



Convention on the Rights of the Child

Committee on the Rights of the Child

Concluding observations on the combined third and fourth periodic reports of Ireland *

I. Introduction

1. The Committee considered the combined third and fourth periodic reports of Ireland (CRC/C/IRL/3-4) at its 2064th and 2066th meetings (see CRC/C/SR.2064 and 2066), held on 14 January 2016, and adopted the following concluding observations at its 2104th meeting (see CRC/C/SR.2104), held on 29 January 2016.

2. The Committee welcomes the submission of the combined third and fourth periodic reports of the State party and the written replies to the list of issues (CRC/C/IRL/Q/34/Add.1), which allowed for a better understanding of the situation of the rights of the child in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level, multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of the following instruments:

- (a) Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2014;
- (b) Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO), in 2014.

4. The Committee notes with appreciation the adoption of the following legislative measures:

- (a) Thirty-First Amendment of the Constitution (Children) Act 2012 (signed into law in 2015), expressly recognizing children as rights holders under the Constitution;
- (b) Children First Act 2015, improving child protection measures;
- (c) Children and Family Relationships Act 2015, comprehensively reforming family law to address the situation of children of diverse families;
- (d) Children (Amendment) Act 2015, repealing all parts of the current statute book that permit the detention of children in adult prison facilities and providing for related measures;
- (e) Gender Recognition Act 2015, providing that, from 16 years of age, the preferred gender of a person will be fully recognized by the State for all purposes;
- (f) Teaching Council (Amendment) Act 2015, providing a clear statutory basis for the role of the Teaching Council in the statutory arrangements for the vetting of teachers;
- (g) Irish Human Rights and Equality Commission Act 2014, establishing the Irish Human Rights and Equality Commission and introducing a positive duty on public bodies regarding human rights and equality;
- (h) Civil Registration (Amendment) Act 2014, providing for the compulsory registration of the father's name on the birth record, except in certain exceptional circumstances and providing a mechanism for birth registration where no surname can be agreed upon.

5. The Committee also welcomes the following institutional and policy measures:

- (a) Establishment of the Irish Human Rights and Equality Commission, in 2014;
- (b) Establishment of the Child and Family Agency, in 2014;
- (c) Adoption of the Better Outcomes, Brighter Futures National Policy Framework for Children and Young People 2014-2020.

6. The Committee welcomes the visits of the Special Rapporteur on the situation of human rights defenders in 2013 and the visit of the Independent Expert on the question of human rights and extreme poverty in 2011.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

(c) Require companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts;

(d) Be guided by the United Nations “Protect, Respect and Remedy” Framework, accepted unanimously in 2008 by the Human Rights Council, while implementing these recommendations.

B. Definition of the child (art. 1)

25. The Committee notes the statement by the State party during the dialogue that amendments to the Family Law Act, 1995 are in the process of being undertaken to remove exceptions to the minimum age of 18 for marriage. It is concerned, however, that pending such amendments, children under the age of 18 years still may marry.

26. The Committee recommends that the State party expeditiously amend its Family Law Act, 1995 to remove all exceptions that allow marriage under the age of 18 years.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

27. The Committee is concerned about the structural discrimination against Traveller and Roma children and their families, including alleged impunity for publicly expressed discriminatory remarks by public representatives. The Committee takes note of the explanation by the State party regarding the retention of mechanisms and funding streams arising from the National Action Plan against Racism 2005-2008; it remains concerned, however, that no appropriate updated national action plan has been enacted. The Committee is also concerned about discrimination against lesbian, gay, bisexual, transgender and intersex children.

28. The Committee recommends that the State party:

(a) Strengthen its efforts to combat discrimination against and the stigmatization and social exclusion of Traveller and Roma children, as well as that based on the sexual orientation or gender identity of children;

(b) Establish an appropriately high-level, comprehensive successor to the National Action Plan against Racism 2005-2008.

Best interests of the child

29. The Committee is concerned that the right of the child to have his or her best interests taken as a primary consideration has yet to be fully implemented as a positive obligation in all relevant legislation and administrative procedures and decision-making processes.

30. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority in determining the best interests of the child in every area and in giving due weight to their interests as a primary consideration.

Respect for the views of the child

31. The Committee welcomes the National Strategy on Children and Young People's Participation in Decision-Making. The Committee also notes that the State party has legislative provisions recognizing the right of a child to have his or her views heard. However, the Committee is concerned that:

(a) The said legislative provisions have not been effectively implemented;

(b) Under the Children and Family Relationships Act 2015, parents must bear the cost of an expert to hear the views of the child in family law proceedings;

(c) The Education Act does not provide for the right of the child to be heard in individual cases;

(d) Notwithstanding the State party's commitment in the National Policy Framework for Children and Young People 2014 to 2020 to hold a referendum on lowering the voting age from 18 years to 16 years, this referendum has yet to be conducted.

32. In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, in particular family law proceedings, including by establishing systems and/or procedures for social workers and courts to comply with the principle;

(b) Ensure that there are provisions under the Children and Family Relationships Act 2015 with regard to covering the cost of an expert to hear the child's views in family law proceedings, to guarantee that the views of the child are taken into account in all child care proceedings;

(c) Ensure that the Education Act is amended to ensure the right of the child to be heard in individual cases;

(d) Consider implementing its plan to carry out a national referendum on lowering the voting age to 16 years in accordance with its previous commitment.

D.Civil rights and freedoms (arts. 7, 8, and 13-17)

Right to identity

33.The Committee is concerned about:

- (a)Insufficient attention to the rights and interests of children born as a result of assisted reproduction technologies, in particular with the involvement of surrogate mothers;
- (b)Lack of measures to ensure that children fathered by Catholic priests are able to access information on the identity of their fathers;
- (c)The Civil Registration (Amendment) Act 2014 not providing adequate clarity on the family name to be given to children that are born out of wedlock.

34. The Committee recommends that the State party:

- (a) Ensure that children born through assisted reproduction technologies, in particular with the involvement of surrogate mothers, have their best interests taken as a primary consideration and have access to information about their origins; in doing so, the State party should consider providing surrogate mothers and prospective parents with appropriate counselling and support;**
- (b) Ensure measures to assist children fathered by Catholic priests in upholding their right to know and be cared for by their fathers, as appropriate, and ensure that they receive the necessary psychological treatment;**
- (c) Undertake measures, including possible amendments to legislation, to ensure that children born out of wedlock have legal certainty in respect of their family name and that those measures are taken with a view to minimizing the stigma or discrimination that could be faced by such children.**

Freedom of thought, conscience and religion

35.The Committee is concerned that children are not ensured the right to effectively optout of religious classes and access appropriate alternatives to such classes.

36. The Committee recommends that the State party ensure accessible options for children to opt out of religious classes and access appropriate alternatives to such classes, in accordance with the needs of children of minority faith or non-faith backgrounds.

E.Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Abuse and neglect

37.The Committee welcomes the fact that the child protection guidelines “Children First: National Guidance for the Protection and Welfare of Children” were reissued in 2011. However, the Committee is concerned that:

- (a)The Child and Family Agency, which is responsible for dealing with child protection referrals made pursuant to the said guidelines, has not been provided with sufficient powers or resources to ensure compliance with those guidelines;
- (b)In practice, the out-of-hours social work emergency service is insufficient and there are insufficient accessible counselling services for children affected by abuse;
- (c)There is insufficient refuge accommodation for victims of domestic violence.

38. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence , and taking note of target 2 of Sustainable Development Goal 16 to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:

- (a) Ensure the allocation of adequate human, technical and financial resources to the Child and Family Agency to enable it to respond to child protection referrals and address the needs of children at risk in a timely manner, and implement long-term programmes to address the root causes of violence and abuse;**
- (b) Ensure sufficient 24-hour refuge accommodation for persons affected by domestic violence and their children and provide redress and rehabilitation to the victims;**
- (c) Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members and providing training support to them.**

Harmful practices

39.The Committee notes as positive the adoption of the Gender Recognition Act2015 by the State party. It remains concerned, however, about cases of medically unnecessary surgeries and other procedures on intersex children before they are able to provide their informed consent, which often entail irreversible consequences and can cause severe physical and psychological suffering, and the lack of redress and compensation in such cases.

For Written Answer on : 29/03/2023
Question Number(s): 144 Question Reference(s): 15650/23
Department: Children, Equality, Disability, Integration and Youth
Asked by: Claire Kerrane T.D.

QUESTION

To ask the Minister for Children; Equality; Disability; Integration and Youth with regard to the most recent United Nations Committee for the Rights of the Child Report on Ireland, if he will advise what measures the State will implement to ensure the elimination of discrimination towards children of Catholic priests, as recommended by the report; and if he will make a statement on the matter.

REPLY

On 24 and 25 January 2023, I led a delegation of officials from relevant government departments for the hearing before the Committee on the Rights of the Child in Geneva. I was pleased to discuss in detail Ireland's progress towards realising the rights of children and young people, and pleased to hear the views articulated by the Committee of independent experts that monitors implementation of the Convention.

In February, the UN Committee on the Rights of the Child published its Concluding Observations on the combined fifth and sixth periodic reports of Ireland, setting out its recommendations for Ireland across a range of thematic areas, and across all of Government. Among these Concluding Observations, it recommended strengthening measures to eliminate discrimination against Traveller and Roma children, children of African descent, children of minority faith or non-faith backgrounds, children in socioeconomically disadvantaged situations, LGBTI children, children without regular residence status, children of unmarried parents, and asylum-seeking, refugee and migrant children, and children of Catholic priests.

Officials in my Department have previously raised this issue with the Irish Episcopal Conference and the Episcopal Commission for Pastoral Care. The Conference have advised that the "Principles of responsibility regarding priests who father children while in ministry" produced by the Irish Episcopal Conference, still stand as the guidance for any of their members who finds himself in that situation. In order to ascertain the scope of the number of children that may be impacted by this issue, my Department has written to each male Catholic religious congregation in Ireland to ask that they advise if they are aware of any current member who has declared himself the father of a dependent child/children. Replies are still coming in from the congregations, and the next steps will be informed by the responses received. To date, 17 responses have been received and no cases of children or young people currently under 18 have been identified.

Children of Catholic Priests.

DCEDIY CRPU <crpu@equality.gov.ie>
To: Vincent Doyle <mrvincentdoyle@gmail.com>

12 June 2023 at 15:14

Dear Mr. Doyle,

Thank you for your inquiry. As set out in the reply to PQ 15650/23, with which I know you are familiar, this Department has previously raised the issue of children of Catholic Priests with the Irish Episcopal Conference and the Episcopal Commission for Pastoral Care. The Conference have advised that the "Principles of responsibility regarding priests who father children while in ministry" produced by the Irish Episcopal Conference, still stand as the guidance for any of their members who finds himself in that situation.

Prior to the UN Hearing in Geneva in January this year, and in order to get some sense of the number of children currently affected by this issue, we further attempted to contact all of the religious orders listed in this site: Religious Orders - Catholicireland.net to ask that they advise if they aware of any current member who has declared himself the father of a dependent child/children. (From this list, one order is no longer in Ireland and two had no email addresses listed. Attempts were made to contact both of the former by phone, and a voicemail was left for one who had that facility. Of those who listed email addresses, two were returned as undeliverable.) To date, no cases of children currently under the age of 18 have been identified in the replies.

While we have sympathy for any individual impacted by the circumstances in question, the responses received to date suggest that this matter does not currently impact children and young people in Ireland today to an extent that would warrant a differentiated or specific State response.

As you are aware, there is limited free-at-point-of-service psychological support available in Ireland through the HSE primary care services and community mental health teams, including a national Childhood Abuse or Neglect service for adults.

I wish you continued success in your efforts to have the Church support individuals who have suffered as a result of such circumstances.

Kind Regards,

Kate Levey

Kate Levey
Child Rights Policy Unit

An Roinn Leanaí, Comhionannais, Míchumais, Lánpháirtíochta agus Óige
The Department of Children, Equality, Disability, Integration and Youth

From: Vincent Doyle <mrvincentdoyle@gmail.com>

Sent: Tuesday 23 May 2023 10:20

To: DCEDIY CRPU <crpu@equality.gov.ie>

Subject: Children of Catholic Priests.

CAUTION: This eMail originated from outside your organisation and the BTS Managed Desktop service. Do not click on any links or open any attachments unless you recognise the sender or are expecting the email and know that the content is safe. If you are in any doubt, please contact the OGCI0 IT Service Desk.

[Quoted text hidden]



Vincent Doyle <mrvincentdoyle@gmail.com>

Update

Denis Ryan (DCEDIY) <Denis.Ryan@equality.gov.ie>
To: Vincent Doyle <mrvincentdoyle@gmail.com>

3 October 2023 at 15:48

Dear Vincent,

To take you through the process on this issue, in line with previous correspondence, the Department previously raised the issue of children of Catholic Priests with the Irish Episcopal Conference and the Episcopal Commission for Pastoral Care. The Department also attempted to contact all of the religious orders listed in this site: Religious Orders - Catholicireland.net to ask that they advise if they are aware of any current member who has declared himself the father of a dependent child/children. For the avoidance of doubt, attempts were made to contact the orders listed by email or phone. On Monday, 12 June, Kate Levey contacted you setting out the findings of these inquiries.

I hope that is a sufficiently detailed summary of the process. As Kate said at the time, the responses suggest that this matter does not currently impact children and young people in Ireland today to an extent that would warrant a differentiated or specific State response. There are no plans to consult further on this issue.

Regards,

Denis Ryan

[Quoted text hidden]



Vincent Doyle <mrvincentdoyle@gmail.com>

A Very Quick Clarification

Joseph McGuinness <ex.sec@iecon.ie>
To: Vincent Doyle <mrvincentdoyle@gmail.com>

5 October 2023 at 11:02

Dear Vincent,

I'm sorry about the delay in replying, but as you may be aware, the Autumn General Meeting of the Bishops was taking place over the last few days. As far as I can ascertain, the Bishops did not receive a questionnaire form the Department in relation to information on priests who have declared that they have children.

Kind Regards

Joe

Monsignor Joseph McGuinness

Executive Secretary

Irish Episcopal Conference

Columba Centre

Maynooth

Co. Kildare

Ireland

Tel: 01-5053020

Fax: 01-6292360

Email: ex.sec@iecon.ie

*****IMPORTANT*****

This e-mail sent from ex.sec@iecon.ie, including any attachments, is meant only for the intended recipient of the transmission, and may be a confidential or privileged communication. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify us immediately of the error by return e-mail and please delete this message from your system. Thank you for your cooperation.

Irish Catholic Bishops' Conference, Columba Centre, Maynooth, Co Kildare, Ireland Tel: +353 1 505 3000

Please consider the environment before printing this e-mail.