

IRELAND REVIEW

I. Justice System

B. Quality of justice

Accessibility of courts (e.g. court/legal fees, legal aid, language)

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that Ireland ensure that child victims of past abuse by the clergy and in Magdalene laundries, mother and baby homes and reformatory and industrial schools have access to justice and effective remedies, and in particular examine the situations of persons whose complaints have not received adequate attention ([CRC/C/IRL/CO/5-6](#), para. 24 (l)).

Further, recalling its previous recommendations ([CRC/C/IRL/CO/3-4](#), para. 68), the Committee on the Rights of the Child recommended that Ireland implement long-term solutions for the regularization of children without a regular residence status who were born in Ireland, ensure their access to independent legal representation and strengthen measures to prevent their social exclusion ([CRC/C/IRL/CO/5-6](#), para. 41).

In addition, the Committee on the Rights of the Child remained seriously concerned about the access of children to justice in Ireland. and urged the country to bring its child justice system fully into line with the Convention on the Rights of the Child and other relevant standards and to consider replicating the child justice court model in Dublin throughout the country, with a view to ensuring that all children in Ireland have access to a child justice court and/or specialized judges and prosecutors exclusion ([CRC/C/IRL/CO/5-6](#), paras. 44, 45 (c)).

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that Ireland ensure systematic training on children's rights, the Convention on the Rights of the Child and its Optional Protocols, and a child rights-based approach to actions and decisions affecting children for all professionals working for and with children ([CRC/C/IRL/CO/5-6](#), para. 12 (b)).

In addition, the Committee on the Rights of the Child welcomed the establishment of the Anti-Racism Committee but remained concerned about persistent discrimination against children of minority groups and those in disadvantaged situations. In light of this, the Committee recommended that Ireland ensure systematic training on the protection of children from discrimination, including hate speech and hate crime, for law enforcement officials, the judiciary, prosecutors and other professionals working with and for children ([CRC/C/IRL/CO/5-6](#), paras. 14, 15 (c)).

The Committee on the Rights of the Child also recommended that Ireland ensure that all professionals working with and for children in the education, health, justice (judiciary and prosecutors) and other sectors receive specialized training on identifying and effectively responding to cases of violence, including on applying the Children First: National Guidelines for the Protection and Welfare of Children ([CRC/C/IRL/CO/5-6](#), para. 24. (a), (i)).

Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)

In its 2023 concluding observations, recalling its general comment No. 25 (2021), the Committee on the Rights of the Child recommended that Ireland improve digital inclusion for children in disadvantaged situations and promote the equality and affordability of online services and connectivity, while ensuring that public services remain accessible to children who do not use or have access to digital technologies ([CRC/C/IRL/CO/5-6](#), para. 22(a)).

IV. Other institutional issues related to checks and balances

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that Ireland ensure that the Office of the Ombudsman for Children has sufficient financial resources allocated directly to it and a clear statutory mandate to receive, investigate and competently address children's complaints on all matters affecting them by amending the Ombudsman for Children Act 2002 to remove or clarify the limits to the jurisdiction of the Office concerning the investigation of complaints in certain areas ([CRC/C/IRL/CO/5-6](#), para. 11(a)).

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

In its 2023 concluding observations, the Committee on the Rights of the Child noted with deep concern the barriers faced by some groups of children in accessing birth registration and the restrictive legislative framework for obtaining Irish nationality. The Committee recommended that Ireland ensure the right of all children, without exception, to be registered at birth, including by simplifying documentation requirements for children of minority groups, asylum-seeking and migrant children, and children without regular residence status ([CRC/C/IRL/CO/5-6](#), para. 19(a)).

D. The enabling framework for civil society

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that the Ireland incorporate a child rights based approach into the State budgeting process (a) to implement a tracking system for the allocation, use and monitoring of resources for children in all areas of their rights, with a view to eliminating disparities and ensuring equitability, and assess how investments in all sectors serve the best interests of the child; (b) to define specific budget lines for all children, including in the national recovery and resilience plan, paying special attention to those in disadvantaged situations that may require affirmative social actions, especially Traveller and Roma children and children with disabilities; (c) to encourage all government entities to participate in the performance budgeting and equality budgeting initiatives, including by providing incentives and building relevant capacities; and (d)

to ensure transparent and participatory budgeting processes at national and local levels in which civil society, the public and children can participate effectively ([CRC/C/IRL/CO/5-6](#), para. 9).

Furthermore, the Committee on the Rights of the Child recommended that Ireland strengthen support for the social integration and individual development of children with disabilities, including by ensuring their access to early detection and early intervention programmes, providing capacity-building to child protection professionals on the rights and specific needs of children with disabilities, ensuring their personal assistance, rehabilitation and assistive devices, and allocating sufficient resources for the implementation of the Irish Sign Language Act ([CRC/C/IRL/CO/5-6](#), para. 29 (c)).

Rules and practices on the participation of civil society organizations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that Ireland ensure the realization of children's rights in accordance with the Convention on the Rights of the Child, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urged the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children ([CRC/C/IRL/CO/5-6](#), para. 5).

Moreover, the Committee on the Rights of the Child recommended that Ireland introduce mandatory requirements for the business sector to undertake assessments of, consultations on and full public disclosure of the environmental, health related and children's rights impacts of their business activities and their plans to address such impacts ([CRC/C/IRL/CO/5-6](#), para. 13 (b)).

The Committee on the Rights of the Child also recommended that the State party ensure that the research on introducing a system of gender recognition for children under 16 years of age is conducted in close consultation with children, including transgender children, and that if the research results in the introduction of such a system, it is implemented in line with children's rights, including the right to be heard and the right to identity, in accordance with their evolving capacities, to free and informed consent and with appropriate safeguards ([CRC/C/IRL/CO/5-6](#), para. 20 (c)).

Additionally, the Committee on the Rights of the Child recommended that the State party ensure the right of children with disabilities to be heard in all decisions that affect them ([CRC/C/IRL/CO/5-6](#), para. 29 (d)).

Furthermore, the Committee on the Rights of the Child remained seriously concerned about the low age of criminal responsibility, the access of children to justice, the insufficient training of relevant officials, the use of detention and the overrepresentation of children belonging to minority groups therein, the limited use of non-custodial measures throughout the State party, racial profiling of children by law enforcement officials and insufficient measures for ensuring the social reintegration of children leaving the justice system. Recalling its general comment No. 24 (2019), the Committee on the Rights of the Child also urged the State party to bring its

child justice system fully into line with the Convention and other relevant standards and to develop measures, in consultation with affected children and their families, to prevent racial profiling by law enforcement authorities ([CRC/C/IRL/CO/5-6](#), paras. 44, 45 (h)).

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives etc.)

In its 2023 concluding observations, the Committee on the Rights of the Child recommended that Ireland (1) raise awareness among children of their right to file a complaint under existing mechanisms; (2) continue its awareness-raising regarding children's rights among the public and promote the active involvement of children in public outreach activities; and (3) ensure systematic training on children's rights, the Convention on the Rights of the Child and its Optional Protocols, and a child rights-based approach to actions and decisions affecting children for all professionals working for and with children ([CRC/C/IRL/CO/5-6](#), paras. 11(b), 12).

Recalling its previous recommendations, the Committee on the Rights of the Child also recommended that the State party fully incorporate the Convention into national legislation, conduct a comprehensive review of all its legislation to align it with the Convention and address any inconsistencies, and develop systematic child-rights impact assessment procedures for national and subnational legislation and policies relevant to children. ([CRC/C/IRL/CO/5-6](#), para. 6).

In addition, the Committee on the Rights of the Child also recommended that Ireland further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children, to raise public awareness of child sexual abuse and exploitation, including the need for online safety ([CRC/C/IRL/CO/5-6](#), para. 24 (j)).

Moreover, the Committee on the Rights of the Child welcomed legislative measures to remove exceptions allowing for marriage under 18 years of age and recommended that the State party adopt a national action plan aimed at preventing female genital mutilation, with the participation of affected children, and ensure that it is adequately resourced and includes awareness-raising campaigns, specialized support for victims and the training of relevant professional groups to identify potential victims ([CRC/C/IRL/CO/5-6](#), para. 25(b)).

The Committee on the Rights of the Child further recommended that the State party undertake awareness-raising campaigns to combat discrimination against children with disabilities and promote a positive image of them as rights-holders ([CRC/C/IRL/CO/5-6](#), para. 29(e)).

The Committee on the Rights of the Child also welcomed the decriminalization of abortion in 2018 and recommended, among other things, that Ireland (1) integrate comprehensive, age-appropriate and evidence-based education on sexual and reproductive health into mandatory school curricula at all levels of education and into teacher training, and ensure that it includes education on gender equality, sexual diversity, sexual and reproductive health rights, responsible sexual behaviour and violence prevention; (2) strengthen measures to provide adolescents with access to information on family planning and modern contraception, and ensure that relevant professionals receive appropriate training on adolescents' right to sexual and reproductive healthcare services; and (3) ensure that the teen parents support programme includes measures to raise awareness of and foster responsible parenthood, with particular

attention paid to boys, and protect the rights of pregnant teenagers, adolescent mothers and their children ([CRC/C/IRL/CO/5-6](#), para. 33 (b), (c), (d)). All schools were required to have a programme for this and teach all aspects, including family planning, sexual orientation and sexually transmitted infections ([Experts of the Committee on the Rights of the Child Commend Ireland on Receiving Ukrainian Children, Raise Questions about Roma and Traveller Children and Children with Disabilities | OHCHR](#)).

In its 2023 concluding observations, the Committee on the Rights of the Child welcomed the measures to guarantee the right to education for children, including the free education scheme and increased funding under the 2023 budget but is concerned about (a) the persistent barriers faced by children in disadvantaged situations to accessing quality education; (b) the discriminatory effect of the school-leaving certificate and alternative methods of certification on children in disadvantaged situations; (c) the lack of education-related data, disaggregated by ethnic origin, socioeconomic background and residence status, to assess the impact of educational policies on such children; (d) The establishment of special classes for children with disabilities; and (e) racist and negative stereotyping of migrant and ethnic minority communities in curricula that perpetuate discrimination against such groups of children. In light of this, the Committee recommended that the State party adopt the Traveller culture and history in education bill and establish an expert advisory group within the National Council for Curriculum and Assessment to eliminate racist and negative stereotyping of ethnic minority groups in textbooks and curricula and develop educative materials that promote intercultural dialogue and foster respect for and appreciation of racial, cultural, gender and other diversities ([CRC/C/IRL/CO/5-6](#), paras. 36, 37 (i)).

Additionally, the Committee on the Rights of the Child recommended that the State party strengthen the teaching of children's rights and the principles of the Convention within the mandatory school curricula in all educational settings and in the training of teachers and education professionals, taking into account the framework of the World Programme for Human Rights Education ([CRC/C/IRL/CO/5-6](#), para. 38).

Other

Respect for the views of the child - In its 2023 concluding observations, the Committee on the Rights of the Child recommended, among other things, that Ireland (a) ensure the right of all children to express their views and to have them taken into account in all decisions affecting them, including in the courts and in all forms of family law proceedings, and that they are given adequate support to engage an expert to present their views at no cost to them or their family and (b) strengthen measures to promote the meaningful and empowered participation of all children, including children in disadvantaged situations, within the family, the community, schools and in the realm of policymaking at the local, municipal and national levels ([CRC/C/IRL/CO/5-6](#), para. 18).