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## **Committee on the Rights of the Child**

**Seventy-first session**

8 – 12 June 2015

Item 4 of the provisional agenda

**Consideration of reports of States parties**

### **List of issues in relation to the combined third and fourth periodic reports of Ireland**

**The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 October 2015.**

*The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.*

#### **Part I**

**In this section, the State party is requested to submit its responses to the following questions.**

1. Please provide details on independent mechanisms for receiving complaints and conducting investigations in cases involving public bodies, including in issues regarding asylum, immigration, naturalisation and citizenship.
2. Please provide information on measures taken by the State party to mitigate the negative impact of austerity measures on the implementation of the Convention, including for children of migrant and ethnic minority backgrounds.
3. Please provide information on mechanisms and procedures for addressing discrimination against ethnic minority children, particularly the Traveller and Roma ethnic minorities. In doing so, please include details on measures taken to ensure the accessibility and child-friendliness of channels for complaints. Please also provide information on measures taken to ensure accountability and commensurate sanctions for public officials, including at the local and county levels, for making discriminatory and/or racist remarks in public.
4. Please provide clarification on allegations of the “Garda PULSE” system for law enforcement being misused to categorize and record “children of Travellers” as criminals on the sole basis of their ethnicity.
5. Please provide information on measures taken to ensure freedom of conscience, religion and belief for children. In doing so, please include information on measures to ensure that children are not denied placement in schools on the basis of religion. Please also

provide information on measures taken to ensure children have the right to opt-out of religious classes and/or attend alternatives to such classes in accordance with their beliefs.

6. Please provide detailed information on measures taken to combat sexual exploitation, violence and abuse against children, including:

(a) Measures taken to amend legislation to comply with the Convention as well as Directive 2011/93 EU on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography, particularly with regards to criminalizing the solicitation of children for sexual purposes;

(b) Establishing a comprehensive national strategy or a coordinating framework to eliminate violence against children;

(c) Measures for addressing child protection cases, including with regards to increasing the number of trained social workers and strengthening the human, technical and financial capacity of social work teams for addressing the significant backlog of such cases;

(d) Provision of interim protection orders and availability of sufficient refuges for children and their parent who are victims of domestic violence; and,

(e) Measures taken to ensure accountability for sexual abuse committed by religious leaders and/or organisations and their associated institutions, including with regards to the provision of compensation for such cases.

7. Please provide clarification on the reasons for the continued non-ratification of the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) notwithstanding the State party signing it on 7 September 2000.

8. Please provide detailed information on measures taken to ensure timely access to mental health services. In doing so, please include information on preventive and early detection measures.

9. Please provide clarification on the legal definition of “real and substantial risk” under the Protection of Life during Pregnancy Act of 2014. Please also provide clarification on the applicability of this Act for pregnant girls.

10. Please provide additional information on the criteria for the fulfilment of the so-called “Habitual Residence Condition” in order to access social services. In doing so, please provide information on measures, if any, taken to ensure that this condition does not result in children from asylum-seeking, refugee, migrant, and Traveller and Roma ethnic minority backgrounds being excluded from primary care, child benefits and social protection.

11. Please provide information on measures to ensure access to water and sanitation for children living in a nomadic context in the State party. In doing so, please provide details on measures taken to provide accommodation facilities and infrastructure that is accessible for Travellers and Roma ethnic minorities.

12. Please provide updated information on measures taken to provide early childhood education, particularly for children with disabilities. Please also provide information on measures to ensure that teachers and schools are provided with the necessary training and resources to address the needs of children from ethnic, religious and linguistic minorities.

13. Please provide information on measures, including independent inspections, taken to ensure that the Direct Provision system for accommodating children and families in asylum-seeking or refugee situations in private centers is compliant with the Convention and child-friendly.

14. Please provide information on measures undertaken to ensure that asylum seeking children and their families, as well as those in irregular migration situations, have access to

independent legal advice. Please also provide information on measures to ensure that unaccompanied minors in an irregular migration situation are not left stateless or in a situation of legal ambiguity on their migration status upon obtaining the age of majority.

15. Please provide updated information on the minimum age of criminal responsibility. Please also provide information on measures to ensure that deprivation of liberty is a measure of last resort for children in conflict with the law, and that if applied, this takes place in conditions that are compliant with the Convention.

16. Please provide information on measures taken to conduct dissemination and training on the Optional Protocol on the involvement of children in armed conflict (OPAC) among the public at large, including children.

17. Please provide information on measures taken, if any, to explicitly criminalise the involvement of persons under the age of 18 years in hostilities, including with non-State armed groups and/or the military.

18. Please provide information on measures for ensuring that unaccompanied asylum-seeking and or refugee minors who may have been exposed to armed conflict are provided with support, psycho-social assistance, rehabilitation and social reintegration. In doing so, please provide specific information on training, if any, for relevant professionals to identify children in such situations.

## Part II

**In this section the Committee invites the State party to briefly (three pages maximum) update the information presented in its report with regard to:**

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing; and,
- (d) Recent ratifications of human rights instruments.

## Part III

**Data, statistics and other information, if available**

1. Please provide updated comparative information, in percentage terms, on the increase or decrease in budget allocations for programmes, activities and services relevant to the implementation of the Convention for the past three years. In doing so, please include information regarding:

- (a) The Ombudsman for Children's Office;
- (b) The Department of Health and Children;
- (c) The Office of the Minister for Children and Youth Affairs;
- (d) Social welfare payments; and,
- (e) Any activities, programmes or support allocated for children of Roma or "Traveller" ethnicity.

2. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location for the past three years on the number of:

(a) Cases of abuse and violence against children, including all forms of corporal punishment, especially in care institutions and foster families, as well as prosecution of the perpetrators and the sentences handed down in the State party;

(b) Cases of bullying in schools; and, the percentage of schools implementing a system for recording and documenting cases of bullying;

(c) Investigations of cases of sexual abuse and violence against children, and on prosecutions and penalties to perpetrators, and redress and compensation offered to the victims;

(d) Children working in the informal sector and children in street situations;

(e) HIV-AIDS cases amongst children;

(f) Cases of investigation, prosecution and punishment of law enforcement officials involved in illegal detention, abuse and maltreatment of children which occurred during their arrest and detention; and,

(g) Children in detention facilities and penitentiary institutions, including those in pre-trial detention.

3. Please provide data (disaggregated by age, sex, socio-economic background, ethnic origin and geographical location) regarding the situation of children deprived of a family environment and separated from their parents, for the past three years, on the number of children:

(a) Separated from their parents;

(b) Placed in institutions;

(c) Placed with foster families; and,

(d) Adopted domestically or through inter-country adoptions, including information on countries of origin.

4. Please specify the number of children with disabilities and children with limited capabilities disaggregated by age, sex, types of disabilities, ethnic origin and geographical location, for the past three years:

(a) Living with their families;

(b) In institutions;

(c) Attending regular primary schools;

(d) Attending regular secondary school;

(e) Attending special schools;

(f) Out of school; and,

(g) Abandoned by their families.

5. Please provide updated information on the percentage of schools that are independent of any religious affiliations.

6. Please provide information about the number of children, broken down by country of origin, who had been granted asylum or humanitarian protection and the number of those who have been returned, extradited or expelled. Please provide details of the grounds on which they were sent back, including a list of countries to which individuals were returned.

7. Please provide the Committee with an update of any data in the report which may have been superseded by more recent data collected or have been affected by new developments.
  8. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
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