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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

Chapter Grade:

B-

4.1 Guardian *ad Litem* Service

Section Grade:

C+

⊕ 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: Some**

'Guardian *ad litem* Service' receives a 'C+' grade in *Report Card 2020*, the same grade as last year. The Child Care (Amendment) Bill 2019, providing updated and expanded legislation in relation to the Guardian *ad litem* (GAL) service, concluded its Committee Stage in October 2019 but lapsed with the dissolution of the 32nd Dáil. Completing reform in this area should be a priority for the legislative programme of the 33rd Dáil. There was progress made towards the establishment of a new Executive Office to house the GAL service, to be located under the Department of Children and Youth Affairs but independent of Tusla, the Child and Family Agency. Further reform and enhanced services are needed to ensure that the constitutional right of the child to have his or her views heard is realised in both private and public law proceedings.

Every child has the right to have his or her views heard in any judicial proceedings that affect him or her. The views of the child should be given due weight in accordance with the age of the child and the child's maturity.⁵²⁴ 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 body⁵²⁵ such as a Guardian *ad litem* (GAL).⁵²⁶ Under Article 3 of the

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

525 *ibid* Art 12(2).

526 Section 26(1) of the Child Care Act 1991, as amended, provides that in childcare proceedings involving a child (for example, when instituting childcare proceedings or dealing with the accommodation and care of a child), if the court is satisfied

UN Convention on the Rights of the Child, 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, particularly when a decision is being made in proceedings to take a child into care.⁵²⁷

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.⁵²⁸ The representative must be aware that they represent the interests of the child exclusively and not the interests of other persons (for example, parents or guardians) or of institutions or bodies.⁵²⁹ 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'.⁵³⁰

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'.⁵³¹ 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.⁵³²

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'

that it is necessary in the interests of the child and in the interests of justice, to appoint a Guardian *ad litem* for the child then this should be done. Section 26(2) provides that the costs will be paid by the health board concerned. This now falls to Tusla which subsumed certain functions from the Health Service Executive following its establishment.

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

528 *ibid* para 36.

529 *ibid* para 37.

530 *ibid* para 36.

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

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

Who are the Guardians *ad Litem*?



31 Barnardos

22 individuals or small groups

16 TIGAL

5 operating from Northern Ireland

in child protection and care, adoption and family law proceedings, and for the views of the child to be 'ascertained and given due weight'.⁵³³ This constitutional provision therefore refers to two types of proceedings: (1) public law proceedings which deal with issues that are of direct concern to society and which govern relationships between individuals and the State, and (2) private law proceedings which relate to the adjudication of an issue between two private parties. The review of the GAL Service committed to in *A Programme for a Partnership Government* relates to public law proceedings only.

► Reform of the GAL Service:

Throughout 2019, there was ongoing work towards the reform of the GAL service for public law child care cases; this is welcome – such reform is long overdue. Law reform in this area has the potential to make a real impact to the lives of children and to advance the fulfilment of the constitutional right of the child to have his or her voice heard in child care proceedings. GALs have been appointed in public law cases since the commencement, in 1995,

533 Constitution of Ireland, Art 42A.4.

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.⁵³⁴ However, these appointments have been made in the absence of regulation: the role of the GAL remains undefined and their appointment is at the discretion of the judge, resulting in inconsistencies in access for a child to a GAL, with significant disparity in appointments between court districts within the State.⁵³⁵

Currently, there are 74 GALs operating in the State: 31 working with Barnardos' GAL service, 16 with TIGALA, The Independent Guardian *ad litem* Agency, 22 working as individuals or in a small group, and five GALs operating from Northern Ireland.⁵³⁶

Notwithstanding the range of difficulties associated with an unregulated service, GALs have played an important role in supporting the voice of the child in proceedings and in representing children's interests. For example, the GALs first consult with children and communicate to the Court the views of the child. They also generally provide reports to the judiciary on what is in the best interests of a child, following their direct consultation with the child. The GALs have also been playing other roles. For example, GALs have been able to cross-examine Tusla social workers during care proceedings which can help bring to the attention of the judge an issue of importance. GALs have also been able to seek directions or orders from the District Court under section 47 of the Child Care Act 1991 on any question affecting the welfare of a child. On occasion, GALs have initiated judicial review proceedings against the State on behalf of the child in order to contest a decision or action by Tusla. In short, practices which have emerged over time have meant that instead of being merely the subject of court hearings, children in child care proceedings have been able to participate directly in the proceeding, through their GAL. In some instances, children have been able to have their rights directly vindicated by their GAL.

► Child Care (Amendment) Bill 2019:

Following a period of pre-legislative scrutiny, the Child Care (Amendment) Bill 2019 was introduced in the Dáil in August 2019. The Bill passed the Committee Stage in October⁵³⁷ and was expected

to become law in 2020 but lapsed with the dissolution of the Dáil on 14 January 2020. The Bill aimed to provide a regulatory basis for a GAL service and address many of the challenges associated with the appointment of GALs to date.

Chapter three of the Bill provided for the authorisation of GALs, including powers given to the Minister for Children and Youth Affairs to make regulations relating to who can act as a GAL.⁵³⁸ The development of such regulations, which was to take place once the Bill became law, would serve to further shape the operation of the new GAL system.

Chapter two, section 35E(1), of the Bill set out the functions of a GAL. The first was, in so far as practicable, 'to ascertain any views expressed by the child in relation to the matters to which the proceedings relate'. The second function was 'to make recommendations to the court regarding what is in the best interests of the child'. Section 35E(6) provided that the court or any party to the proceedings may call a GAL as a witness. While section 35E(2) provided that the GAL should inform the court of any additional matters relevant to the best interests of the child, or that might have come to the knowledge of the GAL as a result of their function, significantly section 35E(9) stated that the GAL 'is not a party to the proceedings' which would limit the GAL's role and powers in proceedings. The Special Rapporteur on Child Protection, Dr Conor O'Mahony, has expressed concern about the implications of such provisions if they were to be enacted.⁵³⁹ He suggested that while the District Court might choose to take a flexible approach when it comes to the role of a GAL, the High Court was likely to take a much stricter approach, and would rule that a GAL was not permitted to engage in activities outside submitting a report and appearing as a witness.

Section 25 of the Child Care Act 1991 provides that the court may order a child to be joined as a party to a case where this is necessary and in the interests of the child and of justice to do so.⁵⁴⁰ While

<https://bit.ly/2UlcEHQ> accessed 12 February 2020.

538 *ibid* section 35L.

539 Conor O'Mahony, 'Article 42A.4: The Constitutional Obligation to Ascertain the Views of Children', Paper presented at the Legal Aid Board Annual Conference, Blackhall Place, Dublin, 25 September 2019 (unpublished, but cited with the author's permission).

540 Child Care Act 1991, s 25(1) provides: 'If in any proceedings under Part IV or VI the child to whom the proceedings relate is not already a party, the court may, where it is satisfied having regard to the age, understanding and wishes of the child and the circumstances of the case that it is necessary in the interests

534 Child Care Act 1991, s 26.

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

536 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 15 November 2019.

537 Child Care (Amendment) Bill 2019, as amended in the Select Committee on Children and Youth Affairs, 23 October 2019



GALs have played an important role in supporting the voice of the child in proceedings and in representing children's interests.

this section has been on the legislative books for many years, it is underused. As noted in *Report Card 2019*, consideration could be given to exploring how section 25 is being used in practice and its impact on children as part of the ongoing review of the Child Care Act 1991.⁵⁴¹ The GAL can play an important role in educating children about their rights, including highlighting the opportunity that section 25 provides for their direct participation in proceedings affecting them. However, reliance on section 25 requires a child to have the capacity to understand the relevance of its provisions and the Alliance is concerned that children without such capacity – for example, babies, toddlers, and children with learning difficulties – will be unable to exercise their rights under this section. This needs to be addressed.

► Appointment of a GAL:

Section 35B of the Child Care (Amendment) Bill 2019 provided that the court may appoint a GAL ‘of its own motion or on the application of any party’.⁵⁴² Under the Bill’s proposals, if a judge declined to appoint a GAL they would be required to provide reasons for their decision, and ‘where the court is satisfied that the child is capable of forming his or her own views in the proceedings, determine the means by which to facilitate the expression by the child of those views’.⁵⁴³ The Bill stipulated that the appointment of a GAL would be mandatory in cases where a child was subject to special care proceedings in the High Court⁵⁴⁴ or where a child was subject to an involuntary admission to an approved centre under section 25 of the Mental Health Act 2001.⁵⁴⁵

The Explanatory Memorandum to the Bill stated that section 35B created ‘a presumption in favour of appointment in proceedings before the District Court’. However, the Special Rapporteur on Child Protection, Dr Conor O’Mahony, was of the view that this section would not create a statutory presumption and would give the District Court as much discretion as is currently provided under section

of the child and in the interests of justice to do so, order that the child be joined as a party to, or shall have such of the rights of a party as may be specified by the court in, either the entirety of the proceedings or such issues in the proceedings as the court may direct. The making of any such order shall not require the intervention of a next friend in respect of the child.’

541 Government of Ireland, ‘Review of the Child Care Act 1991’ <<https://bit.ly/2SFmDLC>> accessed 9 December 2019.

542 Child Care (Amendment) Bill 2019, at section 35B(3).

543 *ibid* section 35B(5).

544 *ibid* section 35B.

545 *ibid* section 8.

26 of the 1991 Act.⁵⁴⁶ This could result in judges who routinely do not appoint GALs continuing such practice after the proposed legislation was in place.

► Independence of the GAL Service:

The Department of Children and Youth Affairs (DCYA) is currently in the process of establishing a new national GAL service independent of Tusla, a body that is party to child care cases.⁵⁴⁷ This move was previously welcomed by the Children’s Rights Alliance in *Report Card 2017*. The Ombudsman for Children⁵⁴⁸ and the Comptroller and Auditor General⁵⁴⁹ had likewise urged such a change. A project team to prepare for the establishment of the Guardian *ad litem* Executive Office was set up in 2018 with a programme manager appointed in July 2019. Budget 2020 provided €2.8 million in ‘seed capital’ for the Executive Office. Information from the DCYA indicates that it is intended that the office will be in operation by January 2021.⁵⁵⁰

► Completing Reform of GAL Legislation:

The impetus towards putting in place long overdue legislation to define the powers and functions of GALs must not be lost as a result of the lapsing of the Child Care (Amendment) Bill 2019 following the dissolution of the 32nd Dáil. The need now to introduce a new Bill provides an opportunity to address the concerns raised about some of the provisions of the 2019 Bill. It is vital that the legislative programme of the 33rd Dáil gives priority to finalising legal reform in this area.

546 Conor O’Mahony, ‘Article 42A.4: The Constitutional Obligation to Ascertain the Views of Children’, Paper presented at the Legal Aid Board Annual Conference, Blackhall Place, Dublin, 25 September 2019 (unpublished, but cited with the author’s permission).

547 Department of Children and Youth Affairs, ‘Minister Zappone announces €2.8m for reform of the Guardian *ad litem* service’, Press Release October 2019 <<http://bit.ly/2N0DrKR>> accessed 12 February 2020.

548 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.

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

550 Communication received by the Children’s Rights Alliance from the Department of Children and Youth Affairs, 11 November 2019.

Guardian *ad Litem* Service Immediate Actions for 2020



Ensure that the reform of legislation in relation to Guardians *ad litem* is completed as early as possible in the life of the 33rd Dáil and that the new legislation gives effect to the constitutional right of the child to be heard.



Provide for meaningful consultation with children and young people on proposed reforms in relation to Guardians *ad litem* and on having their voice heard in court proceedings.



Carry out a review to determine how the rights of vulnerable children, including infants, non-verbal children, children with learning difficulties and children with behavioural difficulties, may be vindicated in court proceedings affecting them.



Ensure an efficient roll-out of the new Guardian *ad litem* Executive Office so that the Department of Children and Youth Affairs meets its 2021 deadline for the establishment of the office

4.2 Child Protection

Section Grade:

B

➔ 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: Steady**

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: Steady**

'Child Protection' receives a 'B' grade in *Report Card 2020*, the same as last year's grade. The Child Safeguarding Compliance Unit has led to improvements in compliance by organisations in regard to Child Safeguarding Statements. The Garda Vetting Bureau deals with a large volume of applications, processing the great majority within five days. In a welcome move, legislation was enacted to implement the EU Council Framework Decision on the exchange of criminal records information. Progress was made in implementing the Government's *Action Plan for Online Safety 2018–2019*.

Every child has the right to be protected from abuse, including sexual abuse and exploitation.⁵⁵¹ 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'.⁵⁵² 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 adequately resourced to enable it to respond to child protection referrals and to address the needs of children at risk in a timely manner.⁵⁵³ In addition, it recommended that long-term programmes for addressing the root causes of violence and abuse be implemented. In regard to protection from online

551 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Arts 19 and 34.

552 *ibid* Art 19 (1).

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

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' by adopting 'holistic strategies'.⁵⁵⁴ The Committee has also highlighted States' obligations 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'.⁵⁵⁵

► Child Safeguarding Statements:

A *Programme for a Partnership Government* commits to implementing Child Safeguarding Statements as part of the Children First Act 2015. *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* commits to giving effect to *Children First: National Guidance for the Protection and Welfare of Children* in full, including legislating for elements of the guidance, actioning sectoral plans, associated training and ensuring vetting requirements are met.⁵⁵⁶ The Children First Act 2015, which has been fully commenced, provides that every organisation providing a 'relevant service' to children and young people⁵⁵⁷ must prepare a Child Safeguarding Statement, setting out the organisation's procedures to manage and reduce risk for children availing of its services.⁵⁵⁸

Sections 12 and 13 of the Children First Act make provision for Tusla to establish and maintain a register of non-compliance by providers of relevant services who fail to provide a copy of their Child Safeguarding Statement to Tusla when requested to do so. To support implementation of this provision, in March 2018, Tusla established a new Child Safeguarding Statement Compliance Unit⁵⁵⁹ to monitor compliance of Safeguarding Statements submitted voluntarily

by providers referred to it by a regulatory authority or following receipt of unsolicited information.⁵⁶⁰ The Unit reported that in 2019 just under five per cent of Child Safeguarding Statements were fully compliant when initially submitted, meaning that the vast majority were in the non-compliant category.⁵⁶¹ After corrective action was taken, 87 per cent of Child Safeguarding Statements were found to be compliant while one per cent related to services that had closed and the remaining 12 per cent continued to be non-compliant.⁵⁶²

As the Compliance Unit has become embedded, and awareness and understanding of the obligation on providers of relevant services to have a Child Safeguarding Statement in place has increased, there has been a significant increase in the number of statements submitted. Thus, while in 2018 the Unit received 65 safeguarding statements, in 2019 (up to mid-November) it had received and reviewed 647 statements, an increase of nearly 900 per cent.⁵⁶³ It is anticipated that the number of statements submitted will continue to increase in 2020 as awareness of the Unit grows.

In line with the provisions in the Children First Act, where an organisation is found to be non-compliant in terms of its Child Safeguarding Statement this information is published on the Tusla website in a register; the public nature of this register is very welcome.⁵⁶⁴ In addition to dealing with compliance, the Unit supports organisations with the safeguarding statement process by providing information and feedback.

► Vetting:

A *Programme for a Partnership Government* commits to enforcing robust and efficient vetting procedures for all positions conducting relevant work or activities with children as defined in the Act. *Better Outcomes, Brighter Futures* commits to 'ensuring vetting requirements are met'.⁵⁶⁵ The National

554 UNCRRC, 'Report of the 2014 General Day of Discussion, Digital Media and Children's Rights' (OHCHR, 2014) para 105.

555 *ibid* para 102.

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

557 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.

558 Children First Act 2015, s11.

559 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Written Answers, Child Protection, 25 September 2018 [38432/18].

560 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 9 January 2019.

561 Communication received by the Children's Rights Alliance from Tusla, 15 November 2019.

562 *ibid*.

563 *ibid*.

564 Tusla 'Register of Non-Compliance with Child Safeguarding Statement requirements (s.11 of Children First Act 2015)' <<http://bit.ly/305jckr>> accessed 12 February 2020.

565 Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020*



Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016 provide for the establishment of procedures in respect of persons who wish to undertake certain work or activities relating to children or vulnerable persons, or provide certain services to children or vulnerable persons. The Acts were commenced on 29 April 2016, with the exception of Section 20 which provides for a re-vetting of people involved in relevant work or activities.⁵⁶⁶

The National Vetting Bureau is led by the Chief Bureau Officer who is a Superintendent. There are also five Sergeants and as of 30 September 2019 there were 145 Garda staff working in the Bureau.⁵⁶⁷ The Bureau received 520,690 vetting applications in 2018 and 491,191 in 2019.⁵⁶⁸ The vast majority of vetting is carried out through the eVetting system; this is described by An Garda Síochána as having been ‘central in transforming

the application process, making it more efficient, effective and reliable.’⁵⁶⁹ At the end of 2019, 85 per cent of applications through the eVetting system were processed within five working days, the same figure as recorded in *Report Card 2019*.⁵⁷⁰

Previous editions of the *Report Card* series highlighted the fact that there was no provision for the National Vetting Bureau to seek information from police authorities abroad when a vetting applicant had spent time living outside Ireland. A welcome development in 2019 was the enactment of the Criminal Records (Exchange of Information) Act 2019.⁵⁷¹ This legislation gives effect to the EU Council Framework Decision 2009/315/JHA of 26 February 2009 on the exchange of criminal records information.⁵⁷² The new legislation does not provide any additional powers to the Garda Vetting Bureau; however, it does codify

(Stationery Office 2014) Commitment 3.6.

566 With the exception of section 20, which relates to re-vetting, the Act was commenced by the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (Commencement) Order 2016, SI 214 of 2016 (Stationery Office 2016). A number of amendments were made by the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016.

567 Minister for Justice and Equality, Charlie Flanagan TD, Written Answers, Garda Vetting Personnel, 5 November 2019 [45387/19].

568 Garda National Vetting Bureau, ‘Garda Vetting Statistics’ <<http://bit.ly/2TIRZtx>> accessed 12 February 2020.

569 An Garda Síochána, ‘Gardaí advise organisations about need for vetting compliance’ (May 2019) <<http://bit.ly/2Ncn8ed>> accessed 12 February 2020.

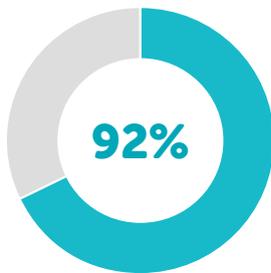
570 Communication received by the Children’s Rights Alliance from the Garda Vetting Bureau, 6 December 2019.

571 The Criminal Records (Exchange of Information) Act 2019 was signed into law on 26 December 2019.

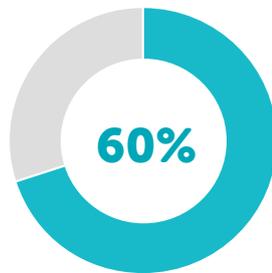
572 Council of the European Union, ‘Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the exchange of information extracted from the criminal record between Member States’ 2009/315/JHA (Council of the European Union 2019).

Source: CyberSafe Ireland Annual Report 2018

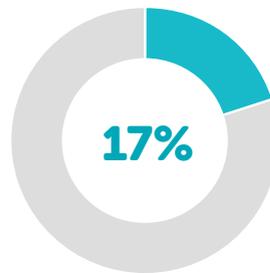
CyberSafe Ireland reported that of the 3,867 children it surveyed:



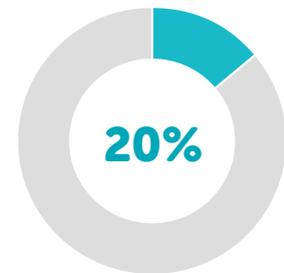
8 - 13 year olds who owned a smart device



Used social media and messaging apps



Online two to four hours daily



of 8 - 10 year olds are in contact with a stranger every day

● Percentage of children

procedures relevant to the exchange of criminal records information and should make the vetting system more efficient and consistent when dealing with information held by other EU jurisdictions.

► Online Protection:

While, undoubtedly, the internet has significant positive impacts both for children and wider society, for too long legislation and policy have not kept pace with the evolution of the online world. This has left children at risk and unprepared to appropriately navigate online platforms. *Better Outcomes, Brighter Futures* commits to supporting efforts to limit children's exposure to age-inappropriate material on the internet.⁵⁷³ It also commits to supporting 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.⁵⁷⁴

There were a number of welcome developments in the last two years that will help towards ensuring children are better protected online. The enactment of the landmark Criminal Law (Sexual Offences)

Act 2017 in February 2017 closed some significant legislative gaps and loopholes in regard to online sexual offences against children. For example, the Act created a new offence relating to viewing online child sexual abuse material and, in order to address issues such as grooming and solicitation online, created an offence of sexual exploitation using ICT.

The Council of Europe published a Recommendation, *Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment*, in 2018.⁵⁷⁵ A key proposal of these Guidelines is that, in relation to the processing of children's personal data, States should require relevant stakeholders to implement safety by design, privacy by design and privacy by default measures, taking into account the best interests of the child.⁵⁷⁶ Legislating to incorporate these principles would help ensure that, from the planning stages of technology development onward, children are protected.

The Data Protection Act 2018 was enacted to comply with the EU General Data Protection Regulation which came into force on 25 May

⁵⁷³ Department of Children and Youth Affairs, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (Stationery Office 2014) Commitment 3.8.

⁵⁷⁴ *ibid* Commitment 3.13.

⁵⁷⁵ Council of Europe, *Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment*, Recommendation CM/Rec (2018) 7 of the Committee of Ministers (Council of Europe 2018).

⁵⁷⁶ *ibid* Principle 53.

2018. The Act sets the age of digital consent at 16 years, meaning that children under the age of 16 must have the consent of their parent or guardian in order to access certain online services.⁵⁷⁷

The *Action Plan for Online Safety 2018–2019*⁵⁷⁸ published in July 2018, covers an 18-month period to the end of 2019, and is a cross-government initiative involving six departments: Communications, Climate Action and Environment; Education and Skills; Justice and Equality; Children and Youth Affairs; Health, and Business Enterprise and Innovation.⁵⁷⁹ It is overseen at the political level by a Cabinet Committee chaired by the Taoiseach and work is carried out by a cross-departmental Sponsors Group chaired by the Department of Education and Skills. Among the positive features of the Action Plan are its commitments to consult with children and young people and to introduce legislation to create new criminal offences where gaps exist. In September 2018, as part of the Action Plan, a National Advisory Council for Online Safety (NACOS) was established to provide advice to Government on online safety policy issues. The Council's membership includes non-governmental, industry, and academic stakeholders.⁵⁸⁰

The Plan committed to 25 specific actions with 48 constituent actions. By October 2019, 42 constituent actions, linked to 23 specific actions, had been delivered, with 'significant' progress made in relation to the remainder.⁵⁸¹ A follow-on Action Plan is being considered by the Sponsors Group and is expected to be published in early 2020.⁵⁸²

► Online Safety Bill 2019:

Following a commitment made in March 2019 by the Minister for Communications, Climate Action and Environment, Richard Bruton TD, the General Scheme of the Online Safety and Media Communications Bill 2019 was published in January 2020.⁵⁸³ The Scheme indicates that provision will be made for the creation of a new office of an Online Safety Commissioner, which will be part of a broader Media Commission replacing the Broadcasting Authority of Ireland.⁵⁸⁴ However, it appears that the proposals as published would not provide the full legal basis for an Online Safety Commissioner.⁵⁸⁵ This Bill lapsed with the dissolution of the Dáil in January 2020. It is vital that all future legislative proposals in regard to online safety are scrutinised in terms of their compliance with the core children's rights principles in this area as outlined by the UN Committee on the Rights of the Child⁵⁸⁶ and in the Council of Europe Recommendation, *Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment*.⁵⁸⁷

577 European Parliament and Council of the European Union, *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 8.

578 Government of Ireland, *Action Plan for Online Safety 2018–2019* (Government of Ireland 2018).

579 MerrionStreet.ie, Irish Government's News Service, 'Taoiseach launches Government's Action Plan for Online Safety', 11 July 2018 <<http://bit.ly/2tG6Hjk>> accessed 12 February 2020.

580 Department of Communications, Climate Action and Environment, 'The National Advisory Council for Online Safety (NACOS)' <<http://bit.ly/2T9rJBM>> accessed 12 February 2020.

581 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 6 December 2019. The First Progress Report on the implementation of the Action Plan was published in February 2019 – see Government of Ireland, *Action Plan for Online Safety 2018–2019: 2018 Progress Report* (Government of Ireland 2019).

582 Communication received by the Children's Rights Alliance from the Department of Education and Skills, 6 December 2019.

583 Department of Communication, Climate Action and Environment, General Scheme of the Online Safety & Media Regulation Bill 2019 <<https://bit.ly/2UHvLX>>, accessed 10 February 2020.

584 Department of Communications and Environment 'General Scheme Online Safety Media Regulation Bill 2019' <<https://bit.ly/3bGbJOq>> accessed on 12 February 2020.

585 Eoin O'Dell, 'Cearta Blog', January 2020 <<https://bit.ly/37fVYKp>> accessed 21 January 2020.

586 UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 19 (1); UNCRC, 'Report of the 2014 General Day of Discussion, Digital Media and Children's Rights' (OHCHR, 2014) <<http://bit.ly/2TfIcel>> accessed 6 January 2020, para 105.

587 Council of Europe, *Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment*, Recommendation CM/Rec (2018)7 of the Committee of Ministers (Council of Europe 2018).

Child Protection

Immediate Actions for 2020



Publish a new Bill providing for the establishment of an office of Online Safety Commissioner.



Make digital rights and online safety central to the next national strategy for children and young people which is due to be published in 2021.

The *Action Plan for Online Safety 2018–2019* was for eighteen months duration and this period has now ended. It is important to maintain the commitment to addressing the issues with which the Action Plan is concerned and to develop a new plan setting out the Government's approach to online safety. The next national strategy for children and young people would be an appropriate vehicle through which to address this issue.

4.3 Child Victims of Crime

Section Grade:

B-

➔ 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 the Garda Victims Services Offices, which provide a single point of contact in accessing support and information.

▶ **Progress: Steady**

'Child Victims of Crime' receives a 'B-' grade in *Report Card 2020*, the same as last year's grade. This grade reflects ongoing practice improvements in the support of child victims and the opening of the Barnahus, Onehouse Galway, pilot project providing services and supports for child victims of sexual abuse under one roof. More is needed, however. In particular, Ireland needs to ratify without further delay the **Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography**. In addition, a commitment to provide adequate regional services for child victims is essential. A specific strategy should be adopted aimed at prevention of sexual violence against children and for the provision of comprehensive services for those who have been victims of such violence.

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'.⁵⁸⁸ Such recovery and reintegration should take place in an environment that 'fosters the health, self-respect and dignity of the child'.⁵⁸⁹ Ireland continues to be the only European Union (EU) 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

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

589 *ibid* Art 39.

Prostitution and Child Pornography.⁵⁹⁰ 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.⁵⁹¹ Child victims must be informed of their rights and role within proceedings, and they should be provided with information regarding the timing and progress of proceedings.⁵⁹² Unnecessary delays in processing their cases should be avoided.⁵⁹³ The Second Optional Protocol to the UN Convention on the Rights of the Child also provides that the best interests of the child shall be a primary consideration in the criminal justice system's treatment of child victims.⁵⁹⁴

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'.⁵⁹⁵ It also commits to reforming 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.⁵⁹⁶ In 2016, the UN Committee on the Rights of the Child recommended that the State provide redress and rehabilitation to victims of domestic violence.⁵⁹⁷

► Criminal Justice (Victims of Crime) Act 2017:

The Criminal Justice (Victims of Crime) Act 2017 was signed into law in November 2017.⁵⁹⁸ This legislation transposes into Irish law the 2012 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'.⁵⁹⁹

The Directive also requires that officials coming into contact with victims have appropriate training and that EU Member States take 'appropriate action to facilitate cooperation between Member States to improve the access of victims to the rights set out in this Directive and under national law'.⁶⁰⁰

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 sets down 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.⁶⁰¹ The Act also provides for a wide definition of the types of offences for which victim impact statements will be heard.⁶⁰² The 2017 legislation was broadly welcomed, but it has been recommended that supports are strengthened under the Act – for example, in relation to the provision of information to (non-accused) parents of child victims.⁶⁰³

The publication by the Department of Justice and Equality in 2019 of a review of evidence-based data on the interactions of victims with the criminal justice system is a welcome step in informing practice in light of the legislative changes.⁶⁰⁴ The aim of the report was to provide policy makers and other stakeholders with a deeper understanding of victim interactions with the criminal justice system and an evidence base that can be used to enhance victims' experiences within the criminal justice system.⁶⁰⁵

The Department of Justice and Equality is now at an advanced stage in production of a new Victims Charter, reflecting the position following enactment of the 2017 Act. The draft Charter sets out, in a clear and accessible way, the services available to victims of crime from criminal justice agencies as well as other services, including the Crime Victims Helpline.

The draft Victims Charter has been prepared by the Department in collaboration with the relevant agencies and services. To ensure that it as fully as

590 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.

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

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

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

594 *ibid* Art 8(3).

595 DCYA, *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014–2020* (Stationery Office 2014) Commitment 3.10.

596 *ibid* Commitments 3.13, 3.14 and 3.15.

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

598 Most provisions of the Act commenced on 27 November 2017, with remaining sections commenced on 30 May 2018.

599 European Commission, 'Victims' Rights' <<http://bit.ly/2tLj0B>> accessed 12 February 2020. See also: EU Council Directive (EC) 29/EU establishing minimum standards on the rights, support and

protection of victims of crime [2012] OJ L 315/57 of 14.11.2012.

600 EU Council Directive (EC) 29/EU establishing minimum standards on the rights, support and protection of victims of crime [2012] OJ L 315/57 of 14.11.2012, Article 25 and Article 26.

601 Criminal Justice (Victims of Crime) Act 2017 ss 7–8.

602 *ibid* s 31.

603 Professor Geoffrey Shannon, *Eleventh Report of the Special Rapporteur on Child Protection* (DCYA 2018) 249.

604 See Deirdre Healy, *Exploring Victims' Interactions with the Criminal Justice System: A Literature Review* (DoJE 2019).

605 *ibid*.

possible meets the needs of victims, it has also been the subject of a formal consultation, facilitated by the University of Limerick, with stakeholders in the sector. The text is now being finalised and will be published as soon as possible.⁶⁰⁶

Following the enactment of the 2017 Act, 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.⁶⁰⁷ However, as noted, Ireland as not yet ratified the Protocol despite the Minister for the Children and Youth Affairs, Dr Katherine Zappone TD, affirming in early January 2019 the Government's commitment to move quickly towards doing so.⁶⁰⁸ There should be no further delay in Ireland's ratification of this Protocol.

Positive practice developments in 2019 include the extension to all victims under 18 years of age of the facility of recording statements they make to the Gardaí.⁶⁰⁹ This creates a possibility that such statements could replace live witness evidence under section 16 of the Criminal Evidence Act 1992. In relation to An Garda Sochána practice, Garda Victim Support Offices are now open in all Garda Divisions, and 15 Garda Divisional Protective Service Units have been rolled out as of December 2019,⁶¹⁰ although concern remains about the speed of progress and about overall resource levels.⁶¹¹ Trauma-informed skills training for lawyers working with children is now being provided by the Law Society of Ireland as part of CPD (Continuous Professional Development). At the policy level, a review of current mechanisms for the protection of vulnerable witnesses is being undertaken by the Review Group on the Investigation and Prosecution of Sexual Offences, which was

established in autumn 2018.⁶¹² This review process is an important opportunity to inform policy and practice in this area and the report is nearing completion and is expected to be published in the coming weeks.⁶¹³

► Victim Support Services:

A key provision of the EU Directive on victims' rights 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'.⁶¹⁴ Arising from its ratification of the UN Convention on the Rights of the Child, Ireland has an obligation to 'take all appropriate measures' to promote the recovery of child victims.⁶¹⁵ 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.⁶¹⁶

During a visit to Ireland in May 2018, the UN Special Rapporteur on the Sale and Sexual Exploitation of Children, Maud de Boer-Buquicchio, was critical of the absence in Ireland of a dedicated national strategy to prevent and respond to sexual violence against children.⁶¹⁷ Furthermore, she highlighted the lack of national data on reported incidents of child abuse, noting that such data is necessary for policy development, and she drew attention to the need for further development of care services around the country.⁶¹⁸

The 24/7 Child Sexual Abuse Reporting Line launched by An Garda Síochána in 2017 received a total of 97 calls in 2019 compared with 71 in 2018. In 2019, the Victims of Crime Office provided €1.9 million in

606 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 11 February 2020.

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

608 Department of Children and Youth Affairs, 'Ireland joining international stand against sale of children, child pornography and child prostitution; Minister Zappone says all legal requirements now in place' (DCYA 2 January 2019) <<http://bit.ly/2QVN9zA>> accessed 12 February 2020.

609 Communication received by the Children's Rights Alliance from the Rape Crisis Network Ireland, 11 November 2019.

610 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 11 February 2020.

611 Communication received by the Children's Rights Alliance from Safe Ireland, 8 November 2019. See also: Cormac O'Keefe, 'Staffing Problems hitting key Garda units', *Irish Examiner*, 6 September 2019.

612 Department of Justice and Equality, 'Minister Flanagan publishes Terms of Reference for review of the investigation and prosecution of sexual offences', Press Release, 7 September 2018 <<https://bit.ly/37kPrOw>> accessed 12 February 2020.

613 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 11 February 2020.

614 EU Council Directive (EC) 29/EU establishing minimum standards on the rights, support and protection of victims of crime [2012] OJ L 315/57 of 14.11.2012 Article 8 (1).

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

616 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.

617 UN Special Rapporteur, 'End of mission statement of the UN Special Rapporteur on the sale and sexual exploitation of children, Maud de Boer-Buquicchio, on her visit to Ireland', 21 May 2018 <<https://bit.ly/2APog1d>> accessed 12 February 2020.

618 *ibid.*

funding for voluntary sector organisations to support victims of crime.⁶¹⁹ In addition, €25.3 million was allocated to Tusla in 2019 to support domestic and sexual violence sector organisations. The National Office for the Prevention of Domestic, Sexual and Gender-based Violence, Cosc, no longer exists but specialist teams within the Department of Justice and Equality now focus on specific functions relating to domestic, sexual and gender-based violence.⁶²⁰ This change is as a result of a transformation programme in the Department of Justice and Equality to improve its overall effectiveness.⁶²¹

The availability of assessment and treatment services for children and young people under the age of 14 who have been subjected to abuse remains 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;⁶²² one 24-hour state medical forensic service, located in Galway, providing forensic examinations,⁶²³ and two specialist therapy services, provided by CARI, in Limerick and Dublin.⁶²⁴ Children have to travel long distances to access assessment and treatment services. This can 'compound the harm imposed on child victims' and increase the risk of forensic evidence of crimes against children being compromised.⁶²⁵ Where services do exist, child victims face significant delays in accessing counselling support, and this problem is deepening as increasing numbers of young people seek access to services. In its Annual Report for 2018, CARI noted a 'significant increase' in the number of children being referred to its services for 'sexually harmful behaviour'.⁶²⁶ For survivors aged 14 years and upwards, there are effectively seven sexual assault treatment units across the country providing specialist care⁶²⁷ and victims

also have access to a range of specialist voluntary and statutory therapy services.⁶²⁸ However, as the UN Special Rapporteur on the Sale and Sexual Exploitation of Children pointed out following her 2018 visit to Ireland, specialised and local counselling services are not guaranteed to child victims of sexual violence⁶²⁹ and medium- to long-term tailored specialised therapeutic services and supports for older children aged 12–18 years of age are required.

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 could 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 professionals who are able to respond to the particular needs of child victims. The launch in September 2019 of the inter-agency Barnahus, Onehouse pilot project, based at the Institute for Lifecourse and Society NUI Galway, is a very positive development.⁶³⁰ *Report Card 2017* recommended that the possibility of establishing such a service should be explored.⁶³¹ The project involves a multi-disciplinary team of Gardaí, social workers, health professionals and lawyers working together in one location, to carry out interviews and assessments where there are concerns that a child has been sexually abused.⁶³²

► Domestic Violence Act 2018:

The Domestic Violence Act 2018 was commenced on 1 January 2019.⁶³³ It includes specific provisions relating to children, such as protection from cross-examination by the applicant or respondent in the course of an application for a domestic violence order.⁶³⁴ An important and welcome feature of the

619 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 11 February 2020.

620 *ibid.*

621 *ibid.*

622 St Clare's Unit at Children's Health Ireland (CHI) Temple Street and St Louise's Unit at Children's Health Ireland (CHI), Crumlin.

623 Child and Adolescent Sexual Assault Treatment Services (CASATS), Galway.

624 CARI, 'Our Services' <<http://bit.ly/2Qrq88h>> accessed 12 February 2020.

625 UN Special Rapporteur 'End of mission statement of the UN Special Rapporteur on the sale and sexual exploitation of children, Maud de Boer-Buquicchio, on her visit to Ireland', 21 May 2018 <<https://bit.ly/2APog1d>> accessed 12 February 2020.

626 CARI, *Annual Report 2018* (CARI 2019) 18.

627 These are: Cork SATU; Donegal SATU; Dublin SATU; Galway SATU; Mullingar SATU; Mid-West SATU; Waterford SATU. Adult Sexual Assault Treatment Units and most Rape Crisis Centres nationwide see child victims over the age of 14.

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

629 UN Special Rapporteur 'End of mission statement of the UN Special Rapporteur on the sale and sexual exploitation of children, Maud de Boer-Buquicchio, on her visit to Ireland', 21 May 2018 <<https://bit.ly/2APog1d>> accessed 12 February 2020.

630 'Centre for children suspected of suffering sexual abuse opens in Galway', *TheJournal.ie*, 16 September 2019, accessed 9 December 2019.

631 Children's Rights Alliance, *Report Card 2017*, (CRA 2018) 104.

632 Government of Ireland, 'One House' model to ease trauma for children who have been sexually abused: Ministers announce pilot project for Galway', Press Release, 30 October 2019 <<https://bit.ly/37gqnZa>> accessed 12 February 2020.

633 Domestic Violence Act 2018 (Commencement) Order 2018 SI No. 532 of 2018 (Stationery Office 2018), s2.

634 *ibid* s16.

Act is its provision that a judge may, taking account of the age and maturity of a child, ascertain their views where an order is sought on their behalf, or may appoint an expert to obtain their views.⁶³⁵

Although the Act directs the Court Service to provide an applicant with information and contact details in relation to support services for victims of domestic violence,⁶³⁶ it does not require that information be provided on child-specific services, such as counselling, for children who experience domestic violence. Neither does it make provision to allow children to make court applications in their own right, which means they must rely on a parent to do this.⁶³⁷ The Act creates a new offence of coercive control (section 39). It is essential that adequate training is provided for judges, Gardaí, social workers and lawyers regarding the nature and impact of this form of abuse.⁶³⁸

A welcome development in 2019 was Ireland's ratification, in March, of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, commonly known as the Istanbul Convention.⁶³⁹ Ireland signed this Convention in 2015 but ratification had to await the completion of a number of legislative reforms, including the commencement of the Domestic Violence Act 2018, and administrative actions such as the training of public sector officials in understanding domestic violence issues.⁶⁴⁰

The Convention recognises that 'children are victims of domestic violence, including as witnesses to violence in the family'.⁶⁴¹ It draws attention to the need to raise awareness of the consequences of domestic violence for children and it requires that legal and policy responses to such violence take account of the rights of children who may be affected.⁶⁴²

635 *ibid* s27.

636 *ibid* s28.

637 Professor Geoffrey Shannon, *Eleventh Report of the Special Rapporteur on Child Protection* (DCYA 2018) 265–66.

638 Communication received by the Children's Rights Alliance from Safe Ireland, 2 December 2019.

639 Council of Europe, *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) 2011 <<https://bit.ly/2OOF7YP>> accessed 12 February 2020.

640 Department of Justice and Equality. 'Minister Flanagan announces ratification of the Istanbul Convention by Ireland on International Women's Day, Press Release, 8 March 2019 <<https://bit.ly/2vp7Tsb>> accessed 12 February 2020.

641 Council of Europe, *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention), 2011, Preamble.

642 Arising from ratification of the Istanbul Convention, Ireland will be open to international monitoring of its progress in preventing and responding to domestic violence against women; this monitoring is undertaken by an independent monitoring body, GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence).

Child Victims of Crime

Immediate Actions for 2020



Ratify the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Pornography and Child Prostitution.

While the commitment given in January 2019 to ratify the Optional Protocol is welcome this has not yet been put into effect. Ratification of the Protocol should be prioritised in 2020.



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. Such a strategy could include a plan for the development of specialist assessment and treatment services for children and young people who experience sexual violence. Medium- to long-term planning for tailored services for older children and a plan to eliminate waiting lists for long-term specialist counselling for child victims of sexual violence would be an important part of a strategy. Data must be collected at the national level on reported incidents of child abuse; this data should be published and also referenced in the development of the strategy.



Provide sufficient statutory funding to ensure adequate services for children and the effective implementation of the Istanbul Convention.

In order to ensure children receive the services they need in a timely manner, the government must ensure sufficient and sustainable funding. While new pilot projects are welcome, successful projects need to be guaranteed on a long-term basis, and where possible rolled out on a broader, national basis. In addition, in order to fully realise the recently ratified Istanbul Convention, resources, services, training, policies and awareness programmes are needed to ensure effective implementation.