**Request for Comment**

**Revision of CRC General Comment No. 10 (2007) on children's rights in juvenile justice**

**Ireland’s Response**

**January 2019**

**Page 8, paragraph 27.**

It would be useful to clarify that paragraph 27 is without prejudice to the provision by Member States of social services of a preventative nature for children and their families, including youth services, parenting classes and other supports and counselling services, which are intended to prevent and protect against potential future offending behaviour and which are of a voluntary nature.

In this regard, it might be preferable not to include a suggested time period as in the current text “e.g. for a maximum of one year”, for the retention of information on diversion events. In practice, there will be cases where a child may have a number of diversion events within a period of a few years, or even months. It will be in the child’s interest to ensure that the relevant authorities have full knowledge of the circumstances of the case, particularly where such information would support efforts to provide child welfare interventions. Therefore, it might be better to amend the second sentence in Par. 27 so that information is available to the relevant competent authorities for such period of time as is required to enable them to deal appropriately with the case.

**Page 9/10 – paragraphs 33 – 35. age of criminal responsibility**

These paragraphs caution against fixing too low an age of criminal responsibility and the Committee expresses its concern about exceptions that allow a lower age for certain offences. In Ireland, the Children Act 2001 (as amended) prescribes an age of 12 years with exceptions for cases of murder, manslaughter, rape or aggravated sexual assault, where a lower age of 10 years applies.

A review of the Children Act 2001 (as amended) is being carried out in the context of the preparation of new national Youth Justice Strategy. All of the existing provisions in the Act, including those relating to the age of criminal responsibility, will fall to be examined as part of this process.