Irish Council for Civil Liberties
FOR ALL OUR RIGHTS. NO EXCEPTIONS.

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ICCL Statement to the Oireachtas Joint Committee on Justice, Migration & Home Affairs on the Pre-Legislative Scrutiny of the Children (Amendment) Bill 2024

4 November 2025

Claire Mc Evoy, Head of Research and Policy, Irish Council for Civil Liberties

We thank the Committee for this opportunity. ICCL felt it was especially important to bring in our expertise on civil liberties and procedural rights and our understanding of Ireland's youth justice system. Our comments are informed by my colleague Seán Egan's experience representing children in the Children's Court.

Seán will highlight three key areas:

1. Head 3 on Restrictions on criminal proceedings against children.
2. Head 10 on Restrictions on reports of proceedings involving children.
3. Heads 19 & 21 on Additional sentencing options and increased discretion for judges.

Seán Egan, Procedural Rights Fellow, Irish Council for Civil Liberties & practising criminal barrister

This bill, amending the Children Act 2001, contains many sensible improvements which will assist the Court in doing its important work and is very welcome.

Head 3 proposes that the DPP's permission will be required to prosecute a child for an offence they allegedly committed before the age of 14. This is a clear improvement from the current provision[1] because it relates to the age of the actual offending and provides for a clearer assessment of the child's maturity and whether prosecution is appropriate.

Alongside our colleagues at IPRT and the Children's Ombudsman, ICCL has echoed the UN Committee on the Rights of the Child's recommendation for Ireland to raise the age of criminal responsibility to at least 14 to fulfil our obligations as signatories to the Convention. This would be in line with other EU member states and better reflect our evolving understanding of young people's cognitive development and its impact on offending behaviour.

The extension of anonymity to children who reach the age of majority during criminal proceedings proposed under **Head 10** is welcome. Importantly, it aligns the legislation with the recent ruling of the Supreme Court in *DPP v PB*. This will facilitate the operation of youth justice and uphold privacy rights to aid young people's rehabilitation and reintegration into society.

[1] The current act has a similar provision, but the timing relates to when the child is charged rather than when the offence allegedly occurred.

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We are concerned, however, that the criteria for when a Judge may dispense with the anonymity provision refer to regard for the public interest, but do not specify that the Judge must consider the best interests of the child.[2] This could lead to decisions which give insufficient weight to the potential stigma a child offender whose identity is revealed may experience. We ask the committee to consider recommending that this head be amended to include a reference to the best interests of the child.

Heads 19 & 21

Head 19 creates a new sentencing option, a Deferred Sentence Supervision Order. This will serve a similar function to a suspended sentence for adults and will allow the Court to acknowledge a serious offence, while still giving a child an opportunity to demonstrate that they have desisted from offending before a final sentence is imposed. This reflects an existing approach used in Dublin's Children's Court.

Head 21 proposes to give judges greater discretion in structuring sentences using Detention Supervision Orders. These orders currently impose a sentence on a child, the first half of which is spent in detention and the second half spent under the supervision of the Probation Service. Currently they cannot be applied to children who will turn 18 during the order as the supervision element refers exclusively to children. Head 21 will give Judges greater flexibility by allowing them to make these orders for young people who will reach the age of majority during the sentence and will permit them to set whatever ratio between detention and supervision they think is suitable, instead of it being fixed at 50:50.

ICCL welcomes this and hopes that Judges will uphold the sentencing principles embedded in section 96 of the Children Act 2001, which dictate that detention is to be used as a last resort.

Thank you and we look forward to your questions.

[2] In line with the Convention on the Rights of the Child, ratified by Ireland in 1992.