



**LGBTI+ National Inclusion Strategy**

**Department of Children, Equality, Disability, Integration and Youth**

**Submission by the Ombudsman for Children's Office**

**July 2024**

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## 1. Introduction

The Ombudsman for Children’s Office (OCO) is an independent statutory body, which was established in 2004 under the Ombudsman for Children Act 2002 (2002 Act). Under the 2002 Act, as amended, the OCO has two core statutory functions:

- to promote the rights and welfare of children up to 18 years of age; and
- to examine and investigate complaints made by or for children about the administrative actions of public bodies, schools and voluntary hospitals that have, or may have, adversely affected a child.

We have prepared this submission pursuant to section 7(1)(a) of the 2002 Act, which provides for the Ombudsman for Children to advise the Minister on the development and coordination of policy relating to children, and section 7(4) of the 2002 Act, which provides for the Ombudsman for Children to advise on any matter concerning the rights and welfare of children. The purpose of this submission is to highlight measures we consider necessary to ensure that children and children’s rights are considered appropriately in the development of the new National LGBTI+ Inclusion Strategy.

The OCO welcomes that the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) launched a consultation on the successor strategy to the National LGBTI+ Inclusion Strategy 2019-2021 in May 2024.<sup>1</sup> Building on the progress of the previous National LGBTI+ Inclusion Strategy 2019-2021 and LGBTI+ National Youth Strategy 2018-2020, we recognise the need for a renewed and even more ambitious approach. While the previous National LGBTI+ Inclusion Strategy laid a strong foundation, we must strive for a future where LGBTI+ children experience full inclusion, equality, health, and safety in all aspects of Irish society and can fully enjoy their rights.

While different terminology is used by various organisations, this submission will use the term ‘LGBTI+’. In this context, ‘LGBTI+’ encompasses all groups and identities covered by the Strategy.

We note that the DCEDIY commissioned a review of the previous National LGBTI+ Inclusion Strategy to identify progress made and priority areas for inclusion in the new strategy and that the DCEDIY intended to publish the review in Q1 2024.<sup>2</sup> We are disappointed that the review of the strategy was not published prior to the public consultation in order to inform stakeholders’ input into the development of the successor strategy and we encourage the DCEDIY to publish the review as a matter of priority.

## 2. Children’s Voices

Our recent report, *Pieces of Us*,<sup>3</sup> amplifies the voices of children and young people on how the Government is implementing their rights under the United Nations Convention on the Rights of the Child (UNCRC), including navigating Ireland’s education and healthcare systems, equality and discrimination, community and leisure, children’s voice and special protections.

Their stories paint a vivid picture of some of the issues facing LGBTI+ children. For example, one student highlighted the need for better education about LGBTI+ terminology, emphasising that “gay”

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<sup>1</sup> DCEDIY, [Consultations for the National LGBTI+ Inclusion Strategy](#), 24 May 2024.

<sup>2</sup> Houses of the Oireachtas, Dáil Éireann debate, [Departmental Reviews](#) [48628/23], 7 November 2023.

<sup>3</sup> Ombudsman for Children’s Office (2022), [Pieces of Us: A Children’s Report to the UN Committee on the Rights of the Child](#).

is still regularly used as an insult. Others underscored the value of tailored mental health support, with many children expressing feelings of isolation, particularly in rural areas, and calling for school-based supports to ensure accessibility. (As one boy said of his LGBT Youth Group, "It's like a community that I can go to and I don't feel alone. Because I know in school, like, I'm the only gay guy so it's... really lonely.")

The children described further issues in our follow-up report, [Pieces of Us: What's Next?](#).<sup>4</sup> For instance, the desire for a more inclusive curriculum that reflects their realities ("We need a course about the LGBTQ+ community," one said; another emphasised the need for comprehensive sex education, stating, "We know nothing about LGBTQ+ sex"). Others underscore the importance of creating safe spaces within mental health services ("We need to root out LGBTQ+ stigma within CAMHS."). The children also shine a light on unacceptable wait times for transgender healthcare (one student reported a "2-3 year" wait time) and raise concerns about some GPs allowing personal biases to cloud their medical judgement regarding transgender care.

To ensure a truly impactful successor National LGBTI+ Inclusion Strategy, prioritising the voices of children and giving children's views due weight is paramount. Their unique experiences and perspectives are essential for crafting effective solutions that address child-specific issues. This submission outlines priority areas focused on incorporating rights-based considerations and actions that can empower and protect children within the strategy.

### **3. Strengthening the Government's Commitment to Equality and Inclusion for LGBTI+ Children**

In recent years, the Irish government has made efforts to promote LGBTI+ inclusion through both the National LGBTI+ Inclusion Strategy and the LGBTI+ National Youth Strategy. While progress has been made, there are outstanding actions that require renewed attention and it is therefore essential that the new National LGBTI+ Inclusion Strategy make progress in areas such as hate crime legislation and outcomes for trans, non-binary, and intersex individuals. It must be informed by research and international best practices. A recent report by LGBT Ireland, titled [Progress Made. Renewed Efforts Required: A Shadow Report of Ireland's First National LGBTI+ Inclusion Strategy](#), evaluated the government's implementation of the 108 actions outlined in the strategy over the last four years, granting a C+ grade.<sup>5</sup> Furthermore, Ireland currently ranks 16th in Europe for LGBTI+ human rights and policy protections.<sup>6</sup> Indeed, [Young Ireland: National Policy Framework for Children and Young People 2023-2028](#) (*Young Ireland*) identifies LGBTI+ children as a group of children that faces additional challenges and needs additional support.<sup>7</sup>

The LGBTI+ National Youth Strategy 2018-2020 was the world's first government strategy aimed at creating a safe, supportive and inclusive environment for young LGBTI+ individuals, free from discrimination, bullying and exclusion. The initiative was a significant step toward full inclusion and equality for LGBTI+ children in Ireland. The OCO understands that the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) does not intend to develop a separate successor

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<sup>4</sup> Ombudsman for Children's Office (2024), [Pieces of Us: What's Next? Report of a Children's Conference on the Concluding Observations of the United Nations Committee on the Rights of the Child to Ireland](#).

<sup>5</sup> LGBT Ireland (2024), [Progress Made. Renewed Efforts Required: A Shadow Report of Ireland's First National LGBTI+ Inclusion Strategy](#).

<sup>6</sup> Ibid., p. 93.

<sup>7</sup> Government of Ireland (2023), [Young Ireland: National Policy Framework for Children and Young People 2023-2028](#), p. 8.

to the youth strategy, instead electing to pursue one whole of life-cycle strategy for the LGBTI+ population.<sup>8</sup> **Given that there will not be a successor to the youth strategy, it is critical that the new National LGBTI+ Inclusion Strategy incorporate actions that address the range of challenges faced by LGBTI+ children under 18 and that such actions are child-centred and rights-based.**

#### 4. Rights-based approach to strategy

Ireland's new National LGBTI+ Inclusion Strategy must be firmly rooted in the fundamental human rights of all children. The UNCRC, a cornerstone of international law ratified by Ireland, guarantees a wide range of rights for every child, regardless of their sexual orientation, gender identity, or gender expression. By centring the strategy on core principles and rights, we can ensure an inclusive environment where every child feels safe, respected, and empowered to reach their full potential. This rights-based approach would not only uphold international legal obligations but also foster a society that celebrates diversity and respects the inherent dignity of all children.

The rights of children set out in the UNCRC form the basis for *Young Ireland*, which sets out a platform to realise these rights.<sup>9</sup> By adopting an approach that is grounded in and driven by the rights set out in the UNCRC, the new LGBTI+ National Inclusion Strategy would also ensure alignment with the aims of *Young Ireland* and the commitments therein to realise the rights of LGBTI+ children.

We encourage the DCEDIY to draw on the guidance of the UN Committee on the Rights of the Child on the general measures that the State must take in order to fully implement the rights contained in the UNCRC.<sup>10</sup> In particular, we draw the DCEDIY's attention to the requirement in such guidance to ensure the strategies that affect children are: endorsed at the highest level of Government; included in national budgeting; and independently monitored, reviewed and evaluated, including on the basis of disaggregated data. The OCO made similar recommendations in 2017 to the then Department of Children and Youth Affairs in its preparation of the first LGBTI+ National Youth Strategy and we reiterate our recommendations in this regard.

##### 1. Right to Non-Discrimination

Article 2 of the UNCRC enshrines the right to non-discrimination for all children. It requires the State to actively identify children who require special measures to fully realise their rights.<sup>11</sup> Integrating this principle into the strategy would help to ensure that all LGBTI+ children have equal access to services such as education and healthcare, and to opportunities to thrive, as do other children in Ireland. It would promote the development of a culture of respect and acceptance, allowing them to express their identities freely and participate fully in society.

##### 2. Best Interests

The new National LGBTI+ Inclusion Strategy should be firmly grounded in Article 3 of the UNCRC, which emphasises treating the best interests of the child as a primary consideration in all matters affecting them. Consideration must be given to the best interests of the child in the development, as well as the implementation, of the strategy. As there will not be a successor to the LGBTI+ National

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<sup>8</sup> Information provided to the OCO by the DCEDIY, May 2024.

<sup>9</sup> Government of Ireland (2023), *Young Ireland: National Policy Framework for Children and Young People 2023-2028*, p. 15.

<sup>10</sup> UN Committee on the Rights of the Child (2003), *General Comment No. 5 (2003) General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)*, CRC/GC/2003/5.

<sup>11</sup> *Ibid.*, para. 12.

Youth Strategy, it is crucial that the new National LGBTI+ Inclusion Strategy incorporates the best interests of the child in all areas relevant to children.

### 3. Right to Life, Survival and Development

The strategy must recognise the right of all LGBTI+ children to life, survival, and development enshrined in Article 6 of the UNCRC. This goes beyond physical well-being, encompassing the emotional and mental health of all children, including LGBTI+ children. Actions included in the strategy should be aimed at achieving the optimal development for all LGBTI+ children.<sup>12</sup> Many LGBTI+ children face challenges like bullying, discrimination, and social isolation, which can negatively impact their mental health and development. The strategy should address these issues by promoting mental health support services and the creation of inclusive environments where LGBTI+ children feel safe and supported.

### 4. Right to be Heard

The right to be heard, enshrined in Article 12 of the UNCRC, is fundamental to an effective LGBTI+ inclusion strategy and should be respected in the process to develop the strategy in addition to any actions included that concern children. This would ensure that children have a voice in matters that affect them, including those related to their sexual orientation and gender identity. In devising the strategy, the views and experiences of LGBTI+ children should actively be sought through consultations, focus groups, and other age-appropriate methods. By listening to their perspectives, the government can develop strategies that truly address their needs and concerns. Upholding Article 12 empowers LGBTI+ children to participate meaningfully and ultimately fosters a more inclusive environment where their voices are valued and heard. A participative structure for children, such as the Youth Forum, which advised on implementation of the former LGBTI+ National Youth Strategy, should be carried out to ensure that children are involved in decision-making processes relating to implementation of the strategy and in the process to evaluate implementation of the strategy.

### 5. Right to Education

The new National LGBTI+ Inclusion Strategy must fully consider the right to education enshrined in Article 28 and 29 of the UNCRC. This guarantees access to quality education for all children, regardless of their sexual orientation and gender identity. The strategy should address LGBTI+ inclusion comprehensively across the educational landscape, for instance by integrating LGBTI+ representation across curriculum, promoting comprehensive sex education addressing sexual orientation and gender identity, and training teachers on LGBTQ+ issues and fostering safe, inclusive learning environments. Highlighting positive LGBTI+ role models through speakers, curriculum, or student initiatives can further promote belonging and self-acceptance.

### 6. Right to Identity

The right to identity, enshrined in Article 8 of the UNCRC, is crucial for LGBTI+ children. The strategy should promote safe spaces where LGBTI+ children can explore their identities confidentially and without judgement. Additionally, the strategy should advocate for policies that respect the chosen names and pronouns of LGBTI+ children, fostering a sense of self-worth and belonging. Furthermore, the strategy can address issues related to gender recognition, ensuring that children have access to age-appropriate support and resources if they wish to explore transitioning.

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<sup>12</sup> Ibid.

## 7. Right to Health

The new National LGBTI+ Inclusion Strategy must prioritise the right to the highest attainable standard of health enshrined in Article 24 of the UNCRC. This would ensure that all children, including LGBTI+ children, have access to quality healthcare services that meet their specific needs. This would include healthcare that recognises the needs of transgender and gender-diverse children, including gender-affirming healthcare. It would also include training for healthcare professionals to ensure sensitive care to LGBTI+ children and to understand mental health challenges relating to discrimination or social isolation. Furthermore, it would involve improving the response to the physical and mental health needs of intersex young people, which was stated as an objective of the LGBTI+ National Youth Strategy.<sup>13</sup>

## 5. Priority actions for LGBTI+ children

### 5.1 Gender recognition

The [Gender Recognition Act 2015](#) (2015 Act) provides that a person aged 18 and over may apply for a gender recognition certificate on the basis of self-declaration. An exception is made for children aged 16 and 17, on behalf of whom their parents/guardians may make an application, subject to the completion of additional steps. Children under the age of 16 are not permitted to apply to have their preferred gender recognised by the State, whether on their own initiative or by their parents/guardians on their behalf.

Following a review of the 2015 Act in 2018,<sup>14</sup> the Government committed to introduce legislation to make it less onerous for 16 and 17 year olds to apply for a gender recognition certificate.<sup>15</sup> Improved gender recognition for children under 18 was also identified by LGBTI+ young people as a priority change in the consultations for the LGBTI+ National Youth Strategy.<sup>16</sup> The strategy committed to advancing the recommendations of the review of the 2015 Act in relation to children under 18 as quickly as possible, with a timeline of 2018 to 2020.<sup>17</sup> However, six years on these commitments have not yet been implemented. *Young Ireland* commits to amending the 2015 Act to allow children aged 16 and 17 to achieve legal recognition of their gender identity through a simplified procedure and to prepare and introduce legislation to amend the process for children aged 16 and 17 in 2024.<sup>18</sup> Though the commitment in *Young Ireland* to amend the 2015 Act to introduce a simplified procedure for children aged 16 and 17 is welcome, the delay in progressing the amendments identified in the review is regrettable.

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<sup>13</sup> Department of Children and Youth Affairs (2018), [LGBTI+ National Youth Strategy 2018-2020](#), p. 29.

<sup>14</sup> Review Group for the Gender Recognition Act (2018), [Review of the Gender Recognition Act 2015 - Report to the Minister for Employment Affairs and Social Protection](#).

<sup>15</sup> Government of Ireland (2020), [Programme for Government: Our Shared Future](#), p. 77; Minister for Employment Affairs and Social Protection (2019), [Report on the Review of the Gender Recognition Act](#).

<sup>16</sup> Department of Children and Youth Affairs (2018), [LGBTI+ National Youth Strategy 2018-2020](#), p. 12.

<sup>17</sup> *Ibid.*, p. 25.

<sup>18</sup> Government of Ireland (2023), [Young Ireland: National Policy Framework for Children and Young People 2023-2028](#), p. 114.

As regards children under 16, the review of the 2015 Act recommended that a system of gender recognition should be introduced for children of any age, subject to safeguards being met.<sup>19</sup> In spite of this recommendation, the Government's commitments on foot of the review stated it had no plans to change arrangements for children under 16.<sup>20</sup> The OCO is of the view that the absolute exclusion of children under 16 or their parents seeking a gender recognition certificate is a disproportionate interference with children's right to respect for their identity under Article 8 of the UNCRC.<sup>21</sup> The Government announced in 2019 that research would be commissioned to examine a process for children under the age of 16,<sup>22</sup> and reiterated this commitment in the [Programme for Government: Our Shared Future](#) and [Young Ireland](#).<sup>23</sup> The OCO welcomes that the research has been concluded.<sup>24</sup> However, we are concerned by the pace at which the research, and a plan for reform on the basis of this research, have been progressed.

In its concluding observations for Ireland published in February 2023, the UN Committee on the Rights of the Child recommended that the State:

- amend the 2015 Act to allow children aged 16 and 17 to achieve legal recognition of their gender identity through a simplified procedure; and
- ensure that the research on introducing a system of gender recognition for children under 16 years of age is conducted in close consultation with children, including transgender children, and that if the research results in the introduction of such a system, it is implemented in line with children's rights, including the right to be heard and the right to identity, in accordance with their evolving capacities, to free and informed consent and with appropriate safeguards.<sup>25</sup>

**The OCO recommends that a priority action and corresponding plan be included in the strategy for revising the 2015 Act, including providing for a less onerous process for children aged 16 and 17, and for children under 16 to have access to a process of gender recognition on foot of the completed research and in line with children's rights.**

## 5.2 Timely access to transgender healthcare services

As far back as 2004, healthcare professionals have flagged the absence of policy and provision for gender identity services for children in Ireland.<sup>26</sup> Consultations with children and young people for the first LGBTI+ National Youth Strategy in 2017 identified the need for improved access to health

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<sup>19</sup> Review Group for the Gender Recognition Act (2018), [Review of the Gender Recognition Act 2015 - Report to the Minister for Employment Affairs and Social Protection](#).

<sup>20</sup> Minister for Employment Affairs and Social Protection (2019), [Report on the Review of the Gender Recognition Act](#).

<sup>21</sup> Ombudsman for Children's Office, [Changes to Gender Recognition Act will still leave under 16s behind – Ombudsman for Children's Office](#), 10 December 2019.

<sup>22</sup> Department of Social Protection, [Minister Doherty Publishes her Report on the Review of the Gender Recognition Act](#), 29 November 2019.

<sup>23</sup> Government of Ireland (2020), [Programme for Government: Our Shared Future](#), p. 77.

<sup>24</sup> DCEDIY, [Minutes of Meeting Eleven of the National LGBTI+ Inclusion Strategy Committee](#), 18 October 2023.

<sup>25</sup> UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 20(b) and (c).

<sup>26</sup> B. Collins and B. Sheehan (2004), [Access to Health Services for Transsexual People](#), p. 37. See also: Health Service Executive (2009), [LGBT Health: Towards Meeting the Health Care Needs of Lesbian, Gay, Bisexual And Transgender People](#), p. 32.



services for transgender people.<sup>27</sup> The LGBTI+ National Youth Strategy stated that it would seek to advance changes that included the overhaul of the transgender healthcare system.<sup>28</sup> In particular, the strategy committed to ensuring appropriate resources are available to ensure the HSE model of care is implemented and accessible to trans children.<sup>29</sup> This mirrors the commitment in the National LGBTI+ Inclusion Strategy to continue to develop transgender health services for children in Ireland with a clear transition pathway from child to adult services.<sup>30</sup>

Notwithstanding such commitments, the OCO's consultations with children highlight that children still face barriers to accessing transgender healthcare services in Ireland. In *Pieces of Us*, children reported experiencing challenges in accessing transgender healthcare in Ireland.<sup>31</sup> Children also reported frustration in interacting with health services, with services not respecting the child's preferred names and gender pronouns. The children recommended that transgender healthcare should be made available in Ireland before the age of 18.

In February 2023, the UN Committee on the Rights of the Child recommended in its concluding observations for Ireland that the State should ensure transgender children's access to adequate healthcare.<sup>32</sup> Children that the OCO consulted on the Committee's concluding observations recommended that the State improve transgender healthcare services.<sup>33</sup> This included recommendations for a greater number of gender identity specialists in the public health system and education in transgender healthcare for medical professionals.

The commitments in the LGBTI+ National Youth Strategy, and the *Programme for Government*,<sup>34</sup> to develop health services and supports for transgender children and children who are questioning their identity within Ireland are positive. So too is the commitment by the Department of Health in *Young Ireland* to reviewing the existing healthcare services for LGBTI+ young people, particularly for transgender young people, to ensure it meets their needs, by 2025.<sup>35</sup> We also welcome the HSE's plans to develop an updated model of care for transgender healthcare, though note that this is a process that will be undertaken over two years.<sup>36</sup> The OCO is very concerned however by the continued absence of transgender health services in Ireland for children and the significant delays in the establishment of such services.

**The OCO recommends that the new National LGBTI+ Inclusion Strategy outline priority actions to establish multidisciplinary health services and supports within the State for transgender children and children who are questioning their identity.<sup>37</sup> This should include the allocation of adequate resources to support a multidisciplinary, individualised approach to the provision of supports and services to children and provision of appropriate training to healthcare professionals to work in a**

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<sup>27</sup> Department of Children and Youth Affairs (2017), [LGBTI+ National Youth Strategy: Report of the consultations with young people in Ireland](#), pp. 38-39.

<sup>28</sup> Department of Children and Youth Affairs (2018), [LGBTI+ National Youth Strategy 2018-2020](#), pp. 10-12.

<sup>29</sup> *Ibid.*, p. 29.

<sup>30</sup> Government of Ireland (2019), [National LGBTI+ Inclusion Strategy 2019-2021](#), p. 23.

<sup>31</sup> Ombudsman for Children's Office (2022), [Pieces of Us: A Children's Report to the UN Committee on the Rights of the Child](#), pp. 81-82.

<sup>32</sup> UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 15(b).

<sup>33</sup> Ombudsman for Children's Office (2024), [Pieces of Us: What's Next? Report of a Children's Conference on the Concluding Observations of the United Nations Committee on the Rights of the Child to Ireland](#), pp. 30-32.

<sup>34</sup> Government of Ireland (2020), [Programme for Government: Our Shared Future](#), p. 77.

<sup>35</sup> Government of Ireland (2023), [Young Ireland: National Policy Framework for Children and Young People 2023-2028](#), p. 72.

<sup>36</sup> Houses of the Oireachtas, Dáil Éireann debate, [Gender Recognition](#) [19592/24], 1 May 2024.

<sup>37</sup> Ombudsman for Children's Office (2023), [Healthcare supports for transgender children; A children's rights perspective from the Ombudsman for Children's Office](#).

**child-sensitive manner. In line with Ireland’s obligations under Article 12 of the UNCRC to respect the views of the child, the development of services for children should be informed by the views of children, including transgender children.**

### 5.3 Inclusivity in Schools

Every child is entitled to a safe and inclusive learning environment. Unfortunately, LGBTI+ students face a disproportionate burden of bullying and harassment based on their sexual orientation and gender identity. This not only undermines the principle of non-discrimination (Article 2 UNCRC), but it also creates a hostile environment that hinders their full participation (violating their right to education under Article 28) and threatens their mental and emotional well-being (violating their right to the highest attainable standard of health under Article 24) and the development of their personality, talents and mental and physical abilities to their fullest potential (Article 29).

Current efforts to create inclusive environments for students and raise awareness among both professionals and children of LGBTI+ rights are commendable. Initiatives by the Department of Education, including the ‘Anti-Bullying Procedures’ and related training programmes, provide a valuable foundation.<sup>38</sup> Objective 1 of the LGBTI+ National Youth Strategy was to create a more supportive and inclusive environment for LGBTI+ young people in formal education settings<sup>39</sup> and further commitments were made under the National LGBTI+ Inclusion Strategy. For instance, we welcome the progress made by the Department in implementing its commitment under the previous National LGBTI+ Inclusion Strategy to revise the RSE and SPHE curricula to include LGBTI+ relationships and identities, and to introduce training schemes which will enable teachers unfamiliar with LGBTI+ issues to present them fluently and in an inclusive way.<sup>40</sup> The commitment to fostering an inclusive curriculum that caters to all learners<sup>41</sup> has also seen great progress. As part of this, a new Primary Curriculum framework was launched in March 2023, which includes ‘Inclusive Education and Diversity’ as a principle. We welcome that the revised post-primary Junior Cycle SPHE curriculum makes explicit references to inclusivity, equality, and human rights, and that it promotes awareness of and respect for gender identity and gender diversity.<sup>42</sup> We also welcome that the draft Senior Cycle SPHE specification makes explicit reference to a rights-based, inclusive approach to learning and teaching in SPHE and provides for LGBTI+ identities, relationships and families to be fully integrated and reflected in teaching and learning.<sup>43</sup> The Senior Cycle review, which is expected to take several years, must be prioritised in the short term. Despite this progress it is unclear if LGBTI+ voices will be adequately addressed in these curricula. Care must be taken to ensure that LGBTI+ issues are given focused attention and are not subsumed under the broader categories of ‘Equality, Diversity and Inclusion’.

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<sup>38</sup> Department of Education (2022), [Anti Bullying Procedures for Primary and Post Primary Schools](#).

<sup>39</sup> Department of Children and Youth Affairs (2018), [LGBTI+ National Youth Strategy 2018-2020](#), p. 19.

<sup>40</sup> Government of Ireland (2019), [National LGBTI+ Inclusion Strategy 2019-2021](#), Action 1.6, p. 17; LGBT Ireland (2024), [Progress Made. Renewed Efforts Required: A Shadow Report of Ireland's First National LGBTI+ Inclusion Strategy](#), pp. 19-20.

<sup>41</sup> Government of Ireland (2019), [National LGBTI+ Inclusion Strategy 2019-2021](#), Action 1.5, p. 17.

<sup>42</sup> National Council for Curriculum and Assessment (2023), [Short Course Social, Personal & Health Education \(SPHE\) Specification for Junior Cycle](#).

<sup>43</sup> National Council for Curriculum and Assessment (2023), [Draft Senior Cycle Social, Personal and Health Education \(SPHE\) Specification](#).

Notably, a recent report found that 76% of LGBTI+ students feel unsafe in second-level schools across Ireland, with many reporting hearing homophobic remarks from other students and school staff.<sup>44</sup> Overcoming barriers, such as the hesitancy to adequately address gender issues in schools and to provide diverse LGBTI+ literature, is crucial to ensure a truly inclusive environment where LGBTI+ children feel safe and supported, reducing the potential for bullying. A key area for improvement lies in staff training. Recent data indicates that 89% of primary school teachers lack confidence in addressing homophobic and transphobic bullying due to insufficient training,<sup>45</sup> and 57% of over a thousand primary school staff surveyed have never taken part in LGBTI+ specific professional development.<sup>46</sup>

In *Pieces of Us*, LGBTI+ children consulted by the OCO spoke extensively about homophobia and transphobia, which permeated many aspects of their lives from school to sports groups.<sup>47</sup> Trans children in particular spoke about being bullied or ridiculed for their gender identity and being the target of threats of violence. LGBTI+ children also observed that school staff were ill-prepared and lacked training to deal with homophobic and transphobic bullying in school.<sup>48</sup> Children consulted by the OCO on the UN Committee on the Rights of the Child's concluding observations for Ireland in 2023 recommended that the school curriculum needed to be inclusive of LGBTI+ student experiences.<sup>49</sup>

This highlights a need for more comprehensive training programmes specifically focused on equipping educators, school staff and Boards of Management with the skills necessary to ensure that schools are safe and inclusive spaces for all students, with a particular emphasis on addressing the unique needs of LGBTI+ students.

Both the UN Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights recently adopted recommendations within their Concluding Observations that are relevant to strengthening Ireland's protections for LGBTI+ children from bullying, ensuring an inclusive learning environment and improving education for staff in schools:

- Ensure equal access to quality education for children in disadvantaged groups.<sup>50</sup>
- Adopt and strengthen measures, including targeted special measures, to prevent and combat discrimination against LGBTI+ children and ensure that children who experience bullying, discrimination or harassment in relation to their gender identity receive protection and support.<sup>51</sup>

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<sup>44</sup> BelongTo (2022), [BelongTo School Climate Survey 2022](#).

<sup>45</sup> INTO (2020), [Barriers remain for LGBT+ teachers in primary schools](#).

<sup>46</sup> University of Limerick, [LGBTQ+ inclusivity knowledge in primary school staff important according to UL research](#), 5 June 2024.

<sup>47</sup> Ombudsman for Children's Office (2022), [Pieces of Us: A Children's Report to the UN Committee on the Rights of the Child](#), pp. 100-102.

<sup>48</sup> Ombudsman for Children's Office (2022), [Pieces of Us: A Children's Report to the UN Committee on the Rights of the Child](#), pp. 100-102.

<sup>49</sup> *Ibid.*, pp. 8-9.

<sup>50</sup> UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 37(a).

<sup>51</sup> *Ibid.*, para. 15(d) and para. 20(d); UN Committee on Economic, Social and Cultural Rights (2024), [Concluding Observations on the fourth periodic report of Ireland](#), para. 23(v).

- Establish an expert group within the National Council for Curriculum and Assessment to develop educative materials that foster respect for and appreciation of gender and other diversities.<sup>52</sup>
- Ensure that comprehensive, age-appropriate and evidence-based education on sexual and reproductive health is integrated into mandatory school curricula and teacher training, and that it includes education on sexual diversity.<sup>53</sup>
- Collect disaggregated data on incidents of bullying and its impact on different student groups.<sup>54</sup>
- Ensure that children know how to report cases of discrimination .<sup>55</sup>

**The OCO recommends that the new National LGBTI+ Inclusion Strategy prioritise the safety and inclusion of LGBTI+ children in the school environment and curriculum. This can be achieved through ongoing staff training on sexual orientation and gender identity issues, upholding a zero-tolerance policy for bullying, and supporting existing initiatives like BelongTo’s Stand Up Awareness Week. Schools should work to become inclusive spaces that validate student identities and promote understanding through age-appropriate discussions. The OCO further recommends broadening the curriculum to comprehensively address sexual orientation and gender identity topics beyond current SPHE classes.**

#### 5.4 Safeguarding Mental Health

The new National LGBTI+ Inclusion Strategy must prioritise mental health, a crucial aspect of well-being for all children. Currently in Ireland, LGBTI+ children face a disproportionately high burden of mental health challenges, creating a crisis demanding immediate attention. A 2021 survey conducted by BelongTo revealed that 97% of LGBTI+ children report struggling with anxiety, stress, or depression.<sup>56</sup> Even more alarming, 63% have experienced suicidal ideation, highlighting the severity of the situation. Research published in 2024 found that transgender and gender non-conforming children experience even higher rates of mental health struggles compared to their LGBTI+ peers.<sup>57</sup> These disparities violate the fundamental children’s rights enshrined in the UNCRC, including the right to health, well-being, and education in an environment free from discrimination (Articles 24, 28, and 29).

Responding effectively to the mental health needs of LGBTI+ young people was an objective of the LGBTI+ National Youth Strategy<sup>58</sup> and actions have also been taken under the National LGBTI+ Inclusion Strategy. For instance, in line with the commitment under the previous National LGBTI+ Inclusion Strategy to provide LGBTI+ awareness training to staff working in mental health services,

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UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 37(b)(i).

<sup>53</sup> Ibid., para. 33(b); UN Committee on Economic, Social and Cultural Rights (2024), [Concluding Observations on the fourth periodic report of Ireland](#), para. 53(e).

<sup>54</sup> UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 24(h).

<sup>55</sup> Ibid., para. 15(a).

<sup>56</sup> BelongTo, [Mental Health Crisis for LGBTI+ Young People as New Figures Show 97% are Struggling with Anxiety, Stress or Depression](#), 15 June 2021.

<sup>57</sup> A. Higgins et al. (2024), [Being LGBTQI+ in Ireland: The National Study on the Mental Health and Wellbeing of the LGBTQI+ Communities in Ireland](#).

<sup>58</sup> Department of Children and Youth Affairs (2018), [LGBTI+ National Youth Strategy 2018-2020](#), p. 28.

the HSE National Office for Suicide Prevention continues to fund LGBT Ireland and TENI, who work to provide this awareness training.<sup>59</sup> Furthermore, the [Being LGBTQI+ in Ireland](#) study, which examines the mental health of the LGBTI+ community in Ireland, can provide valuable data on mental health, including LGBTI+ children who are bullied or face other challenges, and can inform future support services.<sup>60</sup>

The DCEDIY committed under the previous National LGBTI+ Inclusion Strategy to implement programmes that address intersectional discrimination to protect the rights of LGBTI+ individuals, recognising that groups such as LGBTI+ Travellers and Roma and LGBTI+ people seeking international protection are at high risk of poor mental health due to emotional isolation, trauma and fear.<sup>61</sup> However, as this action was not advanced during the lifetime of the previous National LGBTI+ Inclusion Strategy,<sup>62</sup> we recommend urgently implementing intercultural and integration projects, with a particular focus on LGBTI+ children from these groups.

Other initiatives have also faced delays: proposals to bring forward legislation to ban conversion practices have been in development since 2018<sup>63</sup> and new commitments were made in 2023.<sup>64</sup> The *Programme for Government* in 2020 also contained a promise to legislate to end the practice,<sup>65</sup> a commitment also reflected in both the LGBTI+ National Youth Strategy and the National LGBTI+ Inclusion Strategy.<sup>66</sup> Minister O’Gorman recently stated that work on drafting the General Scheme is ongoing and legislative proposals will be brought forward shortly,<sup>67</sup> however continued postponement of this legislation threatens the safety of LGBTI+ children, as studies consistently link conversion therapy to self-hatred, shame, and even post-traumatic stress disorder and suicidal ideation.<sup>68</sup>

In *Pieces of Us*, several children expressed concerns to the OCO in getting appropriate mental health supports for their needs, which they believed exacerbated feelings of isolation, particularly for children in rural areas.<sup>69</sup> Such children recommended that mental health supports be made easily accessible, including through school-based supports. One child in secondary school stated that:

*“I’m lucky because I’m one of the few like young queer people who have access and are confident enough and feel safe enough to go to and attend an LGBT group, which has worked wonders for my mental health. But like I know so many others who just aren’t able to access that and it can be*

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<sup>59</sup> Government of Ireland (2019), [National LGBTI+ Inclusion Strategy 2019-2021](#), Action 14.3, p. 22.

<sup>60</sup> Trinity College Dublin and BelongTo (2024), [Being LGBTQI+ in Ireland: The National Study on the Mental Health and Wellbeing of LGBTQI+ Communities in Ireland](#).

<sup>61</sup> Government of Ireland (2019), [National LGBTI+ Inclusion Strategy 2019-2021](#), Action 13.1, p. 21.

<sup>62</sup> LGBT Ireland (2024), [Progress Made. Renewed Efforts Required: A Shadow Report of Ireland’s First National LGBTI+ Inclusion Strategy](#), p. 56.

<sup>63</sup> Houses of the Oireachtas, [Prohibition of Conversion Therapies Bill 2018](#).

<sup>64</sup> Department of Children, Equality, Disability, Integration and Youth, [Minister O’Gorman announces the publication of the report ‘An Exploration of Conversion Therapy Practices in Ireland](#), 17 February 2023.

<sup>65</sup> Department of the Taoiseach (2020), [Programme for Government: Our Shared Future](#), p. 77.

<sup>66</sup> Department of Children and Youth Affairs (2018), [LGBTI+ National Youth Strategy 2018-2020](#), p. 24; Government of Ireland (2019), [National LGBTI+ Inclusion Strategy 2019-2021](#), p. 25.

<sup>67</sup> Houses of the Oireachtas, Dáil Éireann debate, [Gender Recognition](#) [11734/24], 20 March 2024.

<sup>68</sup> B. Harrell (2022), [Conversion therapy bans, suicidality, and mental health](#), 2022 APPAM Fall Research Conference; L.B.

Johnston and D. Jenkins (2006), [Lesbians and Gay Men Embrace Their Sexual Orientation After Conversion Therapy and Ex-Gay Ministries](#), *Social Work in Mental Health*, Vol. 4, No.3, pp. 61–82.

<sup>69</sup> Ombudsman for Children’s Office (2022), [Pieces of Us: A Children’s Report to the UN Committee on the Rights of the Child](#), p. 79.

*extremely, extremely lonely and feel very isolating, especially when you live in a rural area and you're a young queer person. So I'd definitely improve that. And I'd just give a lot more – I'd have more accessibility to mental health services, maybe through schools."*

Given the findings on the elevated levels of psychological distress among LGBTI+ children in Ireland, further efforts are needed to address the harmful effects of stigmatisation of LGBTI+ identities and the associated experiences of rejection and discrimination. Both the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights adopted concluding observations that include recommendations relevant to actions that can strengthen Ireland's protections for the mental health of LGBTI+ children. The Committee on the Rights of the Child recommended that the State strengthen the provision of mental health services and support in schools,<sup>70</sup> while the Committee on Economic, Social and Cultural Rights recommended that the State ensure the availability, accessibility and quality of mental health care and services, with a focus on underserved groups.<sup>71</sup> The OCO believes such measures can help LGBTI+ students to cope with the adverse impact on mental health and stresses associated with discrimination. The Committee on the Rights of the Child also recommended that the State ensure that children know how to report cases of discrimination and that such cases are fully investigated and perpetrators held to account.<sup>72</sup> The OCO encourages the State to have regard to this recommendation as it would assist LGBTI+ children to report discrimination and bullying, participate in creating a safer school environment and community, and allowing their voices to be heard.

**The OCO recommends the mental health needs of LGBTI+ children be given a specific focus in the development of the new National LGBTI+ Inclusion Strategy. This should encompass multiple areas: creating safe spaces and culturally competent care, providing 24/7 crisis support, and implementing anti-bullying initiatives with a focus on LGBTI+ inclusion. Additionally, empowering LGBTI+ children through mental health awareness campaigns, accessible resources, and peer support networks is crucial. Finally, the OCO emphasises the need for a long-term commitment to prioritising funding for targeted initiatives, building resilience through mental health promotion, and integrating LGBTI+ children's needs into national and regional mental health policies.**

## 5.5 Combatting Hate Crimes

LGBTI+ children deserve to feel safe, respected, and valued. Hate crimes, which may take the form of physical assault, threats, offensive language and other forms of intimidation, directly violate their fundamental rights as outlined in the UNCRC. Hostile environments in schools can lead to absenteeism, lower academic achievement, and isolation.<sup>73</sup> Hate crimes can also discourage children

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<sup>70</sup> UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 32(a)(ii).

<sup>71</sup> UN Committee on Economic, Social and Cultural Rights (2024), [Concluding Observations on the fourth periodic report of Ireland](#), para. 48 and 49.

<sup>72</sup> UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 15(a).

<sup>73</sup> For example: E. McDermott et al. (2023), "[Understanding How School-Based Interventions Can Tackle LGBTQ+ Youth Mental Health Inequality: A Realist Approach](#)" *International Journal of Environmental Research and Public Health*, Vol. 20, No. 5 4274. p. 2; U.S. Government Accountability Office (GAO) (2021), [K-12 Education: Students' Experiences with Bullying, Hate Speech, Hate Crimes, and Victimization in Schools](#), p. 8.

from participating or expressing their identities openly and thus represent a violation of the right to non-discrimination based on sexual orientation and gender identity.<sup>74</sup>

While Ireland has made progress towards LGBTI+ equality, hate crimes continue to create a hostile environment that jeopardises children’s wellbeing and ability to thrive. Since An Garda Síochána began recording hate motives in crime reports in 2022, recorded hate crimes have increased for the second year in a row,<sup>75</sup> with sexual orientation remaining one of the most commonly recorded forms of targeting over the past 3 years. Research published by BelongTo paints a stark picture: 45% of LGBTI+ people feel unsafe holding hands with a same-sex partner in public; over half of transgender and non-binary individuals fear expressing their gender identity openly; 25% of LGBTI+ people have been physically attacked due to their sexual orientation; and 72% have experienced verbal abuse.<sup>76</sup>

Certain actions under the previous National LGBTI+ Inclusion Strategy have been achieved, such as updating the Garda Pulse system to include a ‘Hate Crime’ tag, with subcategories including sexual orientation and gender identity.<sup>77</sup> The Department of Justice also implemented an online system for reporting hate crime<sup>78</sup> and An Garda Síochána commenced publishing statistics for recorded incidents of hate crime in 2021 for the first time, including a breakdown of discriminatory motives.<sup>79</sup> Furthermore, progress was made on the commitment to encourage increased reporting of hate crimes to An Garda Síochána by LGBTI+ individuals by developing a more open relationship.<sup>80</sup> An Garda Síochána stated that they have made efforts to develop this relationship: An Garda Síochána hosted LGBTI+ Network Dialogue Days, the Garda National Diversity and Integration Unit met with LGBTI+ stakeholders concerning high-profile assaults, and the Garda National Diversity Forum was created in 2020 to hear the concerns of diverse communities within the Irish public.<sup>81</sup>

Most notably, the previous National LGBTI+ Inclusion Strategy aimed to bring forward legislative proposals to ensure that incitement to hatred and hate crimes against LGBTI+ people are adequately addressed in our laws.<sup>82</sup> This was also raised in the LGBTI+ National Youth Strategy, which committed to identifying and correcting any legislative or policy gaps in the areas of hate crime and hate speech.<sup>83</sup> These commitments have led to the introduction of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022, which would introduce new offences related to hate crimes. However, while the Bill was introduced in the Dáil in November 2022, progress has been slow, and it must be enacted and commenced as a matter of urgency. It should also be supplemented with additional initiatives, such as a National Action Plan on Hate Crimes, which would include a focus on protecting children from hate crime. This could involve training for criminal justice professionals and community Gardaí on protecting children from hate crime,<sup>84</sup> improved data

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<sup>74</sup> UN Committee on the Rights of the Child (2016), [General comment No. 20 \(2016\) on the implementation of the rights of the child during adolescence](#), CRC/C/GC/20, para. 33.

<sup>75</sup> An Garda Síochána, [2022 Hate Crime Data and Related Discriminatory Motives](#), 22 March 2022.

<sup>76</sup> BelongTo, [LGBTQ+ Youth Ireland Statement on Increase in Recorded Hate Crimes](#), 8 May 2024; A. Higgins et al. (2024), [Being LGBTQI+ in Ireland: The National Study on the Mental Health and Wellbeing of the LGBTQI+ Communities in Ireland](#).

<sup>77</sup> LGBT Ireland (2024), [Progress Made. Renewed Efforts Required: A Shadow Report of Ireland's First National LGBTI+ Inclusion Strategy](#), p. 78.

<sup>78</sup> An Garda Síochána, [Hate Crime Online Reporting](#).

<sup>79</sup> Government of Ireland (2019), [National LGBTI+ Inclusion Strategy 2019-2021](#), Action 21.5, p. 25.

<sup>80</sup> Ibid., Action 21.4, p. 25.

<sup>81</sup> LGBT Ireland (2024), [Progress Made. Renewed Efforts Required: A Shadow Report of Ireland's First National LGBTI+ Inclusion Strategy](#), p. 78.

<sup>82</sup> Ibid., Action 21.1, p. 25.

<sup>83</sup> Department of Children and Youth Affairs (2018), [LGBTI+ National Youth Strategy 2018-2020](#), Action 1(8)(c).

<sup>84</sup> UN Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 15(c).

collection, victim support, awareness campaigns, targeted education, and addressing root causes of hatred.

**The OCO recommends that the new National LGBTI+ Inclusion Strategy include strong policy responses to combat the negative impacts of hate crimes on LGBTI+ children. This includes implementing comprehensive hate crime legislation that specifically addresses crimes based on sexual orientation and gender identity. This legislation must reflect the particular vulnerabilities of LGBTI+ children and young people along with creating safe, child-friendly reporting channels for LGBTI+ children. Finally, raising public awareness about the impact of hate crimes on children and promoting tolerance and respect for LGBTI+ children is essential.**

## 5.6 Intersex children

The National LGBTI+ Inclusion Strategy committed to putting clinical guidelines in place to prevent unnecessary surgeries on intersex people, with better data available on the prevalence of intersex conditions in Ireland.<sup>85</sup> The LGBTI+ National Youth Strategy also committed to establish a working group on intersex healthcare for children and young people with a view to considering how Resolution 2191/2017 Council of Europe and other relevant health care recommendations can be taken account of in healthcare provision in Ireland.<sup>86</sup>

The OCO is concerned by LGBTI Ireland's report that work has not progressed on the commitments relating to intersex children in the National LGBTI+ Inclusion Strategy.<sup>87</sup> It is also unclear to the OCO if work has progressed on the LGBTI+ National Youth Strategy commitments relating to intersex children.

Several international human rights bodies, including the UN Committee on the Rights of the Child, Human Rights Committee and Parliamentary Assembly of the Council of Europe, have expressed concern that medically unnecessary interventions continue to be performed on intersex children before children can provide their full, informed consent.<sup>88</sup> These bodies have recommended that the State:

- prohibit all unnecessary medical or surgical treatment that assign sex to intersex children without their free and informed consent;<sup>89</sup>
- provide holistic, patient-centred and multidisciplinary healthcare and psychosocial support to all intersex children and their families;<sup>90</sup>

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<sup>85</sup> Government of Ireland (2019), [National LGBTI+ Inclusion Strategy 2019-2021](#), p. 14 and p. 24.

<sup>86</sup> Department of Children and Youth Affairs (2018), [LGBTI+ National Youth Strategy 2018-2020](#), p. 29.

<sup>87</sup> LGBT Ireland (2024), [Progress Made. Renewed Efforts Required: A Shadow Report of Ireland's First National LGBTI+ Inclusion Strategy](#), p. 76.

<sup>88</sup> UN Committee on the Rights of the Child (2016), [Concluding observations on the combined third and fourth periodic reports of Ireland](#), CRC/C/IRL/CO/3-4, para. 39; UN Human Rights Committee (2023), [Concluding observations on the fifth periodic report of Ireland](#), CCPR/C/IRL/CO/5, para. 19; Council of Europe Parliamentary Assembly, [Resolution 2191 \(2017\) Promoting the human rights of and eliminating discrimination against intersex people](#).

<sup>89</sup> UN Committee on the Rights of the Child (2016), [Concluding observations on the combined third and fourth periodic reports of Ireland](#), CRC/C/IRL/CO/3-4, para. 40(a); Council of Europe Parliamentary Assembly, [Resolution 2191 \(2017\) Promoting the human rights of and eliminating discrimination against intersex people](#), para. 7.1.1; UN Human Rights Committee (2023), [Concluding observations on the fifth periodic report of Ireland](#), CCPR/C/IRL/CO/5, para. 20.

<sup>90</sup> UN Committee on the Rights of the Child (2016), [Concluding observations on the combined third and fourth periodic reports of Ireland](#), CRC/C/IRL/CO/3-4, para. 40(a); Council of Europe Parliamentary Assembly, [Resolution 2191 \(2017\) Promoting the human rights of and eliminating discrimination against intersex people](#), para. 7.1.3 and para. 7.2.1; UN



- investigate incidents of treatment performed without informed consent and provide redress;<sup>91</sup>
- educate and train professionals on sexual diversity and the consequences of unnecessary treatment;<sup>92</sup>
- and ensure that laws governing birth registration provide for flexibility to deal with the situation of intersex children.<sup>93</sup>

**The OCO recommends that the new National LGBTI+ Inclusion Strategy includes a commitment and corresponding actions to prevent unnecessary and irreversible surgical procedures performed on intersex children, ensure associated guidelines for professionals, and provide supports for intersex children, in line with international human rights standards.**

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Committee on the Rights of the Child (2023), [Concluding observations on the combined fifth and sixth periodic reports of Ireland](#), CRC/C/IRL/CO/5-6, para. 30(g).

<sup>91</sup> UN Committee on the Rights of the Child (2016), [Concluding observations on the combined third and fourth periodic reports of Ireland](#), CRC/C/IRL/CO/3-4, para. 40(b).

<sup>92</sup> Ibid., para. 40(c); Council of Europe Parliamentary Assembly, [Resolution 2191 \(2017\) Promoting the human rights of and eliminating discrimination against intersex people](#), para. 7.1.6.

<sup>93</sup> Council of Europe Parliamentary Assembly, [Resolution 2191 \(2017\) Promoting the human rights of and eliminating discrimination against intersex people](#), para. 7.3.1.