarter of 2023, would operate within the context of the national policy framework for children and young people for the period 2023–2028.
5. **A representative of Ireland** said that the Government was constantly seeking to strengthen children’s participation in decision-making. The National Participation Framework and the Comhairle na nÓg (youth councils) Five-Year Development Plan would improve feedback on the outcomes of consultations and ensure that they had a real impact on decision-making. Furthermore, the Department of Children, Equality, Disability, Integration and Youth helped policymakers consult children and other young people on all decision-making processes that affected them. Such consultations had informed the development of the School Transport Scheme, the Action Plan on Bullying, the Youth Homelessness Strategy, the Family Justice Strategy and other initiatives. In all cases, independent reports, often by the children and young people consulted, were presented to policymakers, due weight was given to the views of children and they were informed of the impact that their contributions had had on the policymaking process. Under the national policy framework for children and young people, the Government would review all legislation that affected the lives of children to ensure that it was in line with the Convention and that it made the best interests of the child a primary consideration.
6. **A representative of Ireland** said that, while there was not a dedicated funding line for Traveller and Roma communities, a steering committee set up as part of National Traveller and Roma Inclusion Strategy oversaw spending on Traveller and Roma issues.
7. **A representative of Ireland** said that the implementation review of the National Plan on Business and Human Rights 2017–2020 had found that over 91 per cent of commitments had been met. The Government would consider how best to involve children and young people in the upcoming consultations on the second national plan.
8. The Department of Enterprise, Trade and Employment was actively engaging in negotiations on a number of European Union instruments – namely, the directive on corporate sustainability reporting, the proposed directive on corporate sustainability due diligence and the proposal to ban products made using forced labour. Once adopted by the European Parliament and the Council, those instruments, which would be a central focus of the second national action plan, would be incorporated into Irish law. The health and safety aspects of Council Directive 94/33/EC on the protection of young persons at work had been incorporated into the Safety, Health and Welfare at Work Act 2005 and secondary legislation. Similarly, 2021 regulations had improved health and safety measures for young people employed in the fishing and marine sector.
9. Ireland had adopted the Guidelines for Multinational Enterprises drawn up by the Organisation for Economic Co-operation and Development. Although the Guidelines, which

contained principles for responsible business conduct, were not binding on multinational enterprises themselves, they were binding on Ireland.

10. **A representative of Ireland** said that the Children First Act 2015 had removed the defence of reasonable chastisement, meaning it could no longer be relied on in court proceedings by parents or legal guardians who were seeking to avoid liability for having physically disciplined their children. Under the Act, all professionals working with children were obliged to report child protection concerns to Tusla, the Child and Family Agency, and children's services were required to assess potential risk of harm and prepare safeguarding statements for all children in their care. Moreover, the Children First Interdepartmental Implementation Group promoted cross-sectoral implementation of and compliance with the Act. There was also a Children First training module that was obligatory for all persons working with children.

11. The total number of referrals to Tusla had increased by 5 per cent between 2020 and 2021. There were approximately 200 referrals a day, of which 52 per cent were child welfare concerns and 35 per cent were child protection concerns. Seventy-three per cent of child protection referrals in 2021 had been from mandated reporters, a much larger share than in 2020. The Act included a comprehensive list of mandated reporters, and most referrals were made by An Garda Síochána, the national police. Data were monitored and data analysis mechanisms were in place.

12. Children in care were informed of the complaints processes available to them by their social workers. They could make complaints through Tusla, the Office of the Ombudsman and the Ombudsman for Children's Office; they could also contact Childline, a national helpline.

13. The Health Information and Quality Authority independently monitored child protection services and conducted inspections to ensure that Tusla services complied with the National Standards for Foster Care, the National Standards for Children's Residential Centres, the National Standards for the Protection and Welfare of Children and the National Standards for Special Care Units. The reports produced by the Authority were regularly reviewed by the Department of Children, Equality, Disability, Integration and Youth.

14. Voluntary care arrangements were monitored by the Authority. A placement plan and a care plan were drawn up for all children in voluntary care, and an assessment of need was conducted. Children were informed of their rights in accordance with the Signs of Safety protocol, which had been adopted by Tusla to increase awareness of children's rights among all persons who worked with children. The findings of a government-funded study of voluntary care in Ireland over the period 2018–2021 were already informing relevant practice, developments and policy.

15. Ireland was part of the PROMISE Barnahus Network set up to promote the development of the *barnahus* model across Europe. Children could give evidence by pre-recorded video statement and be cross-examined remotely. Ultimately, the presiding judge would decide what measures were appropriate in each case.

16. **A representative of Ireland** said that the minimum legal age for marriage was 18. It was no longer possible to obtain a court exemption order.

17. Increased support had been made available for single-parent households. The Department of Social Protection provided jobseekers with advice on looking for work and income support that could be increased if the recipient had children. Immediate and flexible payments, such as the Exceptional Needs Payment, were not contingent on the fulfilment of the habitual residence condition.

18. **A representative of Ireland** said that, when it was made law, the bill on assisted human reproduction would introduce regulations on a range of assisted reproduction practices, including domestic altruistic surrogacy. Additional provisions on international surrogacy, the recognition of past surrogacy arrangements and the granting of citizenship to children born through surrogacy would be incorporated into the bill prior to the following stage of the legislative process.

19. There were approximately 6,000 women in Ireland who had been subjected to female genital mutilation before their arrival in the country. There had been one successful prosecution under the Criminal Justice (Female Genital Mutilation) Act 2012. Two national strategies – the Second National Intercultural Health Strategy 2018–2023 and the Third National Strategy on Domestic, Sexual and Gender-based Violence – had been implemented to raise awareness among the communities most affected by the practice, identify gaps in service provision and ensure effective, accessible and culturally competent health-care services for survivors and those at risk. Services currently provided to survivors of female genital mutilation included specialized medical care, counselling and outreach.

20. **A representative of Ireland** said that the LGBTI+ Inclusion Strategy ensured that intersex persons had equal access to mainstream health-care services. Treatment, including surgery, was provided only if deemed medically necessary following a full assessment by the multidisciplinary team at the Children's Health Ireland hospital, discussions with the family on the best course of action and a unanimous decision by consultants and parents. In the light of the concerns that irreversible and invasive medical interventions continued to be performed on intersex children, a scoping exercise would be carried out to document current practice, clinical governance and the prevalence of intersex variation in Ireland and compare them against international evidence and recommendations. A specific goal of the LGBTI+ Inclusion Strategy was to prevent such unnecessary surgery by ensuring that appropriate clinical guidelines were in place.

21. In recognition of children's right to a voice in decisions affecting them, the Health Service Executive had developed the National Consent Policy 2022, which applied across all health-care settings. It contained a section on children and young people that addressed issues such as consent and refusal and stated that children of all ages had the right to express their views.

22. **A representative of Ireland** said that under a proposed amendment to section 28 of the Education Act 1998, all schools would be required to establish standardized complaints procedures. Under the Action Plan on Bullying, the Department of Education would consider how schools could record data on bullying in an anonymized manner and how those data could be collated to produce an annual national report on bullying in schools.

23. Parents had the constitutional right to withdraw their children from religious schools. Students could not be required to attend instruction in any subject contrary to the conscience of the parent or, if over 18 years of age, the students themselves, and teaching time was to be allocated to subjects arising from the characteristic spirit of the school. The content of the religious curriculum was not set by the Department of Education. All schools must admit all applicants, unless oversubscribed, and admissions policies must detail arrangements for children who did not wish to attend religious instruction.

24. The Government was continuing to engage with survivors in its response to the recent revelations of sexual abuse in clerical schools, which were being fully investigated by An Garda Síochána. Victims and witnesses were encouraged to contact An Garda Síochána.

25. **Mr. O'Gorman** (Ireland) said that more needed to be done to ensure that persons with disabilities, including children, could exercise their rights. In line with efforts to move away from a medical approach to disability, responsibility for disability issues would be transferred, starting in March 2023, from the Department of Health to the Department of Children, Equality, Disability, Integration and Youth. There were no immediate plans to review the Disability Act 2005.

26. Many classes for children with special educational needs had been established in primary and secondary schools in recent years, and a number of special schools had been established for children whose significant educational needs were not met by special education classes in mainstream schools. The Access and Inclusion Model was applicable to all settings in which the two-year free preschool programme, known as the Early Childhood Care and Education Programme, was implemented. Action was being taken to extend the Model to additional childcare settings.

27. Many children with disabilities had failed to receive the services that they required in a timely manner. As the lack of staff was a key issue, priority would be given to increased

recruitment and staff retention. The Department of Children, Equality, Disability, Integration and Youth planned to cooperate with the Health Service Executive in developing a road map with short-, medium- and long-term recruitment goals and in promoting effective cooperation by parents and the Health Service Executive.

28. **A representative of Ireland** said that the coronavirus disease (COVID-19) pandemic had led to longer waiting periods and lists for the assessment of needs. However, increased investment and recruitment, action to streamline services and increased use of technology had helped lessen waiting times. A total of €11.5 million had been allocated in the 2023 budget for the establishment of assessment teams, private procurement, overtime initiatives for existing staff and the use of administrative resources to enable therapists to assist in assessing needs.

29. Interim clinical guidance was to be provided under the National Clinical Programme for People with Disabilities as an alternative to the assessment of needs operating procedure, which was incompatible with the Disability Act. The guidance took into account a High Court judgment that required a diagnostic assessment. The Health Service Executive would shortly finish work on the interim guidance and circulate it among community disability network teams. No assessment of needs was required for children to gain access to health services.

30. The needs of children with moderate intellectual disabilities were met by Health Service Executive primary care and disability services. There were currently five intellectual disability teams that provided nationwide services and ensured fair and equal access to mental health care for people of all ages. Additional teams were about to be established.

31. In the 2023 budget, €1.2 billion had been set aside for mental health services and implementation of “Share the Vision” – A Mental Health Policy for Everyone (June 2020). The number of children admitted to adult mental health treatment units had declined from 247 in 2008 to 19 in 2022. The number of teams providing Child and Adolescent Mental Health Services had increased from 55 in 2012 to 73 in 2021. However, referral rates had increased by 33 per cent between 2020 and 2021. Priority was given to children in need of urgent care, and the teams responded to 91 per cent of referrals within three days.

32. Recent reports on the Child and Adolescent Mental Health Services had highlighted important areas in which the requisite standards were not met. The Department of Health and the Health Service Executive were taking vigorous action to ensure that the health services that children received were safe and appropriate. The Department of Health was awaiting the outcome of three further national audits that would help to identify good practices and areas for service improvements.

33. The Health Service Executive was addressing recruitment and retention challenges by investing in training courses and creating new posts. Opportunities offered by technology, including telehealth technology, would also be used to mitigate recruitment challenges and modernize the delivery of mental health care. The Integrated Community Case Management System would facilitate the production of improved electronic patient records, support communication with patients and include a reporting and analytics module.

34. It was essential to create an environment in which pregnant women or women who thought they might be pregnant refrained from consuming alcohol. The Public Health (Alcohol) Act 2018, which was designed to reduce the negative impact of alcohol on the lives of families, children and the community, imposed minimum prices for alcohol, required health-related labelling of products, regulated advertising and required reduced visibility of alcohol products. The Health Service Executive had instructed a specialist in public health medicine to develop a programme of action intended to prevent fetal alcohol spectrum disorders.

35. Waiting periods for many hospital services for children, which were far too long, had become longer during the pandemic. A 2021 action plan to reduce them had proved successful, and under the 2022 action plan €350 million had been allocated to the Health Service Executive and the National Treatment Purchase Fund to reduce backlogs. According to the data available in November 2022, the number of children waiting for over 18 months for an outpatient appointment had declined by 40 per cent, while the number of children

waiting for over 12 months had declined by nearly 20 per cent. In 2023, €443 million had been set aside for measures to reduce the backlogs.

36. **A representative of Ireland** said that there were plans to increase access to health services, particularly for children. Although medical cards, which provided free access to primary care, were issued primarily on the basis of financial assessments, the Health Service Executive had the discretion to issue such cards to applicants whose income exceeded the income threshold above which eligibility for the card was not automatic. Cards could be granted to persons whose income was derived solely from social welfare payments. In the coming years, all children under the age of 12 and members of households whose household income did not exceed the income threshold would be made eligible for a general practitioner visit card.

37. Charges for acute inpatient services for children under 16 years of age had been abolished in all public hospitals since 21 September 2022. The Traveller Health Action Plan, which had been published in November 2022, addressed the higher rate of infant mortality in the Traveller community and provided for the adoption of measures to prevent disease among Travellers.

38. Ireland had endorsed the International Code of Marketing of Breast-milk Substitutes. The Online Safety and Media Regulation Act 2022 provided for the regulation of commercial communications, and the Department of Health would support appropriate restrictions on the marketing of those substitutes. My Options, a State-funded helpline, offered non-judgmental counselling to women with an unplanned pregnancy.

39. **A representative of Ireland** said that speech, language and occupational therapy had been provided under the School Inclusion Model project since 2018. The National Council for Special Education had been authorized to recruit additional speech, language and occupational therapists in 2020.

40. The board of management of each school, whose members were appointed by the school's patron, was responsible for providing support to children who were distressed or exhibited behaviour that was of concern to others. Tusla had published guidelines on a code of conduct for schools, while the Department of Education had established a working group to develop guidelines on the prevention and management of challenging behaviour.

41. All schools were required to develop a policy on relationships and sexuality education in consultation with the school management, parents, teachers and students. The courses included information on family planning, sexually transmitted infections and sexual orientation.

42. The Education (Admission to Schools) Act 2018 was designed to guarantee access to education for all children. If a child was denied admission to a school, his or her parents or guardians could file an appeal under the Act. No more than 25 per cent of the places in a given school could be allocated to the children of former students.

43. The guidelines on reduced timetables in schools had entered into force in January 2022. The Department of Education, Tusla and the National Council for Special Education took steps to guarantee a full school timetable for all students. The School Completion Programme was designed to encourage the acquisition by students of a school-leaving certificate or an equivalent qualification. The forthcoming national policy framework for children and young people would seek to ensure that human rights training tools were widely available to teachers and civil servants.

44. The Department of Education had established a working group in December 2022 to assess the impact of the pandemic on students' learning experience, school attendance and well-being and to recommend action to address the impact involving diverse stakeholders. The Department provided funds for the Irish Second-Level Students' Union. The Education (Student and Parent Charter) Bill would promote measures to foster a school culture involving student councils, parents and staff associations.

45. **A representative of Ireland**, acknowledging that Travellers continued to be overrepresented in terms of homelessness and precarious living situations, said that the Government sought to address the problem by providing high-standard accommodation

designed to meet Travellers' needs. Action had been taken in follow-up to 8 of the 32 recommendations made in the 2019 report of the Traveller Accommodation Expert Group. Each local authority conducted an annual estimate of Traveller families living in its area. According to data published in 2021, a total of 487 families remained in unauthorized sites. In 2021, however, basic services were being provided to 82 per cent of the sites. A pilot caravan loan scheme, as part of which 77 loans totalling €2.6 million had been made, had been launched in 2021 to enable Travellers to purchase a new mobile home.

46. In May 2021, the Ombudsman for Children's Office had published "No End in Site", a report on the living conditions of children living on a local authority site. The report investigated the local authority's failure to consider the children's right to enjoy safe and suitable accommodation, ease of access to school and safe playgrounds. Cork City Council was developing a range of measures in response to the recommendations in the report. According to a review published by the Office in December 2022, the living conditions of many of the children in question had improved.

47. **A representative of Ireland** said that a substantial amount of data had been collected on children involved in Garda Youth Diversion Projects. The Department of Justice was implementing a project with the University of Limerick intended to study matters related to the diversion of young people from the criminal justice system and recidivism.

48. There had been an increase of between 20 and 25 per cent in reports of domestic violence during the pandemic. The Central Statistics Office would shortly publish the results of a survey on the prevalence of sexual violence.

49. The Defence (Amendment) Act 2021 was fully in line with the Optional Protocol on the involvement of children in armed conflict. The Defence Forces could no longer recruit persons under 18. When children were involved in hostilities, the authorities opted for community outreach rather than prosecution. The police force worked with communities representing migrant groups, faith groups and others who were poorly integrated and whose children faced the risk of radicalization.

50. As the police force was currently the sole authority competent to recognize victims of human trafficking, a revised national referral mechanism was currently being established. It would comprise all competent governmental departments and agencies, as well as non-governmental organizations (NGOs) that were willing to assume quasi-judicial responsibility. The definition of human trafficking as the exploitation of victims for commercial gain was not applicable to sexual abuse of children within the family.

51. The minimum age of criminal responsibility had been reviewed during the development of the 2021 Youth Justice Strategy but ultimately not raised. Children 12 or older could be prosecuted for the most serious offences. In recent years, several children in early adolescence had been prosecuted for heinous crimes such as sexual assault and murder.

52. In accordance with the Children Act 2001, it was incumbent on judges to determine the capacity of child defendants to understand the legal proceedings against them and the gravity of the crime or crimes of which they were accused. In Ireland, fewer children were prosecuted and detained than the average in the States members of the Council of Europe. In any given year, roughly 10,000 minors committed offences, 900 were prosecuted and 125 were convicted and placed in youth detention centres. Overall, the juvenile justice system in Ireland provided a level of protection of child rights that was at least as good as that afforded in other jurisdictions.

53. Before ratifying the Optional Protocol on the sale of children, child prostitution and child pornography, Ireland needed to pass a piece of legislation pertaining to the principle of extraterritoriality, which it hoped to do in March 2023. Once the legislation had been published and enacted, the process of ratification could begin swiftly.

54. There was a range of alternatives to detention that were often considered by the Irish Prison Service in cases involving terms of imprisonment of 12 months or less. The Service could authorize temporary release and did so as a matter of course with pregnant women, an approach evidenced by the fact that there had been only one birth in prison in 2019 and two in 2021. The Service endeavoured to strike the delicate balance between reducing the incarceration rate and protecting society and the rights of victims.

55. **Mr. Nelson** (Coordinator, Country Task Force) said that he would appreciate information on the measures taken by the State party to criminalize the recruitment or use of children in hostilities by armed forces or groups. Noting that, the day before, the Department of Children, Equality, Disability, Integration and Youth had publicly urged persons who were considering seeking refuge in Ireland and who were in a place of safety to refrain from travelling to the country on account of a severe shortage of accommodation, he asked what treatment would be in store for refugee families with children that turned up at the border in a desperate situation.

56. **Mr. Jaffé** (Country Task Force) said that he wished to know when the State party would put an end to the practice of treating minors with mental health problems in adult wards. He would be grateful for assurances that the Government would make every effort to meet the needs of vulnerable groups in so-called invisible communities, including through the payment of child benefits and the issuance of medical cards.

57. In view of the dissonance between the findings of the Mother and Baby Homes Commission of Investigation and the testimonies of survivors of the historical practice of forced family separation, he wondered whether some of the findings and the arrangements made to provide redress might be reviewed. He also wondered whether it was true that early marriages continued to occur in some of the communities referred to as invisible communities.

58. **Ms. Marshall-Harris** (Country Task Force), drawing the delegation's attention to the Committee's general comment No. 24 (2019) on children's rights in the child justice system, said that it would be helpful to know whether, in its comprehensive review of the Children Act, the State party intended to prohibit the practice of trying individuals over 18 years of age as adults for crimes committed when they had been minors. She also wished to know whether the State party planned to establish child-friendly courts and whether its criminal justice policies were designed to ensure that detention was a measure of last resort. She would be grateful for further information on how trafficking in children was defined in domestic legislation and for a response to reports of racial profiling of Traveller and other minority children, leading to the overrepresentation of such children in the juvenile justice system and causing them to fear and mistrust the police.

59. **Mr. Rodríguez Reyes** said that he wished to know whether the State party published statistics on intersex births, whether intersex medical interventions were postponed until patients were able to give their free, prior and informed consent and whether there were mechanisms to remedy the harm caused in cases involving a lack of consent. He would be interested to hear a reason for the delay in amending the Disability Act and a description of the basis on which children were enrolled in special schools. He asked whether there were mechanisms to prevent further cases of sexual abuse of children by Catholic clergy members, whether investigations had been launched into historical cases of such abuse and, if so, what the outcomes had been in terms of compensation for victims and the punishment of perpetrators.

60. **Mr. Mezmur**, noting the very small number of Travellers who completed secondary education, said that he would welcome an indication of the timeline for the adoption of the national Traveller education strategy and a description of the objectives envisaged in the strategy.

61. **The Chair** (Country Task Force) said that she would appreciate clarification of whether private primary schools and all secondary schools could still refuse to admit students on religious grounds. She wondered whether the public sector equality and human rights duty covered private services and, if not, how equality and non-discrimination could be guaranteed in the private sector.

62. She wished to know whether refusing the citizenship applications of young offenders, some of whom were under 14 years of age, for not being, in the authorities' view, of good character, was not a particularly harsh punishment that left those children vulnerable to deportation to a country that they had never even visited. Noting the importance of ensuring that children could understand how their rights were protected under the Constitution and other bodies of domestic legislation, she also wished to know whether data were available on school enrolment since the outbreak of the pandemic and on the school disciplinary measures

imposed on students from vulnerable groups. A timeline for the development of the national equality data strategy would also be appreciated.

The meeting was suspended at 11.45 a.m. and resumed at 12.05 p.m.

63. **A representative of Ireland** said that the Government periodically carried out and published research on the impact of its tax policy. The spillover analysis undertaken in 2015 had resulted in positive outcomes in the form of renegotiated double taxation and other agreements. While the Government currently saw no need for further analyses, it would keep the situation under review. More recently, in 2021 and 2022, it had published independent research on outbound payments from Ireland, in response to which it was considering reforms to relevant aspects of its tax policy.

64. **A representative of Ireland** said that the Irish Sign Language Act had been signed into law in December 2017 and had entered into force in December 2020. The first report on the implementation of the Act had been published in January 2023.

65. Child beneficiaries of international protection had access to mainstream primary and post-primary education. International Protection Accommodation Services (IPAS) worked to secure school places for children under its care and meet their educational needs. The timeline for meeting the Government's commitment to replace the current system of accommodation for international protection applicants with a not-for-profit model had been affected by the recent influx of refugees from Ukraine.

66. A review of the timeline and the model's deliverables was under way. In the meantime, IPAS was endeavouring to accommodate families together and was engaging with children through its customer service and resident welfare teams, which included social workers and representatives of NGOs. Moreover, it offered all new arrivals the opportunity to undergo a vulnerability assessment and, if necessary, referred cases to Tusla.

67. Accommodation centres had to comply with Children First Guidance, and a child-friendly complaints mechanism had been set up specifically for children in IPAS accommodation. Specialized training on understanding child development and the well-being of refugees had been offered to centre managers and staff. The Health Information and Quality Authority would shortly carry out a series of independent inspections of all permanent accommodation centres.

68. **A representative of Ireland** said that, under the National Play Day initiative, €3,000 was allocated per local authority. In 2022, a total of 31 authorities had applied for funding.

69. Tusla referred unaccompanied children to a specialist team that attempted to contact their family members. Children who could not be reunited with their families were placed in care and provided with accommodation under the Child Care Act 1991. All children in care had access to primary and secondary education and could be placed in group homes of no more than six children, an arrangement that facilitated their integration.

70. In response to the large number of children travelling from Ukraine with adults other than their parents or guardians, Tusla had stationed a senior member of staff at the arrivals and temporary accommodation centre in Dublin. That staff member could help to identify cases of trafficking in children or children who had been involved in armed conflict.

71. While medical tests for age assessment were permissible under domestic legislation, preference was given to a dialogue-based approach through which border and immigration officials could refer children to appropriate protection services. The current procedure was under review; the core concerns were to ensure people's safety and offer age-appropriate services.

72. **A representative of Ireland** said that, pursuant to the International Criminal Court Act 2006, recruiting children under 15 years of age into the national armed forces or using them to participate actively in hostilities was a war crime. The Government would continue to give thought to criminalizing the recruitment of minors aged 16 to 18. However, one obstacle was that such criminalization would affect certain migrant communities at a time when efforts were being made to build bridges between them and the national police service.

73. The Children Act was being reviewed in stages. The 2021 Youth Justice Strategy set out a commitment to try minors on the basis of their age when the offence of which they were accused had been committed. The Strategy also provided for the training of judges and for an exploration of the desirability of extending the children's court model that had worked well in Dublin.

74. Racial profiling was not a feature of policing in Ireland. While there had been tensions between some communities and the national police service, Irish society had integrated migrants without many of the issues that had been observed in other European countries. Efforts were nonetheless being made to strengthen relations with ethnic minority groups, including through the use of cultural mediators.

75. The overrepresentation of Traveller children in the juvenile justice system could be explained in part by socioeconomic factors. There was no discrimination in the treatment of such children, and steps were being taken to address the situation under the National Traveller and Roma Inclusion Strategy.

76. The definition of trafficking in persons under Irish law was in line with the definition contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The definition used for the purposes of the national referral mechanism would nonetheless be reviewed in the near future. Nothing prevented children from being regarded as victims of sex abuse and human trafficking simultaneously.

77. Migration applications were considered on a case-by-case basis. While criminal convictions were taken into account, they were not the decisive factor. To the best of his knowledge, a child migrant had never been deported to a country in which he or she had not lived and never would be.

78. **A representative of Ireland** said that the needs of Traveller children detained at the Oberstown Children Detention Campus were met on an equal footing with all other children, while respecting their social and cultural identity. A programme had been developed to address overrepresentation of Traveller children at the Campus by assigning support workers to Traveller detainees and their families. It followed a model similar to that of the Traveller Justice Initiative for adults.

79. The templates used by the Office of Government Procurement contained contractual clauses on compliance with environmental, social and labour law. Complaints regarding private service providers could be submitted to the Tusla Early Years Inspectorate. One of the priorities of the online safety commissioner would be to develop and enforce online safety codes that limited the exposure of children to harmful online content that promoted cyberbullying, suicide, self-harm or eating disorders.

80. **A representative of Ireland** said that the Department of Education was responsible for ensuring that every child had equal access to education. The Department's guidelines on intercultural education were being revised by the National Council for Curriculum and Assessment to further promote inclusivity, particularly through social, personal and health education classes. Approximately 1 per cent of the student population attended special schools, which were allocated the appropriate resources to cater to students' needs. The publication of a policy advice paper on special schools and classes submitted by the National Council for Special Education, which was being reviewed by the Department of Education, was expected in the near future. The recommendations for reforms contained in the paper would be subject to extensive consultation with education system stakeholders, including organizations representing persons with disabilities and parents.

81. A commission had been established to investigate historical allegations of sexual abuse in residential institutions and make recommendations. Its final report, published in 2009, had revealed the extent of physical, emotional and sexual abuse suffered by thousands of children. Under the Residential Institutions Redress Act 2002, a scheme had been created to ensure fair and reasonable compensation for survivors of institutional abuse. The scheme was operated by the Residential Institutions Redress Board, which had accepted applications for redress until September 2011. The Board had received over 16,000 applications, and €970 million had been awarded in compensation.

82. Delivering Equality of Opportunity in Schools, a programme intended to combat educational disadvantage, had been launched to ensure that the educational needs of all students, including Traveller and Roma children, were met and to eliminate barriers to education. According to recent data, Traveller children accounted for approximately 1.5 per cent of all students at the primary education level and 1 per cent at the post-primary level. Approximately 66 per cent of children from Roma and Traveller communities attended schools that were in the programme, compared to a quarter of all children nationwide.

83. The Government had committed to developing a national education strategy for the Traveller community; a pilot project had been launched in 2019 to improve school attendance, participation and completion rates among specific Traveller and Roma communities. Under the project, work to address barriers to education was carried out with parents, children and schools.

84. **Mr. O’Gorman** (Ireland) said that in late 2021, Ireland was providing accommodation to 8,000 people seeking international protection. Since the invasion of Ukraine, that figure had jumped to 74,000, a jump that posed a major problem given the country’s severe housing shortage. Nevertheless, the Government would continue to provide shelter in accordance with its international and moral obligations.

85. The Government had adopted an action plan in response to the final report of the Commission of Investigation into Mother and Baby Homes. As part of the plan, the Birth Information and Tracing Act had been passed to give people access to their original birth certificate. Since its enactment in 2022, 1,200 people had been granted access to their birth information. The Institutional Burials Act 2022 provided for the establishment of an agency to exhume, identify and rebury the remains of babies on the grounds of a former mother and baby home in Tuam. The appointment of a director for the agency was currently under way.

86. Oireachtas, the parliament, was debating a bill on a scheme to provide compensation and the appropriate medical care for around 34,000 former residents of mother and baby homes. Compensation would be awarded based on the amount of time spent at a home, and applicants would not be required to submit evidence of the harm that they had suffered. Children who had spent more than six months at those institutions would qualify for compensation. A memorial centre was being built that would house records and testimonies of the trauma suffered by victims.

87. **A representative of Ireland** said that all mothers, regardless of nationality or ethnic background, were required to be habitual residents of the country in order to receive child benefits. In a 2019 ruling, the Supreme Court had upheld the legality of the habitual residence criterion.

88. **A representative of Ireland** said that medical cards were issued to Traveller and Roma persons on the same basis as the rest of the Irish population. Cards were granted to those who, in the opinion of the Health Service Executive, were unable to afford medical services for themselves and their dependents without undue hardship. The number of pregnancies among adolescents 18 and under had decreased to less than 350 over the period 2019–2021.

89. **A representative of Ireland** said that children were admitted to adult mental health facilities only where admission to a Child and Adolescent Mental Health Services unit was unfeasible, and solely as a last resort. All children placed in adult facilities had undergone a clinical assessment, and the Mental Health Commission was notified of their admission. The vast majority of such children were 16 or 17 years old and were placed in adult facilities for very short periods to avoid any negative impact that their presence could have on younger patients in children’s units. In view of the clinical needs of children and the services that they required, it was unlikely that admission of children to adult facilities would cease entirely. The Health Service Executive provided special support and took into account all relevant factors, such as the preferences of all persons involved and geographical considerations, when deciding whether to place children in adult facilities. The children’s situation was assessed on a weekly basis.

90. **A representative of Ireland** said that primary and post-primary schools were obliged under the Education (Welfare) Act 2000 to submit an annual report on student attendance to

the Tusla Education Support Service. The attendance report for the 2018/19 school year would be published in the near future. Information on the impact of the pandemic on attendance was unavailable at present.

91. **Ms. Marshall-Harris** said that she wished to know what measures the State party intended to take as part of its efforts to reform the accommodation system for persons applying for international protection. What would it do to solve problems related to underfunding and staff shortages and thus to ensure that the reform was completed, as planned, by 2024?

92. **Ms. Zara** asked whether there were any programmes to help pregnant adolescents continue their studies.

93. **Mr. Van Keirsbilck** said that he wondered what steps would be taken to ensure that all disciplinary measures used in schools preserved children's dignity and were intended solely to educate.

94. **Mr. Madi** said that Ireland was to be commended for raising the age of voluntary recruitment in the army to 18. However, he was concerned that the country's failure to criminalize recruitment of children by non-State armed groups might result in impunity.

95. **Ms. Aho** said that she would be interested to hear what measures the State party was taking to support large single-parent families and to improve sex education in schools.

96. **Mr. Nelson**, thanking the delegation for engaging in the constructive dialogue, said he hoped that the Committee's concluding observations and the country's strong civil society would help the State party ensure full respect for children's rights.

97. **Mr. O'Gorman** (Ireland), noting that he looked forward to receiving the Committee's concluding observations, said that the Government would continue to work with the Committee and civil society organizations to realize the rights of children throughout the country.

The meeting rose at 12.55 p.m.