

Questions put to the Irish Delegation by the UN Committee on the Rights of the Child*

Ireland's Examination by the UN Committee on the Rights of the Child

Thursday, 14 January 2016

*This document contains a summary of the key questions asked and does not purport to be a transcript of the full list of questions asked.

Questions from the Committee's Country Rapporteurs on Ireland

Ms. Sandberg of Norway

- When will Ireland ratify the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography?
- When will Children First Act 2015 be commenced?
- When will the Children and Family Relationships Act 2015 enter into force?
- What is the State doing to address the fact that there is no statutory obligation for public bodies to respect, protect and fulfil the provisions of the UN Convention on the Rights of the Child?
- Will the State undertake a comprehensive review of legislation to obtain a picture of the level of compliance with the Convention?
- When will an implementation plan for *Better Outcomes Brighter Futures, the National Policy Framework for Children and Young People 2014-2020* be published?
- Does the Department of Children and Youth Affairs have enough real authority to mainstream children's rights across other departments such as the Department of the Environment, Community and Local Government and the Department of Justice and Equality? How are cross-cutting issues coordinated across departments and agencies?
- How are children's rights protected in budgeting? Are children's rights given particular focus or protection in budgeting? Is there a plan to improve this?
- What is state doing to monitor impacts of austerity on Traveller and Roma children?
- What efforts are being made to address the exclusion of Traveller and Roma children from the system of collection of disaggregated data?
- Are there plans to transfer the budget line of the Office of the Ombudsman for Children from the Department of Children and Youth Affairs to the Oireachtas to ensure its independence?
- Why can children not complain to the Ombudsman for Children on immigration, asylum, citizenship or naturalisation issues?
- What is the State doing to ensure that the Convention is disseminated amongst officials and the public?
- Is there systematic training of judges on children's rights? This can be done through encouragement and ensuring Committee for Judicial Studies is adequately funded.
- Sought clarity on child poverty rates
- Is there an independent appeals officer in place for children in direct provision? Is it one person for all of Ireland or is there one in each centre?
- It is the case that there is no paternity leave in Ireland and that maternity leave could be longer comparative to other countries, are there any plans to improve this?
- Are there plans to address the high cost of childcare and increase access to subsidised places for lower income families?
- Questions concerning the absence of a national policy on the prevention of child abuse – noted that young people said abuse is not discussed.
- Expressed concern about delays in taking children into care having led to deaths of children.
- How are recommendations on children in care being followed up?

- How does the State plan to improve the high turnover of staff in the social work sector and ensure that all children who need one have access to a social worker?
- Please clarify the difference in inspections carried out by Tusla and HIQA in terms of standards measured and remit.
- Has the review of single separation as announced in 2015 been undertaken? What has been done?
- Please provide further information on children being sent abroad for care.
- With regard to aftercare, children have a statutory entitlement to a plan but not to the care itself, more information sought on this. Also are children who have been homeless but who have not been in care eligible for aftercare?
- Sought more concrete information on the plans for the family court system. Is mediation available in Ireland in family cases?
- Has the relevant legislation been enacted to give effect to the constitutional provisions regarding adoption of children in long term foster care? Has legislation been enacted to address the situation of second-parent adoption?
- What is the State doing to assist the children of priests, in terms of identifying their parentage and any psychological support they might need?
How has the voice of the child been dealt with under the Children and Family Relationships Act 2015? Is it still at the discretion of judges, cost borne by parents and is there still an issue with adequate court services to facilitate the voice being heard?
- Sought information on availability and funding of the School Meals Programme.
- Not enough is being done to address the issue of homelessness and conditions in emergency accommodation. Why are more permanent solutions not being put in place?
- There appears to be a common understanding of culturally appropriate accommodation for Travellers so why is no action being taken in this area?
- Heard from young people about concerns re: Leaving Certificate and the focus being on knowledge rather than understanding and too much pressure
- What will happen to reform of school admissions if the School Admissions Bill is not enacted in light of end of Dáil term?
- Concerned that the right to be heard is not in the Education Act 1998, that Student Councils vary in effectiveness and there are incomplete complaints handling structures in schools.
- Heard from young people that there is a lack of recreational and play spaces; activities are expensive and they feel the Gardaí are there to harass rather than protect them.
- Will the new allocation of resources model for special educational supports be monitored to ensure equitability increases?
- Given high level of autonomy of schools, how does State ensure they spent money where they are supposed to and that they uphold children's rights?

Mr. Madi of Egypt

- At what age can children marry by court order?
- What is the State's plan to guarantee equality of access to education to all children irrespective of religious belief? Noted slow rate of divestment.
- What is the State doing to address statements by officials which appear to be discriminatory to the Traveller community?

- Can the State clarify its position on the recognition of Traveller ethnicity?
- What is the State's plan to ensure the best interests of the child principle is incorporated into all administrative actions and decision-making for children and in judicial proceedings, particularly in immigration related proceedings?
- What is the State doing to address the high rate of Traveller infant mortality?
- What efforts are being made to reduce accidental deaths of children?
- What actions or policies are being taken to address the high rate of suicide amongst Irish young people?
- Will the State be conducting audit to identify gaps in children's rights such as limitations on voice of child principle in Article 42A of the Irish Constitution?
- Has the Government established legislative proposals on residency?
- What is the status of the International Protection Bill?
- Are laws compliant with the Committee's General Comment no. 6 on the Treatment of unaccompanied and separated children outside their country of origin? Noted Importance of the best interests principle in procedural and substantive aspects of any proposed law in immigration and residence.
- Raised concerns with regard to length of time spent by children in direct provision and about the weekly allowance for children in direct provision. Independent inspections are needed.
- Stressed that it is important that unaccompanied minors are not left stateless.
- Children with irregular immigration statuses in care should be provided with legal advice.
- What steps have been taken to progress the needs assessments for Roma children?
- Why have budgets for Traveller accommodation been left unspent?
- What measures are in place to protect children who are being exploited in the illicit production and trafficking of drugs?
- What measures are in place to protect & rehabilitate child victims of trafficking
- update on new detention facility at Oberstown & state response to HIQA inspection of detention schools
- Concerned at low age of criminal responsibility.
- Is 'peculiar' that ch can complain to his Committee re: immigration, asylum, citizenship but not to their own.
- Does State have system to deal with children who've been involved in armed conflict re: identifying them, access to services
- What systems are in place to prevent children from travelling to join terror groups in Syria? deal with them if they return
- Is there an appeals system for family reunification for refugees?
- Ireland will be held up as shining example for raising the minimum age of recruitment to defence forces to 18
- Asks for update on cases of sex abuse by members of Catholic clergy

Mr Rodriguez of Venezuela

- Under the Civil Registration (Amendment) Act 2014, what happens in the case where parents fail to agree on a surname for a child? What mechanisms are in place to address this?

- How is the child's right to identity fulfilled in cases of children born of surrogacy and in adoption cases? At what age can a child have access to biological information on their identity? What guarantees or mechanisms can a child draw on to learn about the identity of their parents? Are there limitations in this regard?
- What mechanism is in place to enable transgender children or their parents to seek recognition of new gender? At what age can children legally seek this on their own initiative? Are there any restrictions or costs involved for children? Sought clarity on whether a child can seek a change of gender.
- Is there legislation in place that governs child privacy in proceedings?
- Echoes Mr. Madi's questions on equality of access to education based on religion and beliefs.
- Is there sufficient oversight of consent in cases of treatments for intersex children? If a consultation takes place in advance of surgery, does that imply consent on part of child who may be subject to an operation?
- With regard to cases of institutional abuse, how many prosecutions have there been and how many convictions?
- With regard to violence against children, is a multi-disciplinary approach being taken? Are there enough social workers to address all cases of suspected abuse/violence? Is there a backlog of cases? Is there 24/7 service available?
- With regard to bullying in schools, are there inspections of schools? Is this done on a sporadic basis?
- Have shelters for families who are victims of domestic violence experienced loss of funding in recent years?
- Is there a specific plan for provision of healthcare to children living in poverty?
- Is there a measurable system in place to foster breastfeeding, raise awareness and education campaigns to promote breastfeeding? How many hospitals have breastfeeding friendly policies in place?
- Understands there are programmes to address obesity but do children with obesity face delays in accessing services? Are there programmes to promote physical education in schools as part of overall development of culture of healthy behaviour?
- Seconds Ms. Assouma's question on abortion. How does the State reconcile the legal prohibition on abortion in most circumstances and the need for girls to be provided with appropriate medical services where this is required?
- Does the State promote inclusive education? Are policies in place? What specific policies are in place to support various forms of disability?

Questions by other Committee members:

Mr. Guran of Slovakia

- Sought information on age limits for criminal responsibility of children and working age of children

Ms. Assouma of Togo

- Asked about discrimination against boys re liability for prosecution under the Criminal Law (Sexual Offences) Act 2006.
- Are children born on Irish soil are entitled to Irish citizenship?
- Does the State plan to decriminalise abortion? What happens to girls who wish to travel abroad for an abortion but do not have the funds?
- Do adolescents have access to contraception, information on sexual, reproductive health, abortion services for girls?
- What measures are in place to address alcohol and smoking amongst adolescents
- What is State doing to address lack of adequate facilities for children with mental health issues, delays in access to services
- Update on Healthcare Charter
- Raised the issue of sign-language supports for deaf children in schools

Mr. Neto of Brazil

- Whether children subject to surgery without prior and express consent are entitled to compensation?

Mr. Gastaud of Monaco

- Sought information about privacy of children with regard to the media and limitations on media access to information on children
- Raised a question about protection of children's privacy re divulging of information on children by internet service providers

Ms. Sharif of Malaysia

- Whether abortion legislation restricts ability of medical profession to provide assistance to women who need it?
- Raised concern about the lack of a national mental health advocacy service for children and young people

Ms. Amal of Bahrain

- Are there platforms for participation of young people in cultural activities