



Rights of the Child

In 2012, the 31st Amendment of the Constitution was passed by popular referendum to enshrine and enhance some rights of the child in Irish law by inserting a new Article 42A into the Constitution.¹ Legislation giving effect to this referendum was signed into law in April 2015.

New legislation providing extensive reform of family law in the area of parental and child rights was also enacted in April 2015. The Children and Family Relationships Act 2015 institutes significant reforms in the areas of custody, access, guardianship and adoption of children, including in relation to families headed by same-sex couples and children in non-marital families.

In December 2015, a legislative amendment abolished the common law defence of reasonable chastisement for parents and others in the home, including certain childminders. This means corporal punishment is now no longer permissible in the home, schools and other institutions in Ireland.

Despite such improvements in the law, a substantial number of challenges remain which continue to hinder the quality of life of the child in Ireland.

Recommendations

Fully incorporate the UN Convention on the Rights of the Child into domestic law

Enact legislation to fully implement the new Article 42A of the Constitution

Ratify the Second Optional Protocol to the UN Convention on the Rights of the Child

Increase investment in early childhood care and education to the current OECD average of 0.8 per cent GDP at a minimum

Legislate for the mandatory provision of confidential victim support services free of charge before, during and, for an appropriate time, after criminal proceedings, in line with Article 8 of the EU Victims' Directive

¹ The text of Article 42A can be found on page 44 of *Your Rights. Right Now Civil Society Stakeholder Report for Ireland's 2nd Universal Periodic Review*

The Second Optional Protocol to the Convention on the Rights of the Child (dealing with the sale of children, child prostitution and child pornography) has not yet been ratified, despite assurance from the Government at its first UPR that its implementation was at 'an advanced stage of preparation'.

Childcare in Ireland is among the most expensive in the world and the quality of provision varies. There is no comprehensive public funding of childcare or afterschool care, and only limited support for low-income families.

The Children First Act, enacted in November 2015, places a duty on specified persons to report child protection concerns which meet a defined threshold, and a duty on specified organisations to prepare a Child Safeguarding Statement. However, the legislation does not provide for robust sanctions for failure to comply. In addition, unacceptable delays exist in responding to child abuse referrals.

Ireland has opted into the EU Victims' Directive, the transposition date of which was 16th November 2015. However, certain provisions of the Directive, such as Article 8 which deals with the mandatory provision of confidential victim support services free of charge, have not been legislated for.

Inadequacies exist within the services dealing with child victims of abuse and crime. There is a lack of suitable court facilities and training for lawyers and judges to deal with such cases. Delays exist in the interviewing of child victims and child witnesses. Significant waiting lists exist for accessing therapeutic counselling and support services for child victims, in particular for victims of sexual abuse.

Facts and Figures

In Dec 2015, there were 5,585 child abuse and welfare referrals that were not allocated to a social worker, 1,087 of which were deemed 'high priority'.

In 2015, the main counselling service for child victims of sexual abuse had a waiting list one year to 18 months.

About Your Rights. Right Now

Your Rights. Right Now is a coalition of 17 Irish NGOs, trade unions and civil society groups established by the Irish Council for Civil Liberties (ICCL) in 2010 to coordinate the civil society response to Ireland's first examination under the Universal Periodic Review. This group was re-convened in 2015 in advance of Ireland's second examination. The coalition conducted a number of general and thematic consultations and invited written submissions to inform its report which was submitted to the UN in September 2015.

Members of the coalition are:

- Age Action
- Educate Together
- Free Legal Advice Centres
- Gay and Lesbian Equality Network
- Immigrant Council of Ireland
- Irish Congress of Trade Unions
- Irish Council for Civil Liberties
- Irish Family Planning Association
- Irish Penal Reform Trust
- Irish Traveller Movement
- Mercy Law Resource Centre
- National Women's Council of Ireland
- NUI Galway, Centre for Disability Law and Policy
- Pavee Point Traveller and Roma Centre
- Transgender Equality Network Ireland
- Union of Students in Ireland
- Disability Federation of Ireland

For more information see www.rightsnow.ie