Uniting Voices For Children

CHILDREN'S RIGHTS ALLIANCE

Opening Statement to the Joint Committee on Justice, Home Affairs and Migration on the General Scheme of the International Protection Bill 2025

21 October 2025



Founded in 1995, the Children's Rights Alliance unites over 160 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies, and services.

A.S.S.C Accompaniment Support Services for Children
Alcohol Action Ireland
Amber Women's Refuge
Amnesty International Ireland
An Cosán
Anew
Anne Sullivan Foundation
Aoibhneas
Archways
AsIAm
Association of Occupational Therapists of Ireland (AOTI)
Association of Secondary Teachers Ireland (ASTI)
ATD Fourth World – Ireland Ltd
Atheist Ireland
Barnardos
Barretstown
Bedford Row Family Project
BeLonG To Youth Services
Bodywhys
Bray and North Wicklow Area Partnership
Breaking Through CLG
CARI Foundation
Catholic Guides of Ireland
Childhood Development Initiative
Children in Hospital Ireland
Children's Books Ireland
Children's Grief Centre
ChildVision
Citywise Education
Clarecare
Community Connect Support CLG
COPE Galway
Cork Life Centre
Cork Migrant Centre
Crann Centre
Crosscare
CyberSafeKids
Cycle Against Suicide
Dalkey School Project National School
Daughters of Charity Child and Family Service
Dental Health Foundation of Ireland
Department of Occupational Science and Occupational Therapy, UCC
Disability Federation of Ireland
Doras
Down Syndrome Ireland
Dublin Rape Crisis Centre
Dyslexia Association of Ireland
Dyspraxia/DCD Ireland
Early Childhood Ireland
Early Learning Initiative (National College of Ireland)
Educate Together
Empowerment Plus
EPIC
Extern Ireland
FamiliBase
FASD Ireland
Féach
Focus Ireland
Foróige
Gaeloideachas
Galway Traveller Movement
Good Shepherd Cork
Helium Arts
Humanist Association of Ireland
Hygiene Hub
Immigrant Council of Ireland
Inclusion Ireland
Inner City Organisations Network (ICON)
Institute of Guidance Counsellors
Irish Association for Infant Mental Health
Irish Association of Social Workers
Irish Congress of Trade Unions (ICTU)
Irish Council for Civil Liberties (ICCL)
Irish Foster Care Association
Irish Girl Guides
Irish Heart Foundation
Irish National Teachers Organisation (INTO)
Irish Penal Reform Trust
Irish Primary Principals' Network
Irish Refugee Council
Irish Second Level Students' Union (ISSU)
Irish Society for the Prevention of Cruelty to Children
Irish Traveller Movement
Irish Youth Foundation
iScoil
Jigsaw
Katharine Howard Foundation
Kerry Community Youth Service (KCYS)
Kids' Own Publishing Partnership
Laois Domestic Abuse Services
Leap Ireland
Let's Grow Together
LGBT Ireland
Meath Women's Refuge & Support Services
Mecpaths
Mental Health Reform
Mercy Law Resource Centre
Mothers' Union
Move Ireland
Museum of Childhood Ireland
Music Generation
My Mind
My Project Minding You
National Childhood Network
National Forum of Family Resource Centres
National Parents Council Post Primary
National Parents Council Primary
National Youth Council of Ireland
Neurodiversity Ireland
New Directions
Novas
One Family
One in Four
Our Lady of Lourdes Community Services Group
Parents Plus
Pavee Point
Peter McVerry Trust
Prevention and Early Intervention Network
Psychological Society of Ireland
Rainbow Club Cork
Rainbows Ireland
Rape Crisis Network Ireland (RCNI)
Realt Beag/Ballyfermot Star
Respond
SAFE Ireland
Saoirse Domestic Violence Services
SAOL Project
School of Education UCD
Scouting Ireland
Sexual Violence Centre Cork
Simon Communities of Ireland
SIPTU
Social Care Ireland
Society of St. Vincent de Paul
SPHE Network
Sphere 17 Regional Youth Service
SpunOut.ie
St. Nicholas Montessori Teachers' Association
St. Patrick's Mental Health Services
StartBright Early Learning Centres
TASC
Teachers' Union of Ireland
Teach Tearmainn
Terenure College Rugby Football Club
The Ark, A Cultural Centre for Children
The Irish Red Cross
The Jack and Jill Children's Foundation
The UNESCO Child and Family Research Centre, NUI Galway
The Wheel
Transgender Equality Network Ireland
Traveller Visibility Group Ltd
Treoir
UNICEF Ireland
Variety – the Children's Charity of Ireland
Vision Ireland
Women's Aid
YMCA Dublin
Young Ballymun
Young Social Innovators
Youth Advocate Programme Ireland (YAP)
Youth Work Ireland

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Opening Statement

Good afternoon, Chair, members of the Committee and colleagues. The Children's Rights Alliance welcomes the opportunity to be here today to discuss with the Committee the General Scheme of the International Protection Bill 2025.

The General Scheme will introduce far-reaching reforms of the international protection system and covers a wide range of issues that will affect children and young people. Today we will focus on what the Alliance views as the most pressing issues for children and young people. In my opening statement, I wanted to point to the following areas:

- The importance of the best interests' principle applying to the International Protection System.
- Access to child friendly justice including legal advice and representation.
- A prohibition of detention for all children seeking international protection.
- The importance of standards and inspections in international protection accommodation.
- The appointment of a representative to unaccompanied children.
- The provision of a child rights compliant process for age assessments.
- Consultation with children and young people that have experience of the international protection system.

The **best interests of the child** principle means that in all actions concerning children, the best interests of a child shall be a primary consideration.[1] It is crucial that this is central to the General Scheme, where in all actions concerning children, their best interests are taken as a primary consideration. It is one of the cornerstones of children's rights. Giving primary consideration to the best interests of the child is a continuous process that requires assessment before any important administrative decision is made in the international protection process and right throughout the whole process itself. It applies to children arriving with families as well as unaccompanied children.

It means that those working with children including legislators, judges, asylum and immigration authorities and social welfare or child protection authorities must develop transparent and objective processes for assessing and determining children's best interests.[2] In Irish domestic legislation, the best interest of the child principle has been incorporated into the Child and Family Agency Act 2013 which set up Tusla, the Child and Family Agency[3], and in the Children and Family Relationships Act 2015, which lays out the factors and circumstances of how the Courts should determine the best interests of the child.[4]

While the General Scheme does include some references to the best interests of the child, as it currently stands there are many omissions from what was included in the EU Pact itself. For example, the Pact requires that States ensure that families with children reside in reception facilities in the border procedure, which are appropriate to their needs after assessing the best interests of the child and that such facilities ensure a standard of living adequate for the child's physical, mental, spiritual, moral and social development.[5] This should be inserted in Head 111 which deals with locations for carrying out the border procedure.[6]

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[1] UN Convention on the Rights of the Child, A/ RES/44/25 (20 November 1989) Art 3.
[2] UNHCR, the UN Refugee Agency, *2021 UNHCR Best Interests Procedural Guidelines: Assessing and Determining the Best Interests of the Child*, (UNHCR 2021) 33.
[3] Child and Family Agency Act 2013 s9.
[4] Children and Family relationships Act 2015, Part V.
[5] Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU OJEU L art 54(2).
[6] General Scheme of the International Protection Bill 2025, Head 111.

Access to **child-friendly justice** is an established child's right and international obligation that the final Bill must be in compliance with. Child-friendly justice includes children's right to be informed of their rights in a child-friendly way, in a language they understand. It also includes the right to legal advice and representation and the right to appeal in all judicial and non-judicial and administrative proceedings. Child-friendly justice is a right that all children in the State have regardless of migration status and specific protection and assistance may need to be granted to more vulnerable children, including children seeking international protection and unaccompanied children.[7]

We have a real concern about access to legal advice in the assessment of international protection applications in the first instance procedure. This is not included in the General Scheme. This is a fundamental right that all children, including unaccompanied children, should receive. The UN Committee on the Rights of the Child and the Council of Europe are clear on this point. Legal counselling which is not yet defined in the General Scheme should be defined in such a way as to include free legal assistance, which is defined as legal aid or legal advice within the meaning of the Civil Legal Aid Act 1995.

It is very concerning that the **detention of children** has not been specifically excluded from the General Scheme. Current international protection legislation prohibits the detention of children, including unaccompanied children.[8] The UN Committee on the Rights of the Child, the UN Taskforce on Children Deprived of Liberty and the Separated Children in Europe Programme all state that children, including unaccompanied children, should not be detained because of their migration status. This is because of the harm inherent in any deprivation of liberty and the negative impact that immigration detention can have on children's physical and mental health and on their development, even when they are detained for a short period of time or with their families.[9]

It is worth noting here that even in the context of criminal law, the Children Act 2001 recognises the principle of detention only as a measure of last resort.[10] It also prohibits the imprisonment of children[11] and provides for the provision of specific detention schools such as Oberstown detention campus.[12] Detention of children is not something that we do in Ireland and we would urge the Committee members to advocate strongly for the exclusion of the detention of children from the General Scheme.

The General Scheme does not reference **standards in international protection accommodation** or the inspection of same. Currently the *National Standards*[13] apply to permanent international protection accommodation centres and the Health Information and Quality Authority (HIQA) carries out inspections of these centres against the *National Standards*. They address the rights and needs of children through, for example, the requirement to provide families with own-door accommodation, dedicated space for educational activities, access to cooking facilities and age-appropriate information, and engagement with children on matters affecting them.[14] The General Scheme or any statutory instrument that transposes the Reception Condition Directive should ensure that the *National Standards* or, if required, newly drafted standards appropriate to each new

[7] Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (COE 2010) 10, 11.
[8] International Protection Act 2015, s20(6).
[9] Committee on the Rights of the Child and Committee on the Protection of the Rights of all Migrant Workers *Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return* CMW/C/GC/4-CRC/C/GC/23 para 9.
[10] Children Act 2001 s96(2).
[11] ibid, s156.
[12] ibid, part 10.
[13] Department of Justice and Equality, National Standards for accommodation offered to people in the protection process (DOJE 2019).
[14] Department of Justice and Equality, *National Standards for accommodation offered to people in the protection process* (Department of Justice and Equality 2019) see Theme 4: Accommodation; Standard 4.6; Standard 6.1.9; Theme 5: Food, Cooking and Catering Facilities.

type of accommodation should apply to all international protection accommodation centres and HIQA should be given the authority to inspect all accommodation centres against the relevant standards in a statutory instrument.

One of the positive aspects of the General Scheme is the appointment of a **representative to all unaccompanied children** arriving in the State. The UN Committee on the Rights of the Child and the European Unions' Fundamental Rights Agency calls for the appointment of a representative as a key procedural safeguard for protecting the best interests of the child.[15] The representative acts as an advocate for the child ensuring that their legal, social, health, psychological, material and educational needs are met. This is very welcome. It will be vital that any representative service be given sufficient resources to carry out their tasks as outlined in the General Scheme, including resources to provide both initial and ongoing training to the representatives. A new service should also be independent of Tusla, to ensure no conflict of interest between the agency providing care to the child and the organisation fulfilling the representative role. This is required under the Pact but has been omitted from General Scheme.[16] This could be done by designating the new Guardian Ad Litem service[17] as a representative organisation in the General Scheme or by commissioning another organisation to provide an independent representative service.

The General Scheme does not include any provision for the process of **age assessments**, where there is doubt as to an individual applicant's age. UN and European best practice states that they should only be used as a last resort and that safeguards must be put in place when carrying out age assessments.[18] The process must be multidisciplinary in nature, carried out by qualified professionals and if inconclusive, the applicant shall be assumed to be a child. Applicants must also have access to an independent appeal following the initial decision and have legal assistance for this.[19] This is important because if the process does not work correctly there are many negative implications for the applicant. Young people under the age of 18 could end up without the extra supports they would receive as an unaccompanied child. They could also be sent to adult accommodation centres where there would be child safeguarding implications.

Finally, we would ask the Committee to consider **consulting with children and young people** that have gone through the international protection system as part of the pre-legislative scrutiny process. Hearing their views and experiences will be an important element to consider as you assess the General Scheme.

There are really important issues relating to children contained in the General Scheme, including ones we have outlined here, which would allow for the regression of children's rights. This will have a real effect on children in Ireland seeking international protection. As members of this Committee and of the Oireachtas we know you are committed to protecting children's rights and we would urge you to carefully consider the implications of the General Scheme on children and young people.

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[15] Committee on the Rights of the Child General Comment No. 6 (2005) regarding the treatment of unaccompanied and separated children outside of their country-of-origin CRC/GC/2005/6 para 21 and European Union Agency for Fundamental Rights (FRA), *Guardianship Systems for Unaccompanied Children In The European Union — Developments Since 2014* (Publications Office of the European Union 2022).

[16] Directive (EU) 2024/1346 of the European Parliament and of the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (recast) OJEU L art 27(2).

[17] A new National Guardian ad Litum service is being set up in the Department of Children, Equality and Disability. See Child Care (Amendment) Act 2022, s7.

[18] Committee on the Rights of the Child and Committee on the Protection of the Rights of all Migrant Workers Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return CMW/C/GC/4-CRC/C/GC/23, Council of Europe, *Age assessment: Council of Europe member states' policies, procedures and practices respectful of children's rights in the context of migration* (CoE September 2017) and Separated Children in Europe Programme, *SCEP Statement of Good Practice 4th Revised Edition* (SCEP 2009).

[19] ibid.