



My right to be treated equally, be included and make my own decisions



Chapter 1



As a child or young person, you have a right to equal treatment. Depending on your age and some legal restrictions, you also have the right to take part in the life of your community, in employment, and to make independent choices about things that concern you.

In this section, we explain some of these rights. We also give a table showing some of the things you can do at different ages.

1.1 Equal treatment

What is equality or equal treatment?

Equal treatment is about recognising that everyone has the same worth and should be treated with dignity.

Discrimination happens when you are treated differently or less favourably than someone else in the same situation because of:

Your gender: if, for example, you identify yourself as a boy or a girl.

Discrimination can be based on your gender identity which is your deeply felt internal identity as female, male, or another identity such as non-binary. It can also be based on your gender expression which is how you show your gender through clothes, hair or voice.

Your marital or civil status: whether or not you are married or in a civil partnership.

Your family status: if for example you are:

- pregnant
- a parent of a child
- the carer for someone with a disability
- someone without a family.

Your sexual orientation: whether or not, for example, you are heterosexual (straight), gay, lesbian or bisexual.

Your religion, or lack of religious beliefs.

Your age (this generally only applies to those 18 years or older).

Your disability – if you have a disability, you should receive equal treatment.

Your race, ethnic background, nationality or colour.

Whether or not you are a member of the Traveller community.

These personal characteristics are known as 'discrimination grounds'. You also have a right to be protected from harassment. Harassment includes things like offensive comments and text messages or physical things like pushing or hitting people.

Indirect discrimination is when someone is treated less well than other people because there are requirements which they would find harder than others to fulfil.

You have the right to be protected from discrimination when you:

- are at school
- buy or sell something
- use a service like the bus
- attend a youth or sports group
- are in employment.

Sometimes discrimination happens because of:

- negative attitudes
- stereotypes
- beliefs, like racism.

What can I do if I feel I have been discriminated against?

Workplace Relations Commission

If you feel you have been discriminated against based on the areas above when trying to access goods and services or in education or employment, you can complain to the Workplace Relations Commission (WRC).

To complain to the WRC you must first notify the person or company that you wish to complain about. You must do this within two months of the event. The WRC has more information about how to make a complaint on its [website](#), see chapter 10 'where can I go for help' for more details. The WRC will issue a legally binding decision that will try to fix your situation. In some cases, you may get compensation.

Irish Human Rights and Equality Commission

You can contact the [Irish Human Rights and Equality Commission](#) (IHREC) for information and guidance (see chapter 10 'where can I go for help' for contact details).

Parent, guardian or support organisation

You should also look for support from your parent or guardian or from the support organisations listed at the end of this guide.

Ombudsman

You also may be able to complain to the [Ombudsman for Children](#), see chapter 10 'where can I go for help' for more details.

What if I feel I have been a victim of harassment based on race, sexual orientation, gender or religion?

You have a right to be protected against threatening, abusive and insulting words and behaviour carried out:

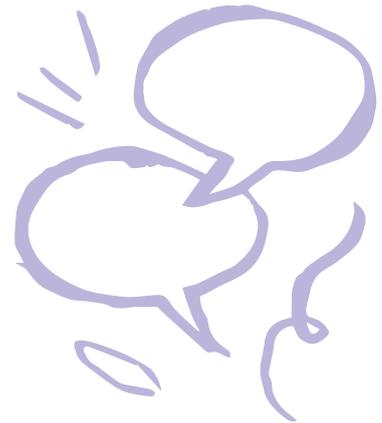
- to your face or online
- in publications
- on displays
- in other materials.

If you think you have been a victim of this type of treatment, you can contact the Gardai on 112 or 999 and report it as a crime.

It is a criminal offence for anyone to:

- physically threaten you
- harass you persistently
- assault you
- cause you serious harm for any reason.

It is also an offence for someone to damage or threaten to damage your property. Again, you can report this to the Gardai.



1.2 Community participation

At what age can I vote?

You have the right to vote from the age of 18. If you are 18 or over and an Irish citizen, you can vote in all elections and referenda. If you live in Ireland, but are not an Irish citizen, you have the right to vote in some elections. To vote, you must make sure that your name is on the Electoral Register (list of people who can vote). You can get an application form to have your name placed on the Electoral Register from:

- all local authorities
- post offices
- public libraries
- www.checktheregister.ie.

You must return your completed form to your local authority.

If I am under 18, can I get involved in decision-making?

Comhairle na nÓg

You can get involved in decision-making in your community. For example, Comhairle na nÓg has local youth councils that meet in every local authority area of the country. They give children and young people a chance to be involved in decision-making in matters that affect them.

To find out how to get involved, see the [Comhairle website](#).

Every two years, each [Comhairle na nÓg](#) sends representatives to Dáil na nÓg, the national parliament for children aged 12 to 18 years. This is a great opportunity to bring your concerns to politicians and other decision-makers.

EU Youth Dialogue

The EU Youth Dialogue aims to bring the youth voice to EU policy-making. In Ireland the EU Youth Dialogue is delivered by the National Youth Council of Ireland (NYCI) through the Young Voices programme. For more information, see the [NYCI website](#).

National Strategy

The 'National Strategy on Children and Young People's Participation in Decision-Making 2015-2020' aims to make sure that children and young people have a voice in their everyday lives. It focuses on the places where children and

young people are entitled to have a voice in decisions that affect their lives. This includes settings in relation to:

- community
- education
- health and well-being
- legal settings.

However, it is up to the different government departments and agencies to put it in place.

Hub na nÓg

The Department of Children and Youth Affairs has a Young People's Participation Support Team. They have set up 'Hub na nÓg' (Youth Hub) in partnership with Foróige and Youth Work Ireland. It aims to give children and young people a voice in decision-making and has a number of resources which you may find helpful.

You can also join local child and youth organisations to get involved in activities and make a difference in your local community. See the list of organisations at the end of this guide.

Am I allowed to hang around in my neighbourhood?



You have a right to hang out and use your community facilities. Everyone in the community, including adults, children and young people must act within the law. If people's behaviour in the community is disruptive then you can complain about it. Similarly, other people have the right to complain if they find your behaviour disruptive.

If the Gardaí are called, they can ask you to move on. You have the right to be treated with respect by the Gardaí. If you are treated badly by the Gardaí, you can complain to the [Garda Síochána Ombudsman Commission](#). See chapter 10 'where can I go for help' for more information.

Do I have a right to enter leisure facilities, shops and shopping centres?

Yes, you have the same right as an adult to enter shops, shopping centres, leisure facilities or any other public place. The owner or manager has the right to refuse to let you enter if they are concerned about your behaviour in the same way they can for adults. However, they cannot refuse to let you in on any of the discrimination grounds (these grounds are listed on page 17).



You can be refused entry to a pub based on your age. If you are under the age of 15 you will need to have a parent or guardian with you. If you are over 15 you don't need a parent or guardian with you but you can only stay until 9pm. It is illegal to buy alcohol under the age of 18.

1.3 Making choices: substances

If you want to talk about taking substances or want support, there are a number of groups that provide non-judgemental help and support around the country. Getting help can feel difficult but there are people who can support you through the process. You can find information in chapter 10 'where can I go for help'.

Do I have a right to buy alcohol?

No. It is illegal for anyone under 18 to buy or possess alcohol.



Do I have a right to buy cigarettes?

No. It is illegal for a shop to sell tobacco products to anyone under the age of 18, even if they are for someone else.

Do I have a right to take illegal drugs?

No one may take illegal drugs in Ireland.

Illegal drugs include (but are not limited to) cannabis, heroin, ecstasy and cocaine. If you are taking drugs, you can get support and help. Visit [Drugs.ie](https://www.drugs.ie) for more information and support.

In certain limited circumstances, people can apply to access medical cannabis to treat specific medical conditions. For more on this contact your GP (doctor).

1.4 Making choices: sex

Where can I get information on sex and relationships?

It is important that you have access to information and education on sex and relationships so that when you are making a choice you have full information. This is called making an 'informed choice'. This information should be accurate, independent and based on scientific evidence.

You can find impartial and factual information on relationships and sex at:

- [B4UDecide](#)
- [SpunOut.ie](#)
- [BeLonGTo In The Know Course](#)

See chapter 10 'where can I go for help'.

What is consent to sex?

Consent is when people agree together that they definitely want to have sex, or do any sexual act. This includes kissing and sexual touching.

You can say no at any time

It is only consent if you give it freely and you are not pressured into saying yes. It is really important to know that even if you initially consent to having sex or engaging in a sexual act, you are absolutely free to change your mind before you start or at any time before it ends. If someone hasn't said 'no' or hasn't resisted a sexual act, it does not mean that they have given consent.



There are some circumstances where a person cannot give free and voluntary consent. These include:

a) When force is used

A person cannot give consent if they:

- are forced to take part in sexual activity
- are threatened with force to themselves or to someone else unless they submit to sexual activity
- have good reason to fear that force may be used against themselves or another person if they do not submit to sexual activity.

b) Asleep or unconscious

A person cannot give consent to any sexual activity if they are asleep or unconscious.

c) Under influence of alcohol or drugs

A person may not be able to give consent to sexual activity because of the effects of alcohol or another drug that they have taken.

d) Unable to agree

A person may not be able to consent to sexual activity due to a physical disability that prevents them from communicating whether or not they agree.

e) Unable to understand

A person is not able to give free and voluntary consent to sexual activity if they do not understand the nature and purpose of the act.

f) Mistaken identity

A person is not giving consent to sexual activity if they mistake the identity of another person involved in the act (that is if they believe the other person taking part to be a different person).

g) Another person says so

A person cannot give free or voluntary consent to sexual activity if the only form of consent comes from someone else (one person says that another person consents).

h) Cannot leave

A person cannot give free and voluntary consent to sexual activity if they are being prevented from leaving against their will for no good reason.

Other reasons

There may be other situations where free and voluntary consent to sexual activity cannot be given but these are some of the most common.

At what age can I consent to have sex?

Legally, you can consent to sex at 17. This is the same no matter what your sexual orientation or which gender or genders you are sexually active with.

The law also recognises a difference if younger people engage in sexual activity with each other and has introduced a 'proximity of age' defence. This means that if a person has been charged with an offence of engaging in a sexual act with a person between the ages of 15 and 17 years, they can put forward the 'proximity of age' defence but only if:

- the age difference between the two people is two years or fewer
- agreement was given freely and voluntarily
- neither person felt exploited or intimidated
- neither person is in a position of authority.



At what age can I consent to sexual health treatment?

You can consent to medical treatment if you are over 16, this includes any tests or treatments that you may need for your sexual health, like an STI (sexually transmitted infection) test or the morning-after pill.

If you need information and advice on sexual health, see chapter 3 on the 'Right to Health'.

1.5 Gender identity

What is gender identity?

Gender identity refers to a person's deeply felt internal identity as female, male, or another identity such as non-binary. This may or may not be the same as the sex they were said to be at birth.

What does Transgender or Trans mean?

Transgender or Trans is an umbrella term for people whose gender identity or gender expression is different from the sex they were said to be at birth.

What is gender expression?

Gender expression refers to how people show their gender through clothes, hair, voice and so on.

Why is gender recognition important?

Gender recognition is important because it allows a person to be fully and legally recognised in their correct gender.

Do I have a right to have my gender identity recognised?

You can identify your gender at any age. However, to have your gender legally recognised people over the age of 18 can declare their own gender identity but 16- and 17-year olds have to go through a different process. The law does not cover children under the age of 16.

For a young person to have their gender identity legally recognised, they must apply to the Circuit Family Court for a Gender Recognition Certificate. The court will hear this matter in private. This is a free service. If your parent or guardian consents to the application, the court will grant the application. The court can also grant the application without the consent of your parent or guardian if:

- your parent or guardian cannot be identified
- your parent or guardian is failing to respond to the request for consent
- it would not be in your interests to ask them because it puts your safety or welfare at risk.

You will need to get certificates from medical professionals to apply.

Where can I get help, advice and support?

If you need advice and support, you can contact [BeLonG To Youth Service](#), [TENI](#), the [Transgender Equality Network](#), or [LGBT Ireland](#) see chapter 10 'where can I go for help' for details.



1.6 Work

At what age can I work?

You can work part-time from the age of 14. You can work full-time from the age of 16. However, while you are under 18, there are limits to the amount of time you can work and the type of work you can do.

The rules are different if you work in your family's business or if you work at sea. For more information about working under the age of 18, contact the [Citizens Information](#) or the [Workplace Relations Customer Services](#) (see chapter 10 'where can I go for help' for details).

How many hours a week can I work?



At age 14...

You can work outside the school term but not during it. You can work 35 hours a week during Christmas, Easter and summer school holidays and up to 40 hours a week if you are on approved work experience.

At 15 years of age...

You can work eight hours a week during the school term. You can work 35 hours a week during Christmas, Easter and summer school holidays and up to 40 hours a week if you are on approved work experience.

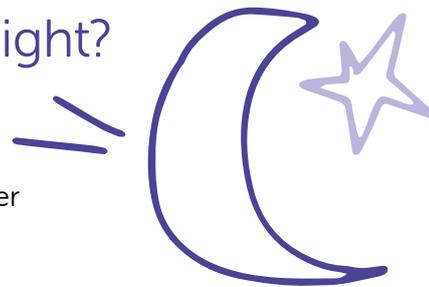
If you are 16 or 17...

You can work up to 40 hours a week, but you cannot work more than eight hours each day.



Can I work in the evenings or at night?

If you are 14 or 15, you can only work between 8am and 8pm. You have the right to 14 hours off between shifts and two days off each week. Your two days off should be together where possible.



If you are 16 or 17, you can only work between 6am and 10pm. If you work in a pub or other licensed premises, you can work until 11pm if the next day is not a school day. You have the right to 12 hours off between shifts and two days off each week. Your two days off should be together where possible.

Do I have a right to equal pay?

No, young people are not entitled to equal pay with adults for the work they do.

Under the age of 18 years, you are entitled to at least €6.69 an hour, but your employer can choose to pay you more. Depending on the practice in your workplace, you may be allowed to keep tips, or they may be shared among all staff. There is no law to say that you have the right to keep them or that you have to give them to your employer.

Will I have to pay tax?

Yes, everyone has to pay tax. The amount you pay will depend on the amount you earn.

Does my employer have any responsibilities to me as a young person in work?

Yes, your employer must act within the terms set out in law. Your employer must give you:

- a summary of your rights under the law
- details of your terms of employment within one month of you starting the job
- a payslip.

Your employer must see a copy of your birth certificate or other proof of age before they employ you. If you are under 16, your employer must get your parent or guardian's permission in writing.

Can I claim unemployment payments?

No. You can start paying social insurance from the age of 16, but you cannot claim unemployment payments until you are 18 years of age.

Can I complain if I feel that my employer is not treating me fairly or discriminating against me?

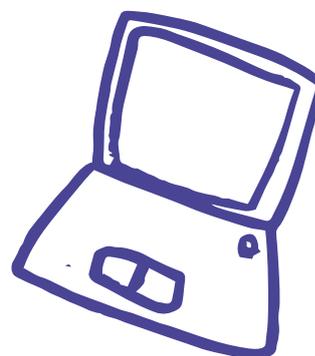
Yes, you can complain confidentially to the Workplace Relations Customer Services. For more information and services available, see the [Workplace Relations website](#), see chapter 10 'where can I go for help' for details.

What age can I volunteer?

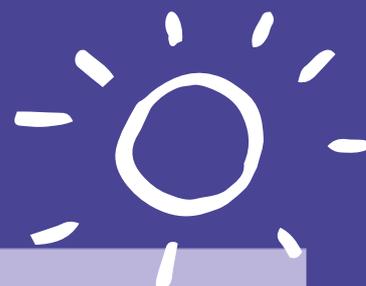
There is no specific age at which you can volunteer, however the types of roles that might be available and the times of volunteering may be different based on your age. For more information see the [Volunteer Ireland website](#).

Where can I find more information and advice on jobs?

You can find more information and advice on jobs, CVs, apprenticeships on the [SpunOut Employment Hub](#).



1.7 At what age can I do various things?



Be recognised as a child

You are recognised as being a child while you are under 18 unless you are or have been married.

Get involved

Join Comhairle/Dail na nOg.	Age 12.
Vote.	Age 18.
Stand for general or local election.	Age 18.
Sit on a jury.	Age 18.
Join a social networking site or access other services online.	<ul style="list-style-type: none"> • Age 16 without parental consent. • Age at least 13 with parental consent for most social networking sites.

Be independent

Change my name.	<ul style="list-style-type: none"> • Age under 14 parent may do it on your behalf. • If you are aged 14-18 you will need parental consent.
Leave home.	<ul style="list-style-type: none"> • Age 16 with parental consent. • Age 18 without parental consent.
Have my own passport.	No minimum age but parental consent needed until 18.
Sign a lease to rent accommodation.	Age 18.
Leave state care.	Age 18.
Get married.	Age 18.
Make a will.	Age 18, unless you are or have been married.



Finish school	
Join Youthreach.	Age 15.
Leave school.	Age 16, or until you have completed three years of secondary school – whichever occurs later.
Get an apprenticeship.	Age 16, if your parent or guardian agrees.
Work	
Get a part-time job.	Age 14. You may only work during school holidays and for a limited number of hours each week.
Get a full-time job.	Age 16.
Make health decisions	
Receive private medical advice from a doctor.	Age 16, but the doctor may share information with your parent or guardian until you are 18.
Get medical treatment (other than mental health) without your parent's or guardian's permission.	Age 16.
Get mental health treatment without your parent's or guardian's permission.	Age 18.
Refuse medical treatment without your parent's or guardian's permission.	Age 18.
Give blood.	Age 18.
Be sexually active	
Consent to sex.	Age 17.
Drive	
Drive a motorcycle, moped or tractor.	Age 16.
Drive a car.	Age 17.
Get a pilot's licence.	Age 16.

Join the Army/Gardaí

Join the Reserve Defence forces. Age 18.

Join An Garda Síochána or permanent Defence Forces. Age 18.

Be responsible for a crime

Be arrested on suspicion of committing a crime and brought to court. Age 12 (or 10 for serious crimes).

Be sent to a children's detention school. Age 10 to 17.

Be sent to prison. Age 18 and over.

Buy certain things

Own a dog. Age 16.

Buy a lottery ticket or place a bet. Age 18.

Buy cigarettes. Age 18.

Buy alcohol. Age 18.

Be in a pub.

- Under 15 – only in the company of a parent or guardian and between 10.30am (12.30pm on a Sunday) and 9.00pm.
- 15 to 18 – between 10.30am (12.30pm on Sundays) and 9.00pm.

Access my records

Access education and health records. Age 18. While under 18, your parent or guardian may access your records on your behalf.

Apply for gender recognition certificate

You can apply for a gender recognition certificate at age 16.

Travel without a car seat (child restraint system)

You must use a car seat suitable for your child's height and weight until they reach 150cm in height or 36kg in weight.

1.8 No minimum age

For some things, there is no minimum age limit set out in law.

These include:

- signing a petition
- taking a taxi
- getting a tattoo or piercing (most places set their own age requirement)
- staying home alone
- babysitting
- owning a pet other than a dog (like a fish, cat or guinea pig).

Can my parents leave me at home alone?

The law does not state at what age your parent can leave you at home alone. It is up to your parent or guardian to decide. The amount of supervision you may need depends on:

- your age, maturity and ability to look after yourself
- whether or not there are other adults nearby
- how often and for how long you are left alone.

Other laws or best practice guidelines apply in the case of young children and vulnerable young people. For example, a parent could be prosecuted for child neglect if they left a young child at home alone or put a child into a situation that placed their health or safety at risk.

At what age can I babysit?

That's up to your parent or guardian to decide. You must be mature enough to meet the needs of small children and be able to respond in the right way if there was an unexpected incident at the house. For example, if there was a fire or a stranger called to the door. In the UK, the National Society for the Prevention of Cruelty to Children (NSPCC) recommends that babysitters should be at least 16 years of age.

