

4. RIGHTS IN THE FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Chapter Grade

B-



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We're delighted to be defending the voice of the child in the review of the GAL system this morning.



12:59 AM - 5 Apr 2017

Rights in the Family Environment and Alternative Care

Every child has the right to be protected from all forms of abuse, violence, punishment and neglect, whether physical or mental. The State has the responsibility to provide support for children who experience abuse and their carers, as well as mechanisms for prevention, reporting, investigation and treatment.

Summary of Article 19 of the UN Convention on the Rights of the Child



© Alcohol Action Ireland, advocating to reduce alcohol harm



IN THE NEWS

NO GARDA CHECKS ON LIMERICK FOSTERERS

Limerick Post, 18 August 2017

Children in foster care in Limerick have been left at massive risk with 146 people either fostering or living with them who have not been approved by Gardaí. A report from HIQA, the health services watchdog, highlighted significant shortfalls in the service, with 30 foster parents and 116 people over the age of 16 in foster homes that were not Garda vetted.

Inspections also revealed that allegations of abuse or neglect were not being managed correctly and in a timely fashion, there was a shortfall in recruitment and therefore in the number of foster carers and no social workers allocated to support foster parents in many cases.

The report states that “not all allegations were comprehensively assessed. There was a system for formally notifying the foster care committee of an allegation of abuse, but not all allegations were reported to the committee and those which were notified, were not notified in a timely way”.

A team of eight inspectors visited foster homes in the Mid-West last March and their findings showed three areas of major non-compliance. These were in relation to safeguarding and child protection; supervision and support and reviews of foster carers”.

The report states that inspectors also found major problems with supervision and support. 30 general and six relative foster carers had no social worker assigned to them, while the majority had not received the recommended formal supervision.

“There were seven foster care households without a link worker who also had children who were without an allocated social worker, which posed a significant risk. The frequency of home visits to these foster carers was insufficient. (...)

4.1

Guardian *ad litem* Service**GOVERNMENT COMMITMENT**

A Programme for a Partnership Government commits to:

- > Review the operation of Guardian *ad litem* (GAL) to ensure that a child's view is always effectively represented in Court proceedings.



Progress: Good

'Guardian *ad litem* Service' receives a 'C+' grade in Report Card 2018, an improvement on the 'D' grade last year. This reflects the announcement that a new Executive Office for the Guardian *ad litem* service will be established, the completion of the pre-legislative scrutiny of the General Scheme of the Child Care (Amendment) Bill 2017 by the Joint Oireachtas Committee on Children and Youth Affairs, and the commitment to hold a consultation with children and young people on the design of the Guardian *ad litem* service.

Every child has the right to have their views heard in any judicial proceedings that affect them. The views of the child should be given due weight in accordance with the age of the child and the child's maturity.⁵¹⁰ The UN Convention on the Rights of the Child makes specific reference to the child being heard in court proceedings either directly, or indirectly through a representative body⁵¹¹ such as a Guardian *ad litem* (GAL).⁵¹² Under the Convention, the State is obliged to ensure that

the child's best interests are a primary consideration in all actions and decisions that impact on the child,⁵¹³ particularly when a decision is being made in proceedings to take a child into care.⁵¹⁴

The UN Committee on the Rights of the Child has set out requirements for the appropriate representation of the views of the child. A person who is being appointed as a child's representative must have sufficient knowledge and understanding of the various aspects of the decision-making process, as well as experience of working with children.⁵¹⁵ The representative must be aware that they represent the interests of the child exclusively and not the interests of other persons (parent(s); institutions or bodies – for example, residential home, administration or society).⁵¹⁶ The Committee is clear that if a representative is used to hear the voice of the child 'it is of utmost importance that the child's views are transmitted correctly to the decision maker by the representative.'⁵¹⁷

510 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 12.

511 *ibid* Art 12(2).

512 A Guardian *ad litem* is a person who facilitates the voice of the child to be heard in care proceedings before a court, and strives to ensure that the child's views are taken into account when decisions are made by the court in respect of these applications. The Guardian *ad litem* also gives a professional view on what they believe is in the child's best interests given all the circumstances.

513 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 3.

514 UNCRC 'General Comment No. 12 on the Right of the Child to be heard' (2009) UN Doc CRC/C/GC/12 para 53.

515 *ibid* para 36.

516 *ibid* para 37.

517 *ibid* para 36.

In 2016, the UN Committee called on Ireland to '[t]ake measures to ensure the effective implementation of legislation recognising the right of the child to be heard in relevant legal proceedings, particularly family law proceedings, including by establishing systems and/or procedures for social workers and Courts to comply with the principle'.⁵¹⁸ In *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* the Government commits to creating mechanisms to provide children with the opportunity to be heard in judicial proceedings affecting them; this includes independent representatives where appropriate.⁵¹⁹

Article 42A.4 of the Irish Constitution states that provision shall be made by law for the best interests of the child to be 'the paramount consideration' in child protection and care, adoption and family law proceedings, and for the views of the child to be 'ascertained and given due weight'.⁵²⁰ This constitutional provision therefore refers to two types of proceedings: (1) public law proceedings – cases between the State and a child/family and (2) private law proceedings – cases between two private parties. The review of the GAL Service promised in the *Programme for Government* relates to public law proceedings only.

The Children and Family Relationships Act 2015 gives effect to Article 42A.4 in relation to private law proceedings. The Act provides that the Court can 'appoint an expert to determine and convey the child's views'.⁵²¹ The legislation requires that one or both of the parties must pay the fee of the expert appointed, as this will not be covered by the State. The Department of Justice and Equality is finalising regulations on the role and cost of the child views expert.

The fact that parents, not the State, will have to cover the fee of the child views expert in private law proceedings means that the availability of this service to children will be dependent on their parents being able to afford, or being willing to pay for the service. A disparity will therefore remain between provision for hearing the views of children in private law proceedings and public law proceedings. The UN Committee on the Rights of the Child expressed its concern on this issue and has been clear that the approach proposed constitutes a breach of children's rights and that the State should cover the cost of this service.⁵²² The reform of the GAL system now under consideration presents an opportunity to adopt a common approach in the mechanisms used to hear the voice of the child in both public and private law proceedings.

Reform of the GAL Service: The current process of reforming the GAL service is welcome, though long overdue. The service has operated without regulation since the commencement of section 26 of the Child Care Act 1991, which provided for a child's views to be heard through a GAL in child care proceedings.⁵²³ There are no professional standards or statutory guidance on the eligibility criteria, functions or payment structures for GALs.⁵²⁴ The role itself is not defined in legislation and appointment of GALs in proceedings is at the discretion of the judge, meaning that access to a GAL for children has been inconsistent, with significant disparity in appointment between court districts within the State.⁵²⁵ Currently, there are approximately 75 GALs operating in the State: 36 working with Barnardos,⁵²⁶ 16 with The Independent Guardian *ad litem* Agency (TIGALA) and 23 GALs working as individuals or in a small group.⁵²⁷ Reform of legislation in this area has the potential to make a real impact and advance the fulfilment of the constitutional right of the child to have their voice heard in child care proceedings.

518 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 32(a).

519 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment G18.

520 Constitution of Ireland, Art 42A.4.

521 Children and Family Relationships Act 2015, s 63 inserts Part V into the Guardianship of Infants Act 1964. This part outlines the factors to consider in determining the best interests of the child and s 32(1)(b) provides for the appointment of an expert by the Court 'to determine and convey the child's views'. This provision was commenced in January 2016. S.I. No. 12/2016 – Children and Family Relationships Act 2015 (Commencement of Certain Provisions) Order 2016.

522 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 31(b); para 32 (b).

523 Child Care Act 1991, s 26.

524 Geoffrey Shannon, *Seventh Report of the Special Rapporteur on Child Protection: A Report Submitted to the Oireachtas* (DCYA 2014); Carol Coulter, *Final Report* (Child Care Law Reporting Project 2015) 80; Carmel Corrigan, *The Construction and Impact of Children's Participation through the Guardian ad litem in Child Protection Cases: The Views of District Court Judges, Guardians ad litem and children* (unpublished Phd thesis, Trinity College Dublin 2015).

525 Carol Coulter, *Interim Report of the Child Care Law Reporting Project* (CLRP 2013) 14.

526 Communication received by the Children's Rights Alliance from Barnardos, 27 November 2017.

527 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 30 November 2017.

Draft legislation to reform the GAL service was published in January 2017, following a consultation by the Department of Children and Youth Affairs in autumn 2015 to review the existing service.⁵²⁸ The aim of the General Scheme of the Child Care (Amendment) Bill 2017 was to replace section 26 of the Child Care Act 1991, and 'to ensure that the Guardian *ad litem* service can be provided to benefit the greatest number of children and young people, so that their voices can be heard in child care proceedings and that this service will be of high quality and sustainable into the future.'⁵²⁹

The General Scheme of the Child Care (Amendment) Bill 2017 underwent pre-legislative scrutiny in the first half of 2017 by the Joint Oireachtas Committee on Children and Youth Affairs. The Committee's report, published in May 2017, made a number of recommendations, including that 'the legislation be strengthened to ensure the rights of all children are enshrined in the Act.'⁵³⁰ The Committee's recommendations, together with the views of experts and stakeholders, have informed the revising of the Bill which is expected to be finalised by the Department of Children and Youth Affairs in the first half of 2018.⁵³¹ The Department has committed to engage in a consultation with children and young people in early 2018, in parallel with the development of the revised legislation, to hear their views on how best the voice of the child can be heard in child care proceedings.⁵³² The consultation will focus on the type of service to be provided rather than the detail of the legislation.⁵³³

Independence of the GAL Service: The May 2017 Report of the Joint Oireachtas Committee on Children and Youth Affairs recommended that the GAL service should be funded by an independent statutory body that is not party to the legal proceedings,⁵³⁴ a position also held by the Ombudsman for Children⁵³⁵ and the Comptroller and Auditor General.⁵³⁶ In light of the

Committee's recommendation, the Department of Children and Youth Affairs announced, in December 2017, the establishment of a new Executive Office for the Guardian *ad litem* service.⁵³⁷ It is being established on an interim basis with a view to longer term arrangements for the Office being dealt with in the context of the proposed transition to a Family Courts system.⁵³⁸ The proposed Executive Office is a positive development as placing this vital service for children within a public body will help to ensure that it remains independent, publicly-funded and free from any real or perceived conflict of interest.

The establishment of an Executive Office also presents an opportunity to make the GAL service responsible for both private and public law proceedings. This would ensure that children have equal access to the right to have their voices heard in court – in other words, they would not experience different treatment simply because of the type of proceeding to which they are subject. The service could also provide the oversight and accountability that is necessary for both types of representatives who are tasked with ascertaining and representing the views of the child to the court.

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528 Department of Children and Youth Affairs, 'Reform of Guardian *ad litem* arrangements in child care proceedings' <<http://bit.ly/2ljtZb>> accessed 15 December 2017.

529 *ibid.*

530 Joint Committee on Children and Youth Affairs, *Report on the Heads of Bill of the General Scheme of the Child Care (Amendment) Act 2017* (Houses of the Oireachtas 2017) 8.

531 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 30 November 2017.

532 *ibid.*

533 *ibid.*

534 Joint Committee on Children and Youth Affairs, *Report on the Heads of Bill of the General Scheme of the Child Care (Amendment) Act 2017* (Houses of the Oireachtas 2017) 6.

535 Ombudsman for Children Niall Muldoon, Joint Oireachtas Committee on Children and Youth Affairs, General Scheme of the Child Care (Amendment) Bill 2017: Discussion (Resumed), 5 April 2017.

536 Comptroller and Auditor General, *Report on the Accounts of Public Services 2015* (C&AG 2016) 132.

537 Children's Rights Alliance, 'Children's Rights Alliance Welcomes New Guardian *ad Litem* Office in Department of Children' <<http://bit.ly/2mehx9Q>> accessed 6 December 2017.

538 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 8 January 2018.

Status of the GAL: In practice, GALs have played a role beyond facilitating the voice of the child to be heard in courts and advising the courts on the child's best interests. They have often been legally represented in child care proceedings and fulfilled the function of defending the rights of the child as their representative.⁵³⁹

In a 2016 High Court decision, the role of the GAL in legal proceedings was considered to be more than 'merely as a witness' and described as being 'consistent with the furtherance of the interests of justice'.⁵⁴⁰ However, the draft Child Care (Amendment) Bill 2017 proposes to make the GAL a 'special type of expert witness' rather than a representative or advocate for the child. As a witness, the GAL would not have independent legal representation or be able to participate in all aspects of proceedings on an equal footing with other parties. GALs currently play an essential role for children in care – for example, making applications to the Court so that a child in care can have access visits with their siblings. They can also cross-examine experts on their findings and commission second opinions when they think an incorrect finding has been made. Article 42A of the Irish Constitution recognises children as individual rights-holders, independent of their parents. A dilution of the function and role of a GAL would potentially diminish the rights of the child who is not able to be made a party to the proceedings in their own right as provided for under section 25 of the Child Care Act 1991.

The forthcoming legislative change should ensure that the GAL has the legal standing in proceedings to represent the child, to ensure that the child's right to be heard is respected, as is their right to fair procedures and to redress. These provisions are necessary so that the child can have equal standing with other parties in court proceedings that affect them. To better reflect the role of this service for children involved in court proceedings, consideration should also be given to changing the name of the Guardian *ad litem* to 'representative of children and young people', or 'advocate for children and young people'.

Provision of a GAL: Under the current draft legislative proposals, there may be a possibility that children are not afforded a GAL in all child care cases. Head 8 of the General Scheme of the Child Care (Amendment) Bill 2017 provides for a GAL to be appointed by a judge in all cases before the High Court involving children in need of special care or protection. However, while there is a presumption that children whose cases are before the District or Circuit Courts will be appointed a GAL,⁵⁴¹ the appointment is at the discretion of the judge. The Bill should retain a presumption that a GAL will be appointed in all cases and that where a judge decides not to appoint a GAL the reasons for this decision should be stated in open court.

Article 42A of the Irish Constitution recognises children as individual rights-holders, independent of their parents. A dilution of the function and role of a GAL would potentially diminish the rights of the child who is not able to be made a party to the proceedings in their own right as provided for under Section 25 of the 1991 Child Care Act 1991. The forthcoming legislative change should ensure that the GAL has the legal standing in proceedings to represent the child, to ensure that the child's right to be heard is respected, as is their right to fair procedures and to redress.

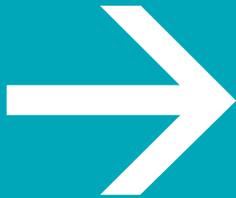
539 Ann McWilliams and Claire Hamilton, "There isn't anything like a GAL": The Guardian ad Litem Service in Ireland' *Irish Journal of Applied Social Studies* [2010] vol. 10, no. 1, 31, 32.

540 AO'D v O'Leary & ors [2016] IEHC 555, para 57.

541 Department of Children and Youth Affairs 'General Scheme of the Child Care (Amendment) Bill 2017' <<http://bit.ly/2BPhyX8>> accessed 6 December 2017.

Guardian *ad litem* Service

Immediate Actions for 2018



ENSURE THAT A GUARDIAN *AD LITEM* IS AFFORDED THE STATUS OF REPRESENTATIVE OR ADVOCATE TO THE COURT RATHER THAN WITNESS OR SPECIAL ADVISOR IN CHILD CARE PROCEEDINGS.

To give effect to the constitutional right of the child to be heard, the reformed legislation should ensure that the child's right to be heard, along with their right to fair procedures and redress, is respected, by requiring that the Guardian *ad litem* be given legal standing in proceedings to represent the child. A child who requires a Guardian *ad litem*, due to their age or vulnerability should be designated a party to the proceedings through their Guardian *ad litem*, so that they do not have lesser rights than a child who is joined to the proceedings in their own right.

PROVIDE CLARITY IN THE CHILD CARE (AMENDMENT) BILL 2017 AS TO HOW THE VOICES OF ALL CHILDREN INVOLVED IN CHILD CARE PROCEEDINGS WILL BE HEARD IN THE DISTRICT AND CIRCUIT COURTS.

The Bill should clarify how the voices of all children involved in child care proceedings will be heard in court and clearly set out the presumption that a Guardian *ad litem* will be appointed in all child care cases.

ENSURE THAT THERE IS EQUALITY IN PROVISION FOR HEARING THE VOICE OF THE CHILD AS BETWEEN PUBLIC AND PRIVATE LEGAL PROCEEDINGS.

The new Executive Office under which the reformed Guardian *ad litem* service will operate should extend its remit to support the voice of the child in all types of cases, public and private.

PROVIDE FOR MEANINGFUL CONSULTATION WITH CHILDREN AND YOUNG PEOPLE IN REGARD TO THE REFORM OF THE GUARDIAN *AD LITEM* SERVICE AND ON HAVING THE VOICE OF THE CHILD HEARD IN COURT PROCEEDINGS.

The outcome of the consultation should inform the development of the service.

4.2 Child Protection

GOVERNMENT COMMITMENT

A Programme for a Partnership Government commits to:

- > Implement Child Safeguarding Statements as part of Children First legislation.



Progress: Good

- > Enforce robust and efficient vetting procedures for all positions involving substantial access to children.



Progress: Some

- > Ensure robust protections are in place to fully protect children while online and propose updated legislation to effectively deal with sexual offences including stronger sanctions aimed at protecting children from online sexual abuse.



Progress: Some

'Child Protection' receives a 'B' grade in *Report Card 2018*, an improvement on the 'C' grade of last year. This reflects the implementation of Child Safeguarding Statements as part of the Children First Act 2015 and the fast turnaround time for e-vetting in the National Vetting Bureau.

Every child has the right to be protected from abuse, including sexual abuse and exploitation.⁵⁴² States must take 'appropriate legislative, administrative' and other

measures to protect children from abuse while in the care of parents, guardians or 'any other person who has the care of the child'.⁵⁴³ In 2016, the UN Committee on the Rights of the Child welcomed the enactment of the Children First Act 2015. The Committee recommended that Tusla, the Child and Family Agency, be provided with adequate resources to enable it to respond to child protection referrals and to address the needs of children at risk in a timely manner, as well as implement long-term programmes for addressing the root causes of

542 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 19 which places an obligation on state parties to take all 'appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child'.

543 *ibid* Art 19(1).

violence and abuse.⁵⁴⁴ With regard to protection from online abuse, the UN Committee has recommended that States 'should address the risks posed by digital media and [information and communication technologies] to the safety of children, including online harassment, sexual exploitation of children, access to violent and sexual content, grooming and self-generated sexual content' through the adoption of 'holistic strategies'.⁵⁴⁵ The UN Committee has also drawn attention to the obligation on States to guarantee the protection of children's privacy rights in relation to information and communication technology (ICT) as well as their obligation to 'develop effective safeguards against abuse without unduly restricting the full enjoyment of their rights'.⁵⁴⁶

Child Safeguarding Statements: A *Programme for a Partnership Government* commits to implementing Child Safeguarding Statements as part of Children First legislation. *Better Outcomes Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* commits to implementing the Children First: National Guidance for the Protection and Welfare of Children⁵⁴⁷ in full, including legislating for elements of the guidance, implementing sectoral plans, associated training and ensuring vetting requirements are met.⁵⁴⁸ The Children First Act 2015 placed elements of the Children First National Guidance on a statutory footing. It provides that each service falling under its remit⁵⁴⁹ must publish a Child Safeguarding Statement

setting out the organisation's procedures to manage and reduce risk for children availing of its services.⁵⁵⁰ The Safeguarding Statement should also include a written risk assessment and specify risk management processes.⁵⁵¹ Procedures to manage allegations against staff and to provide child protection information, as well as instruction and training for staff to enable them identify harmful incidents, must also be included.⁵⁵²

In a welcome development, all remaining sections of the Children First Act 2015 were commenced on 11 December 2017,⁵⁵³ including the provisions relating to Child Safeguarding Statements.⁵⁵⁴ Services are required to have Child Safeguarding Statements in place within three months of the commencement date.⁵⁵⁵ Revised Children First National Guidance and Information and training resources were launched in October 2017 to support organisations to comply with the legislation.⁵⁵⁶

Vetting: A *Programme for a Partnership Government* commits to enforcing robust and efficient vetting procedures for all positions involving substantial access to children. *Better Outcomes Brighter Futures* commits to 'ensuring vetting requirements are met'.⁵⁵⁷ The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016 were commenced, almost in full, on 29 April 2016.⁵⁵⁸ The Act provides for the mandatory vetting of those who work with children and vulnerable people, where 'a necessary and regular part [of this work] consists mainly of the person having

544 UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 38.

545 UNCRC, 'Report of the 2014 General Day of Discussion, Digital Media and Children's Rights' (OHCHR, 2014) <<http://bit.ly/2tIcel>> accessed 4 January 2018.

546 *ibid.*

547 Department of Children and Youth Affairs, *Children First: National Guidance for the Protection and Welfare of Children* (DCYA 2011).

548 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 3.6.

549 Schedule 1 of the Act sets out the types of organisations which are deemed to be carrying out 'Relevant Services' for the purposes of the Act; these are organisations which have employees or volunteers for whom 'a necessary and regular part of their work' consists mainly in 'having access to or contact with' children.

550 Children First Act 2015, ss 10–11.

551 *ibid* s 11.

552 *ibid.* If, upon request, a relevant organisation fails to supply its Safeguarding Statement to the Child and Family Agency, it can be issued with a notice of non-compliance, see ss 12–13.

553 Department of Children and Youth Affairs, 'Date announced by the Minister for Children and Youth Affairs for the commencement of all remaining provisions of the Children First Act 2015' (2 October 2017) <<http://bit.ly/2xcBQH8>> accessed 17 October 2017.

554 Children First Act 2015, Part 2.

555 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

556 *ibid.*

557 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 3.6.

558 The Act was commenced by Statutory Instrument 214/16, National Vetting Bureau (Children And Vulnerable Persons) Act 2012 (Commencement) Order 2016 apart from section 20 which relates to re-vetting. A number of amendments were made by the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.

access to, or contact with, children.⁵⁵⁹ By 1 November 2017, the National Vetting Bureau, formerly known as the Garda Central Vetting Unit, had processed 394,829 vetting applications.⁵⁶⁰ E-vetting facilities were launched in 2016 to streamline the process and reduce processing times for applications.⁵⁶¹ As a result, the majority of all applications in 2017 were received online and 80 per cent were processed within five working days.⁵⁶² Organisations using paper applications rather than the e-vetting system have an approximate four-week turnaround time.⁵⁶³ Both the introduction of e-vetting and the faster processing times are welcome. However, some issues still remain with the vetting system.

Firstly, despite the fact that the e-vetting process takes just five days, there is a clear problem with the overall efficiency of the vetting system. Applications must be made through certain registered organisations which increases demands on their resources.⁵⁶⁴ There are reports of people having to be vetted and re-vetted multiple times for each employment position or volunteer role they take up. This creates an administrative backlog in the registered organisation through which vetting applications are submitted. For example, in early years settings some staff members are not employed all year round, due to the operation of the Free Pre-school Scheme, meaning they have to be re-vetted even when resuming their previous position and cannot take up work until the vetting process is complete.⁵⁶⁵ Others, such as youth workers and volunteers working in the community, face similar issues.⁵⁶⁶ A passport-style system for Garda vetting should be introduced so that it becomes person rather than service-focused; this would improve the efficiency

of the system for the National Vetting Bureau, the registered organisations and the organisations seeking to have persons vetted.

Secondly, it is of concern that childminders are not required to be vetted. There is no overall figure for the number of childminders who are Garda vetted in line with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.⁵⁶⁷ Garda vetting is a prerequisite to membership of Childminding Ireland and applies to their current 712 members.⁵⁶⁸ Barnardos administers applications for childminders supported by funding from the Department of Children and Youth Affairs.⁵⁶⁹

Thirdly, there is currently no facility or provision for the National Vetting Bureau to seek information from police authorities abroad when a vetting applicant has spent time living outside Ireland. The Special Rapporteur on Child Protection has suggested that protocols or administrative arrangements with police authorities in foreign jurisdictions could address this issue; another avenue, he suggests, could be the inclusion of a provision for the exchange of information in forthcoming legislation to implement the EU Framework Decision on the exchange of criminal records information.⁵⁷⁰

Online Protection: Children and young people in Ireland are more active online than ever before.⁵⁷¹ A 2015 study showed that on average, almost 75 per cent of Irish children aged between nine and 16 used the internet daily, rising to 92 per cent once they enter early adolescence.⁵⁷² Research conducted by the ISPCC

559 Under s 2 of the Act, vulnerable persons are people other than children who suffer from a mental disorder, an intellectual disability, a physical impairment or significant disability. Schedule 1 of the legislation lists 'relevant persons' who require vetting if working in certain environments. These are people for whom access to or contact with children is a necessary or regular part of their work or activity such as people who work in pre-schools, schools, hospitals, detention facilities, asylum reception centres, as religious instructors, or are involved in transportation of children, or in research which involves interaction with children.

560 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 5 December 2017.

561 Tánaiste and Minister for Justice and Equality, Frances Fitzgerald TD, Written Answers, Garda Vetting Applications, 5 October 2016 [28908/16].

562 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 5 December 2017.

563 *ibid.*

564 Minister for Children and Youth Affairs, Katherine Zappone TD, Dáil Debates, Written Answers, 'Garda Vetting of Personnel' [36682/16] and [36683/16], 24 November 2016.

565 Irish Congress of Trade Unions, *Who Cares? Report on Childcare Costs and Practices in Ireland* (ICTU 2016). <https://www.ictu.ie/download/pdf/report_on_childcare_costs_practices_congress_2016.pdf> accessed 17 October 2017.

566 Senator Gabrielle McFadden, Seanad Debates, Commencement Matters, 'Garda Vetting of Personnel' 22 March 2017.

567 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 1 December 2017.

568 Communication received by the Children's Rights Alliance from Childminding Ireland, 14 October 2017.

569 Barnardos, 'Vetting Service' <<https://www.barnardos.ie/what-we-do/our-services/specialist-services/vetting-service.html>> accessed 14 November 2017.

570 Geoffrey Shannon, *Eighth Report of the Special Rapporteur on Child Protection* (DCYA 2014) 96.

571 CyberSafeIreland, *Annual Report 2017* (CyberSafeIreland 2017) 4.

572 Brian O'Neill and Thuy Dinh, *Net Children Go Mobile: Full findings from Ireland* (Dublin Institute of Technology 2015) 8.

and Vodafone found that 68 per cent of children and young people aged between six and 18 felt that the internet is a good resource and a positive addition to their lives; almost a quarter of six to ten year olds were on Snapchat and 12 per cent on Facebook.⁵⁷³ A 2017 CyberSafe Ireland survey found that 22 per cent of children were in contact with a stranger online with 14 per cent of these being in regular contact.⁵⁷⁴ The survey also revealed that a third of children had rarely or never spoken to a parent or guardian about online safety.⁵⁷⁵

The right to be protected online must be carefully balanced with the range of other rights facilitated through access to ICT, including the right to participate, to freedom of expression,⁵⁷⁶ to access appropriate information⁵⁷⁷ and to freedom of association and

A 2017 CyberSafe Ireland survey found that 22 per cent of children were in contact with a stranger online with 14 per cent of these being in regular contact. The survey also revealed that a third of children had rarely or never spoken to a parent or guardian about online safety.

peaceful assembly⁵⁷⁸ in the online environment. No one government department holds sole responsibility for this issue⁵⁷⁹ but it is positive that government ministers are examining the issue in more detail and proposing the establishment of a Digital Safety Commissioner.⁵⁸⁰ To ensure both the robust protection of children and young people, and the protection and respect for the full range of their rights in this area, the Department of Children and Youth Affairs should, through the *Better Outcomes, Brighter Futures* framework, feed into a high-level inter-departmental group to develop a national strategy on digital rights with a dedicated section on children. *Better Outcomes Brighter Futures* commits to support efforts to limit children's exposure to age-inappropriate material on the internet.⁵⁸¹ It also commits to support all efforts to combat child sexual abuse, exploitation and trafficking, including through support for an online filtering system in relation to blocking online child abuse material.⁵⁸² The current generation of children and young people are the first to live and learn online so they should be consulted on any measures to protect them online.

In July 2017, the Government set the age of digital consent for children at 13 years⁵⁸³ meaning that, from May 2018, children under the age of 13 must have the



573 Communication received by the Children's Rights Alliance from the ISPCC, 6 December 2017.

574 CyberSafeIreland, *Annual Report 2017* (CyberSafeIreland 2017) 12.

575 *ibid* 13.

576 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 13.

577 *ibid* Art 17.

578 *ibid* Art 15.

579 Several departments play an important role in relation to this issue. The Department of Children and Youth Affairs has the remit to deal with child protection. The Office for Internet Safety is an executive office of the Department of Justice and Equality and draft legislation on data protection is being developed by that Department. Internet safety policy is under the remit of the Department of Communications, Climate Action and the Environment. The responsibility to educate children on issues relating to digital technology, as well as on cyberbullying, falls to the Department of Education and Skills. Responsibility for issues relating to the impact of ICT on children's health (for example, mental health, sexual health) rests with the Department of Health.

580 Sarah Bardon, 'Government to examine measures to tackle online bullying', *The Irish Times*, 21 November 2017.

581 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 3.8.

582 *ibid* Commitment 3.13.

583 Mary Minihan, 'Cabinet agrees to set 'age of digital consent' at 13', *The Irish Times*, 26 July 2017.

consent of their parent or guardian in order to access online services.⁵⁸⁴ However, there is no clarity on what measures the Government will put in place to educate and support young people and their parents to make informed decisions about consent for data to be processed online. Research findings published in 2016 showed that 40 per cent of the parents surveyed indicated a lack of technical knowledge of basic online security measures, while '52 per cent had no knowledge of advanced privacy techniques'.⁵⁸⁵ It is also unclear how the ICT industry will manage age-verification of those under the age of digital consent and what associated safeguards will be put in place to protect children online.

The enactment of the landmark Criminal Law (Sexual Offences) Act 2017 in February 2017 has closed some significant legislative gaps and loopholes in respect of online sexual offences against children. For example, the Act creates a new offence relating to viewing online child sexual abuse material and, in order to address issues such as grooming and solicitation online, an offence of sexual exploitation using ICT. A number of key sections of the Act relevant to children were commenced in March 2017, including Part 2 relating to the sexual exploitation of children.⁵⁸⁶

The Special Rapporteur on Child Protection, while recognising that the Act demonstrates 'Ireland's commitment to better protecting its children from online predators',⁵⁸⁷ has called for the introduction of further measures to protect children online. These include the establishment of a Digital Safety Commissioner⁵⁸⁸ and the criminalisation of 'indirect harassment' occurring through communications to third parties about a victim (for example, posting content on a website or sending a private image to a third party).⁵⁸⁹ The Special Rapporteur also calls for

the expansion of civil remedies including 'take down' orders for harmful digital communications; in this, he is echoing recommendations made by the Law Reform Commission in 2016.⁵⁹⁰ Currently, service providers have ad hoc and different policies and reaction times to requests for removal of images or posts. The 2016 European Union General Data Protection Regulation, to come into force in May 2018, will give effect to the right to be forgotten, which is an important right particularly for children.⁵⁹¹ The Harmful Communications and Digital Safety Bill 2017 represents another important development as it proposes to legislate against revenge pornography, cyberstalking, as well as the intentional posting of intimate images of a person online without their consent.⁵⁹² It is important that this legislation is prioritised and enacted without delay.

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584 This arises under a new regulation of the EU which will come into force on 25 May 2018: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). The aim of setting an age of digital consent is to ensure that a child's personal data cannot be processed without parental consent under the specified age.

585 James O'Higgins Norman and Lian McGuire, *Cyberbullying In Ireland Survey of Parents Internet Usage and Knowledge* (ABC, National Anti-Bullying Research and Resource Centre DCU 2016) 4.

586 Criminal Law (Sexual Offences) Act 2017, Commencement Order (S.I. No. 112 of 2017).

587 Geoffrey Shannon, *Tenth Report of the Special Rapporteur on Child Protection* (DCYA 2016) 169.

588 *ibid* 29.

589 *ibid* 28.

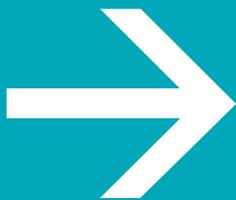
590 *ibid* 29; Law Reform Commission, *Harmful Communications and Digital Safety: Report* (LRC 016) Recommendation 4.18.

591 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), Article 17 (Official Journal of the European Union, 4.5.2016, L 119/1).

592 Harmful Communications and Digital Safety Bill 2017.

Child Protection

Immediate Actions for 2018



ENSURE THAT INFORMATION ON TIME SPENT OUTSIDE OF IRELAND IS SOUGHT AND CONSIDERED IN THE GARDA VETTING PROCESS.

The process of vetting individuals to keep children and vulnerable adults safe is undermined significantly if information on periods of time spent abroad is not sought and reviewed as part of the vetting process.

INTRODUCE A PASSPORT-STYLE SYSTEM FOR GARDA VETTING.

For efficiency and to reduce multiple vetting applications made by one person, introduce a passport-style system of e-vetting.

DEVELOP A NATIONAL STRATEGY TO PROTECT THE FULL RANGE OF THE RIGHTS OF CHILDREN ONLINE.

To ensure both the robust protection of children and protection and respect for the full range of their rights in this area, the Department of Children and Youth Affairs should, through the *Better Outcomes, Brighter Futures* framework, feed into a high-level inter-departmental group to develop a national strategy on digital rights with a dedicated section on children.

4.3

Child Victims of Crime**GOVERNMENT COMMITMENT**

A Programme for a Partnership Government commits to:

- > Publish legislation to implement in full the EU Victims of Crime Directive and develop victim support services, including Garda Victims Support Offices which provide a single point of contact in accessing support and information.



Progress: Good

'Child Victims of Crime' receives a 'C+' grade in Report Card 2018, as against a 'D' grade last year. This reflects the enactment and commencement of the Criminal Justice (Victims of Crime) Act 2017. However, there is still more work to do in relation to the provision of services for child victims of crime.

The State has a duty to take all appropriate measures to promote physical and psychological recovery and social reintegration of child victims of 'any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment'.⁵⁹³ Such recovery and reintegration should take place in an environment that 'fosters the health, self-respect and dignity of the child'.⁵⁹⁴ Ireland continues to be the only European Union Member State that has not ratified the Second Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and

Child Pornography.⁵⁹⁵ The Protocol requires States to adopt appropriate measures to protect the rights and interests of child victims at all stages of the criminal justice process, including measures recognising their vulnerability, and the adaptation of procedures to recognise their needs.⁵⁹⁶ Child victims must be informed of their rights and role within proceedings and provided with information regarding the timing and progress of proceedings.⁵⁹⁷ Unnecessary processing delays in their cases should be avoided.⁵⁹⁸ The UN Convention also provides that the best interests of the child shall be a primary consideration in the treatment of child victims by the criminal justice system.⁵⁹⁹

Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020 commits to providing 'effective and timely protection and support services, including therapeutic services for victims of abuse and crime'.⁶⁰⁰ It commits to reforming

593 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 39.

594 *ibid.*

595 UNCRC, 'Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography' (2000) A/RES/54/263.

596 *ibid* Art 8(1)(a).

597 *ibid* Art 8(1)(b).

598 *ibid* Art 8(1)(g).

599 *ibid* Art 8(3).

600 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (DCYA 2014) Commitment 3.10.

domestic violence legislation, including providing greater protection for victims, and to a legal and policy framework for child victims of trafficking and measures for their identification.⁶⁰¹ In 2016, the UN Committee on the Rights of the Child recommended that the State provide redress and rehabilitation to victims of domestic violence.⁶⁰²

Criminal Justice (Victims of Crime) Act 2017: The Criminal Justice (Victims of Crime) Act 2017 was signed into law in November 2017. Most provisions of the Act commenced on 27 November 2017. The Act is intended to transpose into Irish law an EU Directive on the rights of victims of crime; the Directive focuses on strengthening 'the rights of victims and their family members to information, support and protection and victims' procedural rights in criminal proceedings'.⁶⁰³ The Directive also requires that officials coming into contact with victims have appropriate training and it seeks to 'encourage cooperation between Member States and coordination of national services of their actions on victims' rights'.⁶⁰⁴ The Criminal Justice (Victims of Crime) Act 2017 is victim-centred in its approach and requires the specific characteristics of the victim to be considered and the views of the victim to be heard. The Act provides for a range of rights for victims including the right to receive information relating to their case and to the criminal justice process in simple and accessible language.⁶⁰⁵ The Act also provides for a wide definition of the types of offences for which victim impact statements will be heard.⁶⁰⁶

In relation to children, the Act does not fully meet the standards established by the EU Directive. The 'best

interests of the child' is not set out as an overarching principle within the legislation, as it is in the Directive.⁶⁰⁷ The Act does refer to the best interests of the child but only in so far as it states that the principle will apply in the context of assessment of the need for protection or special measures in respect of a child who has been a victim of crime.⁶⁰⁸ The failure to make the best interests of the child a stand-alone generally applicable principle means that the Directive's requirement of a 'child-sensitive approach, taking due account of the child's age, maturity, views, needs and concerns',⁶⁰⁹ may not be adopted and applied in respect of other issues covered by the Act.

Similarly, the Act gives only limited recognition to the right of the child to have his or her view heard. It does state that the views of the child are to be sought in the context of the assessment of the need for protection or special measures and when determining who is an 'appropriate person' to accompany a child to an interview or court proceedings.⁶¹⁰ However, the right of the child to have his or her views heard is not stated in relation to other aspects of the Act. While a child victim has the same rights as adult victims under the legislation, it is important that explicit recognition is given to the right of every child to have their views heard in all matters concerning them in an age-appropriate manner that aligns with principles of child friendly justice.⁶¹¹

A further area where the Act does not fully vindicate children's rights⁶¹² is in relation to the use of a screen for a child to give evidence where a live television link

601 *ibid* Commitments 3.13, 3.14 and 3.15.

602 UNCRRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 58; UNCRRC 'General Comment No. 20 on the Rights of the Child During Adolescence' (2016) UN Doc CRC/C/GC/20 para 38(b).

603 European Council Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime', *Official Journal of the European Union*, L 315/57, 14.11.2012; European Commission, "Strengthening victims' rights in the EU", Justice – Building a European Area of Justice: Victims' <<http://bit.ly/2ErIBJo>> accessed January 2018.

604 *ibid*.

605 Criminal Justice (Victims of Crime) Act 2017, s 7–8.

606 *ibid* s 31.

607 Article 1 of the EU Directive which provides that 'where the victim is a child, the child's best interests shall be a primary consideration and shall be assessed on an individual basis.' 'European Council Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime', *Official Journal of the European Union*, L 315/57, 14.11.2012, Art 1(2).

608 Criminal Justice (Victims of Crime) Act 2017, s 15.

609 European Council Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime', *Official Journal of the European Union*, L 315/57, 14.11.2012, Art 1(2).

610 Criminal Justice (Victims of Crime) Act 2017, s 15(7)(b)(ii) and s 18(2).

611 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRRC) Art 12.

612 Article 8(1) of the Optional Protocol to the UN Convention on the Rights of the Child on the Child Pornography and the Sale of Children and European Council Directive 2011/92/EU on Combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA', *Official Journal of the European Union*, L335/1, 17.12.2011. It provides that States must ensure that in criminal proceedings relating to sexual exploitation, a 'child victim must be heard in the courtroom without being present, in particular through the use of appropriate communication technologies'.

is not used.⁶¹³ Such provisions are intended to prevent or minimise further trauma or the re-victimisation of a victim in criminal proceedings, where the victim has to give evidence in the presence of the accused or the public. The use of a screen is problematic: it should only be deployed as a last resort as it still requires a child to enter a courtroom where the accused person is present.⁶¹⁴ The Special Rapporteur on Child Protection has proposed that a screen would only be used where the child witness specifically opts out of giving their evidence by television link, subject to the approval of the court and having regard to the child's wishes.⁶¹⁵

Following the passing of the Criminal Justice (Victims of Crime) Act 2017, Irish law is broadly in compliance with the Second Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.⁶¹⁶ Ratification of the Protocol should now be prioritised.

Victim Support Services: A key provision of the EU Directive requires Member States to make available 'confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings'.⁶¹⁷ This is a gaping omission from the Criminal Justice (Victims of Crime) Act 2017. Ireland has an obligation to 'take all appropriate measures' to promote the recovery of child victims.⁶¹⁸ The UN Committee on the Rights of the Child has outlined the supports that child victims may need, including medical treatment, mental health treatment, social and legal services and long-term follow-up services.⁶¹⁹

There is no dedicated strategy in place to prevent or respond to sexual violence against children. The availability of assessment and treatment services for children and young people under the age of 14 is limited, with significant geographic variances in

The availability of assessment and treatment services for children and young people under the age of 14 is limited, with significant geographic variances in provision. For children in this age category, there are two statutory sexual abuse assessment units, both located in Dublin; one 24 hour state service located in Galway providing forensic examinations; and two specialist therapy services provided by CARI in Limerick and Dublin.

provision. For children in this age category, there are two statutory sexual abuse assessment units, both located in Dublin;⁶²⁰ one 24 hour state service located in Galway providing forensic examinations; and two specialist therapy services provided by CARI in Limerick and Dublin.⁶²¹ Where services do exist, child victims face significant delays in accessing counselling support – for example, CARI had a waiting list of 90 children in December 2017.⁶²²

For victims older than 14, there are six sexual assault treatment units across the country providing specialist care⁶²³ and victims also have access to a range of specialist voluntary and statutory therapy services.⁶²⁴ When children aged 13 to 15 access the services for over 14s they cannot avail of the aftercare support of the local rape crisis centre as these do not generally provide counselling to children under the age of 16.

613 Criminal Justice (Victims of Crime) Act 2017 s 30 which has yet to be commenced.

614 Geoffrey Shannon, *Ninth Report of the Special Rapporteur on Child Protection* (DCYA 2016) 130.

615 *ibid* 156.

616 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography A/RES/54/263 of 25 May 2000.

617 EU Council Directive (EC) 92/EU on Combatting the Sexual Abuse and Sexual Exploitation of Children and Child Pornography [2011] OJ L 335 of 17.12.2011 Art 8(1).

618 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 39.

619 UNCRC, 'General Comment No. 13 on the right of the child to freedom from all forms of violence' (2011) UN Doc CRC/C/CG13 para 52.

620 St Claire's in Temple Street and St Louise's in Crumlin.

621 CARI, 'Our Services' <<http://www.cari.ie/our-services/child-and-adolescent-therapy>> accessed 7 December 2017.

622 Communication received by the Children's Rights Alliance from CARI, 7 December 2017.

623 These are: Cork SATU; Donegal SATU; Dublin SATU; Galway SATU; Mullingar SATU; Mid-West SATU; Waterford SATU.

624 These include the Rape Crisis Network and the Dublin Rape Crisis Centre.



In 2017 the Victims of Crime Office provided €1.712 million in funding for voluntary sector organisations to support victims of crime.⁶²⁸ This includes provision to expand the CARI accompaniment service which supports and provides advocacy to children and their families where there are prosecution proceedings.⁶²⁹ In addition, €2.671 million was allocated to Cosc, the National Office of the Prevention of Domestic, Sexual and Gender-based Violence.⁶³⁰

In a welcome move, a new 24/7 Child Sexual Abuse Reporting Line was launched by An Garda Síochána in March 2017 to take calls and complaints relating to current and historical child sex abuse. The line will be staffed by trained listeners.⁶³¹

The failure to provide services for children across the country, and the long waiting lists to access services where they do exist, is an infringement of the child's right, under the UN Convention of the Rights of the Child, to access supports.⁶²⁵ A specific strategy should be put in place for the prevention of sexual violence against children and for the provision of comprehensive services for those who have been victims of such violence. This strategy should include a plan for the development of specialist services to assess and treat child victims of sexual violence either independently of, or within, the services for over 14s, with staffing by trained professional who are able to respond to the particular needs of child victims. In this context, the announcement by the Minister for Children and Youth Affairs, Katherine Zappone TD, in December 2017 that she intends to introduce specialist centres for child victims of abuse is welcome.⁶²⁶ The proposed model aims to put in place multi-disciplinary teams of Gardaí, social workers, health professionals and lawyers who will work together in the same location.⁶²⁷

625 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 39.

626 Harry McGee, 'Zappone to open specialist child support centres', *The Irish Times*, 28 December 2017.

627 *ibid.*

628 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 1 December 2017.

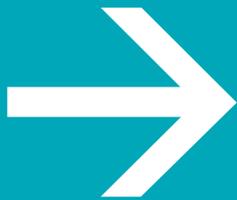
629 Communication received by the Children's Rights Alliance from CARI, 7 December 2017.

630 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 1 December 2017.

631 Conor Lally, 'Garda helpline offers "trained listeners" for sex abuse victims', *The Irish Times*, 2 March 2017.

Child Victims of Crime

Immediate Actions for 2018



RATIFY THE OPTIONAL PROTOCOL TO THE UN CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY AS A PRIORITY.

Following the enactment of the Criminal Justice (Victims of Crime) Act 2017, Irish law is broadly in compliance with the Second Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; Ireland should therefore ratify the Optional Protocol without further delay.

DEVELOP A DEDICATED STRATEGY FOR THE PREVENTION OF SEXUAL VIOLENCE AGAINST CHILDREN AND FOR THE PROVISION OF TREATMENT SERVICES FOR CHILDREN WHO HAVE BEEN VICTIMS OF SUCH VIOLENCE.

A dedicated strategy should be put in place to prevent and respond to sexual violence against children. This strategy should include a plan for the development of specialist assessment and treatment services for children and young people who experience sexual violence.