



## UPR Info Universal Periodic Review Pre-Session on Ireland

### Statement by the Ombudsman for Children's Office, Ireland

7 October 2021

#### A. Introduction

My name is Dr. Niall Muldoon and I am the Ombudsman for Children in Ireland. We are an independent, statutory human rights institution established in 2004.

#### B. Positive developments concerning children's rights in Ireland

The State has made important progress in advancing children's rights since Ireland's second UPR in 2016, including by:

- ratifying the UNCRPD, Istanbul Convention and Lanzarote Convention;
- commencing child protection legislation, enacting legislation on school admissions, international protection and domestic violence;
- committing to end and replace Direct Provision.

We also welcome that the State's consultations, in preparing its UPR report this year, included a session dedicated to children.

#### C. Recommendations to address gaps in the implementation of children's rights in Ireland

However, as highlighted in our full UPR submission,<sup>1</sup> further work is required in the next UPR cycle to progress children's rights in line with the UN Convention on the Rights of the Child (CRC).

##### 1. Ratification of key international human rights instruments

Ireland supported recommendations in its first and second UPR to ratify the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography, however it has not yet done so. **The State must ratify this Protocol without further delay.**

##### 2. Legislative measures

Ensuring that domestic law fully incorporates the CRC is key to realising children's rights:

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<sup>1</sup> Ombudsman for Children's Office Ireland, [Submission to the 39th session of the Universal Periodic Review Working Group](#) (2021).

- We recommend that the State **progress a referendum on enumerating a right to housing in the Constitution as a matter of priority.**

### 3. Development, implementation and monitoring of national strategies and action plans

The development, implementation and monitoring of national strategies is crucial to give meaning to children's rights in children's lives:

- Delays in implementing the National Traveller and Roma Inclusion Strategy are concerning for this cohort of children. We recommend that the State **progress implementation of the Strategy and an evaluation of its impact for those children.**
- The State's actions to implement a new international protection support service must **ensure a child-centred and rights based approach.**
- We also recommend that **the State work systematically towards eliminating child poverty, including by establishing an action plan and timelines to implement, monitor and review the effectiveness of poverty reduction measures.**

### 4. Resource allocation

The State must match legislative and policy measures with sufficient resources to discharge its obligations towards children:

- A consistent increase in child protection referrals to Tusla, the Child and Family Agency underlines the need **to provide sufficient human, technical and financial resources to enable Tusla to respond in a timely, appropriate and effective manner.**
- Similarly, to support children impacted by domestic violence the State should **put in place sufficient refuge accommodation, rehabilitation services and child-sensitive redress.**
- We have serious concerns about mental healthcare provision for children including significant waiting lists and the practice of admitting children to adult psychiatric units. We recommend that **the State invest in sufficient and appropriate Child and Adolescent Mental Health Services, out-of-hours facilities and inpatient units for children.**

### 5. Education

Lastly, cross-cutting changes are required to achieve children's right to education, particularly in light of the Covid-19 pandemic's disproportionate adverse impact on children with special educational needs and children from disadvantaged backgrounds. **The State should comprehensively address root causes of educational disadvantage and support access, attendance, participation, completion and attainment in education by specific groups of children who face barriers in this regard.**

I wish to thank representatives of UN Member States for their attention today.