

For participants only

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COMMITTEE ON THE RIGHTS OF THE CHILD
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IMPLEMENTATION OF THE CONVENTION OF THE RIGHTS OF THE CHILD

List of issues to be taken up in connection with
the consideration of the initial report of
Ireland
(CRC/C/11/Add.12)

General measures of implementation
(arts. 4, 42 and 44)

1. In addition to information provided in the report and in reference, inter alia, to paragraphs 5 and 49, please provide further information on steps taken to ensure the transposition of the provisions of the Convention into the Constitution and other national legislation.
2. With regard to information provided in paragraph 21 of the report, please indicate if all 79 sections of the Child Care Act are currently in operation. If not, please explain the main obstacles encountered.
3. With regard to information provided in paragraphs 46 to 53 of the report, please provide further information on existing or foreseen mechanisms to coordinate the activities between all Ministries involved in children's issues as well as between the local and central authorities.
4. Please indicate whether indicators have been developed and disaggregated data collected concerning the status of all children, including the most vulnerable groups (such as abused, institutionalized or homeless children, children belonging to the Traveling community, unaccompanied children and children in detention). What difficulties were encountered in the collection and use of these data and indicators for the design of policies and programmes for the effective implementation of the Convention?
5. Please provide further details on existing or foreseen mechanisms, both at central and local levels, for the monitoring of the implementation of the Convention. Please indicate the current status of the project to establish an appropriate mechanism to promote and protect children's rights in Ireland (para. 56).
6. Please indicate what measures have been taken, or are planned, to train professional groups such as: judges, lawyers, law enforcement officials, army officials, civil servants including at the local level, personnel working in institutions or places of detention for children,

health personnel including psychologists and social workers, about the Convention on the Rights of the Child. In addition, please indicate what measures have been taken to raise the awareness of Government officials, legislators, non-governmental organizations and the mass media, as well as the public at large including children themselves.

7. Please provide additional information on the implementation of article 4 of the Convention in regard to the allocation ^Ato the maximum extent of (...) available resources[@]for the rights of the child.

8. With regard to information provided in paragraph 28 of the report, please provide examples illustrating reviews that have been made with regard to child protection at the regional level on the basis of recommendations made in periodic reports submitted by the Health Boards. Furthermore, please provide some examples of studies that have been undertaken by Health Boards on child-care related matters and their impact on existing services (para. 29).

9. With regard to information provided in paragraph 34 of the report, please provide information on the impact of the final report and recommendations related to the issue of poverty submitted by the Commission on the Family.

10. Please indicate if the State Party has adopted, or is planning to adopt, a comprehensive national strategy for children.

11. With regard to the involvement of non-governmental organizations, please explain how non-governmental organizations will be involved in the future for the design and implementation of policies and programmes for children (Section IX of the report).

Definition of the Child (Article 1)

12. With regard to information provided in paragraph 67 of the report, please provide up-dated information on the proposal to raise of the age from 16 to 18 that defines the child under the Mental Treatment Act (1945).

13. Please indicate the legal minimum age for medical consultation without parental consent.

14. With regard to information provided in paragraph 76 of the report, please provide up-dated information regarding the current review process of the minimum age of criminal responsibility.

General Principles (arts. 2, 3, 6 and 12)

15. Please indicate to what extent the provisions of article 2 of the Convention are covered in national legislation with regard to all possible grounds for discrimination spelled out in that article (para. 86). Please indicate whether the revision of article 40. 1 of the Constitution of Ireland has been

discussed during the recent constitutional review efforts.

16. Please indicate whether any recent measures have been taken to prevent and combat discrimination against refugee children, children living in poverty and children belonging to minorities, especially those which are members of the Traveling community, as well as disparities affecting children living in rural areas, in terms of access to education, health care and other social services.

17. In light of article 2 of the Convention, please explain what measures the Government of Ireland has taken to prevent children with disabilities from being victims of any form of discrimination.

18. Please provide further information on the ways the principle of the Best interests of the child (art. 3) is reflected in legislation, or actions undertaken by social welfare institutions, courts of law and administrative authorities. Please also provide some examples of implementation of this principle by courts and/or administrative bodies at both central and local levels.

19. With regard to information provided in paragraphs 117 to 130 of the report, please indicate the measures undertaken by the authorities to implement concretely existing legal provisions that integrate the principle of the Respect for the views of the child (art. 12). What measures have been taken to further sensitize professional groups and public opinion to the need to encourage children's participatory rights?

Civil rights and freedoms
(Arts. 7-8, 13-17 and 37(a))

20. With regard to information provided in paragraph 149 of the report, please indicate the achievements and constraints to concretely implement the guidelines adopted by the State radio and television (RTE) relating to the protection and participation of children. How are those aims attained on private radios and televisions services?

21. With regard to information provided in paragraph 150 of the report, please indicate concrete cases where the Codes of standards, practices and prohibitions in advertising on broadcast services have been violated and indicate if, and in which manner, the advertising companies have been prosecuted.

22. Please provide information on the occurrence of ill-treatment of children. Have specific programmes for the prevention of ill-treatment of children, and for the treatment, psychological recovery and social reintegration of abused children been developed at the central and local levels? What resources have been allocated to such purpose? What specific legal provisions exist to protect children from being ill-treated in their homes or boarding institutions? Are there complaints procedures which can be used by children themselves

against such abuses? Have any cases of ill-treatment of children been submitted to the national courts?

23. With regard to information provided in paragraphs 173 and 174 of the report, please indicate if legislation to fully protect children and adults from torture has been adopted. Please also give the main findings and results that followed the visit to Ireland in 1993 of the Committee set up under the European Convention for the Prevention of Torture or Inhuman or Degrading Treatment or Punishment.

24. Have any cases been reported of children who have been the victims of torture or other cruel, inhuman and degrading treatment? If so, please provide information on such cases. Please further indicate the measures taken and resources committed for implementing the provisions of articles 37 (a) and 39 of the Convention.

25. Please specify if corporal punishment in the family, in care and other institutions, is prohibited by the law. With regard to information provided in paragraph 492 of the report, please explain how the Use of reasonable and moderate chastisement in the correction [by parents] of their children@ is compatible with the principles and provisions of the Convention.

Family environment and alternative care
(Arts. 5, 18 para. 1 and 2, 9, 10, 27 para. 4,
20, 21, 11, 19, 39 and 25)

26. With regard to information provided in paragraph 177 of the report, please further clarify the situation of unmarried parents in sharing responsibility for guardianship.

27. Please indicate to what extent the State Party takes responsibility for parental education and if there are family counseling services.

28. Please provide further updated statistical information on children deprived of their family environment. Furthermore, please indicate the policy followed by the State Party in relation to the choice between institutional care and care in foster homes, similar arrangements or adoption.

29. With regard to information provided in paragraphs 221 to 224 of the report, please indicate the concrete results of all actions taken in relation to homeless children.

30. Please indicate whether a new Bill regarding national adoption has been drafted and adopted. Furthermore, please also indicate steps undertaken at legal and other levels to enable Ireland to ratify the 1993 Hague Convention on Protection of Children and Cooperation with Respect to Intercountry Adoption (para. 258).

31. With regard to information provided in paragraphs 268 and

269 of the report, please indicate the first achievements in preventing and combating child abuse and neglect since the implementation of the Child Care Act, 1991, is fully operational.

Basic Health and Welfare

(Arts. 6 para. 2, 23, 24, 26 and 18 para. 3
and 27 paras. 1-3 of the Convention)

32. With regard to information provided in paragraph 310 of the report, please indicate recent measures undertaken or foreseen to avoid having a waiting list for children with disabilities in need of residential and day care as well as vocational training facilities.

33. Please indicate measures taken by the authorities to guarantee the fullest possible social integration, inclusion and individual development for children with disabilities, in the light of article 23 of the Convention. With regard to information provided in paragraph 329 of the report, please indicate further concrete measures to ensure access to public transport to all children with disabilities attending school, especially those living in remote areas.

34. With regard to information provided in paragraph 367 of the report, please indicate the achievements and constraints of the pilot programme to reduce early pregnancies developed by the Eastern Health Board. Has a decision been taken to extend this programme to the national level ?

35. Please provide further information on the measures taken or foreseen by the State Party to improve the health situation of children belonging to the Traveling community.

36. With regard to information provided in paragraph 381 to 384 of the report, please provide information on the achievements and constraints of the prevention programmes described and related to substance prevention for children, especially with regard to alcohol abuse.

Education, leisure and cultural activities

(Art. 28, 29 and 31)

37. Please specify if measures have been taken by the authorities to include human rights education, especially the rights of the child, with special emphasis on education for peace and tolerance, in the school curricula.

38. Please specify if measures have been taken or are foreseen to train school managers and teachers on the Convention on the Rights of the Child.

39. Please indicate measures undertaken or foreseen to educate parents on alternatives to corporal punishment, consistent with the child's human dignity, in the light of article 28.2 of the Convention. Please also indicate the impact of the guidelines on bullying disseminated to all schools (para. 494 of the report).

40. With regard to article 12 of the Convention, please provide further information on policies and measures to increase the participation of children in the educational system.

Special Protection Measures
(Arts. 22, 30 and 32-40 of the Convention)

41. Please provide further information on the situation of unaccompanied refugee minors. In light of the provisions and principles of the Convention, what type of assistance and support does the authorities provide them upon their arrival in Ireland?

42. With regard to information provided, inter alia, in paragraph 570 of the report, please specify the status of new legislation related to the field of juvenile justice has been recently adopted. In relation to the legislation and practices currently dealing with juvenile justice, please provide further information, as well as statistics, in the light of articles 37, 40 and 39 of the Convention (see paras. 538 to 554), in particular on:

- a) the use of arrest, detention or imprisonment of a child as a measure of last resort and for the shortest period of time;
- b) the possibility to have a prompt access to legal and other appropriate assistance, as well as for challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and of having a prompt decision thereon;
- c) the right of the child alleged as, accused of or recognized as having infringed the penal law to be treated in a manner consistent with the child's sense of dignity and worth, which reinforces the child's respect for human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society;
- d) alternative measures to institutional care made available to deal with such children in a manner appropriate to their well-being; and
- e) the establishment of laws and procedures specifically applicable to children alleged as, accused of or recognized as having infringed the penal law, in the light of article 40, para. 3 of the Convention.
- f) measures to ensure that every child concerned is duly informed about such guarantees.

43. With regard to the situation of children in prison, please provide additional information (see paras. 555 to 570), in

particular, on the following issues:

- the type of institutions that exist for the custody of young law offenders and what specific rules there are for their treatment;
- the opportunities for the contact with families;
- the way the conditions in such institutions are monitored;
- the guarantees to ensure the periodic review of placement;
- the complaint procedures in cases of ill-treatment;
- the education, health and social facilities in these institutions.

Furthermore, please specify if the draft new Prison Rules have come into force and explain their impact on children living in detention centers (para. 560).

44. Please indicate the concrete results obtained as well as the shortcomings following the implementation of the 1991 strategy to protect all persons, including children, from the dangers of drug abuse (para. 589).

45. Please provide further information on measures recently undertaken to combat sexual abuse and sexual exploitation of children, including prostitution, pornography and trafficking. In this regard, please indicate whether the State Party is taking into account the recommendations formulated in the Agenda for Action adopted at the Stockholm World Congress against Commercial Sexual Exploitation of Children.