

4

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-



ISPCC @ISPCCChildline

ISPCC welcomes significant advance in provision of child protection services with announcement that 'One House' model will be implemented in Ireland in 2019.

30 Oct 2018



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: Steady**

'Guardian *ad litem* Service' receives a 'C+' grade in *Report Card 2019*. This is the same grade as last year. Work continued in 2018 on the development of a new Child Care (Amendment) Bill to reform the current Guardian *ad litem* Service. It is expected to include provision for the new executive office under the Department of Children and Youth Affairs to house the GAL Service independently from Tusla, the Child and Family Agency. A new Bill is expected in 2019.

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.⁵¹⁵ 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 body⁵¹⁶ such as a Guardian *ad litem* (GAL).⁵¹⁷ 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,⁵¹⁸ particularly when a decision is being made in proceedings to take a child into care.⁵¹⁹

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

516 *ibid* Art 12(2).

517 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.

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

519 UNCRC 'General Comment No. 12 on the Right of the Child

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.⁵²⁰ 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).⁵²¹ 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'.⁵²²

In 2016, the UN Committee called on Ireland to take 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.⁵²³ 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.⁵²⁴

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'.⁵²⁵ This constitutional provision therefore refers to two types of proceedings: (1) public law proceedings – cases involving the State and families and (2) private law proceedings – cases between two private parties. The review of the GAL Service committed to in the Programme for Government relates to public law proceedings only.

to be heard' (2009) UN Doc CRC/C/GC/12 para 53.

520 *ibid* para 36.

521 *ibid* para 37.

522 *ibid* para 36.

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

524 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.

525 Constitution of Ireland, Art 42A.4.

Who are the Guardians *ad Litem*?



32
Barnardos

26
Individuals or
small groups

18
TIGAL

The Children and Family Relationships Act 2015 gives effect to Article 42A.4 in certain to private law proceedings.⁵²⁶ The Act provides that the Court can 'appoint an expert to determine and convey the child's views'.⁵²⁷ 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 Guardianship of Infants Act 1964 (Child's Views Expert) Regulations came into operation on 1 January 2019.⁵²⁸ The regulations specify the necessary qualifications and experience for Child's Views Experts as well as the fees and expenses that may be charged by such experts. The Regulations also define the minimum standards that a views expert must adhere to, this includes being

526 Guardianship of Infants Act 1964, s 3(1) (a)-(b), as inserted by Children and Family Relationships Act 2015, s 45.

527 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. Children and Family Relationships Act 2015 (Commencement of Certain Provisions) Order (SI No. 12/2016).

528 Communication from the Department of Justice and Equality, 4 January 2019, Guardianship of Infant Act 1964 (Child's Views Expert) Regulations 2018 (SI No.587/2018).

independent, facilitating the free expression of the views by the child and preparing an accurate report.⁵²⁹

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. The State should cover the cost of this service.⁵³⁰ 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. Dialogue on the potential coordination of arrangements between the services is ongoing between the Department of Justice and Equality, the Department of Children and Youth Affairs, and the Courts Service.⁵³¹

► Reform of the GAL Service:

The current process of reforming the GAL service is welcome, though long overdue. 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 his or her voice heard in child care proceedings. 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.⁵³² There are no professional standards or statutory guidance on the eligibility criteria, functions or payment structures for GALs.⁵³³ The role itself is not defined in legislation and the appointment of a GAL 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.⁵³⁴ Currently, there are 76 GALs operating in the State: 32 working with Barnardos,⁵³⁵ 18 with the Independent Guardian *Ad litem* Agency (TIGALA) and 26 GALs working as individuals or in a small group.⁵³⁶

The General Scheme to reform the GAL service was published in January 2017 following a consultation by the Department of Children and Youth Affairs to review the existing service in autumn 2015.⁵³⁷ The General Scheme underwent pre-legislative scrutiny in 2017 by the Joint Oireachtas Committee on Children and Youth Affairs. Subsequently, an updated General Scheme of the Child Care (Amendment) Bill was published in February 2018.⁵³⁸ The next iteration of the Bill is expected to be published by the end of February 2019.⁵³⁹ The General Scheme goes some way towards translating provisions of the Council of Europe's *Guidelines on Child Friendly Justice* into national law.⁵⁴⁰ This can be seen for example under Head 4 of the General Scheme which provides that the GAL ensure that the child is 'informed of matters relevant to the proceedings having regard to the child's age and maturity including an explanation of how the views of the child were considered' and 'that the child be informed of the outcome of proceedings in a language appropriate to their age and maturity'.⁵⁴¹ These provisions clearly reflect provisions of the Guidelines relating to information and advice.⁵⁴²

Statutory provision for the GAL to be appointed by the Court 'of its own motion or on the application of any party'⁵⁴³ under the General Scheme is intended to

529 Guardianship of Infant Act 1964 (Child's Views Expert) Regulations 2018 (SI No.587 of 2018) s 5.

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

531 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 4 January 2019

532 Child Care Act 1991, s 26.

533 See Prof 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).

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

535 Communication received by the Children's Rights Alliance from Barnardos, 2 January 2019.

536 Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 9 January 2019 and Barnardos, 2 January 2019.

537 Department of Children and Youth Affairs, 'Reform of Guardian *ad litem* arrangements in child care proceedings' <<http://bit.ly/2j1TZb>> accessed 15 December 2017.

538 General Scheme of the Child Care (Amendment) Bill 2018 <<https://bit.ly/2swluYM>> accessed 4 December 2018.

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

540 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice* (Council of Europe Publishing 2010).

541 General Scheme of the Child Care (Amendment) Bill 2018, s 4(2)(c) and (i).

542 Council of Europe, *Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice* (Council of Europe Publishing 2010) para IV(A)(1).

543 General Scheme of the Child Care

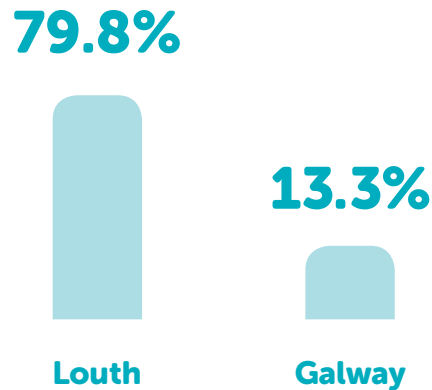
see the appointment of GALs as ‘the norm’ and this is a significant step in the right direction for children. Other positive amendments in the 2018 General Scheme included clarification on who can act as a GAL,⁵⁴⁴ the circumstances when a GAL may be appointed,⁵⁴⁵ and the ability of a child who is made a party to the proceedings under section 25 of the Child Care Act 1991 to have both a GAL and legal representation.⁵⁴⁶ Statutory recognition of the role of the GAL in making applications for reports relating to the welfare of children under section 47 of the Child Care Act 1991 is also an important inclusion.

► Independence of the GAL Service:

The Alliance welcomes the proposed establishment of a new Executive Office in the Department of Children and Youth Affairs to manage the GAL service which is intended to move to the Family Law Courts in the longer-term.⁵⁴⁷ This ensures that the service is financially independent of Tusla, the Child and Family Agency, a body that is party to child care cases. This move reflects a recommendation in *Report Card 2017* and the stated positions of the Ombudsman for Children⁵⁴⁸ and the Comptroller and Auditor General.⁵⁴⁹ The Department of Children and Youth Affairs has taken a number of steps to commence the development of the Executive in 2018 including the establishment of a project team and an internal steering committee.⁵⁵⁰

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 the right of children to have their voices heard in court is equally enforced in both child care and family law proceedings. Budget 2019 provided an additional €127 million in funding for the Department of Children and Youth Affairs which will allow for the establishment

GALs appointed to cases



The Child Care Law Reporting Project reported considerable variations in the appointment of a GAL to a case in different locations across the country.

of the Guardian *ad Litem* Executive Office.⁵⁵¹ The underpinning legislation and the development of the service are taking place in parallel with a view to having the service operational at the earliest opportunity upon enactment of the legislation.⁵⁵²

A consultation is to be held with children and young people who are or have been involved in child care proceedings to ensure that the views of young people are heard in the design of the new service.⁵⁵³ The consultation was being designed and children were being recruited to take part at the end of 2018.⁵⁵⁴

(Amendment) Bill 2018, Head 7(2).

544 *ibid* Head 6.

545 *ibid* Head 7.

546 *ibid* Head 7(12).

547 *ibid* Head 3; Communication received by the Children’s Rights Alliance from the Department of Children and Youth Affairs, 8 January 2018.

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, 10 January 2019.

551 Department of Children and Youth Affairs, ‘Budget 2019, DCYA Information Pack’ 10 October 2018 <<https://bit.ly/2TULCJG>> accessed 10 October 2018, 5.

552 Department of Children and Youth Affairs, ‘Reform of Guardian ad litem arrangements in child care proceedings’ <<https://bit.ly/2T0HuYy>> accessed 4 December 2018.

553 Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Written Answers, *Guardians Ad Litem*, 7 November 2018 [45936/18].

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

► Status of the GAL:

Head 4(1) of the General Scheme sets out the functions of a GAL as being two-fold: firstly to inform the court of the views expressed by the child and secondly to make recommendations to the court on what is in the child's best interests. The Scheme sets out that the GAL will participate in proceedings as a witness and not as a party.⁵⁵⁵ Cross-examination can play an important role in legal proceedings because, for example, it allows a GAL, through a lawyer, to challenge a decision by Tusla in the best interests of the child. However, under the General Scheme, as a witness and not a party, the GAL will have reduced powers to cross-examine and may only do so in limited circumstances.⁵⁵⁶ Statutory recognition of the role of the GAL in making applications for reports relating to the welfare of children under section 47 of the Child Care Act 1991 is an important inclusion in the General Scheme.⁵⁵⁷ However, as a witness and not, the GAL will not have the legal standing to make oral or written submissions in relation to the evidence or legal issues arising in the case at the conclusion of the hearing. Often such submissions can be critical in convincing a judge to make a particular order in the interests of the child.

In addition to the above, there are a number of technical and procedural areas in which the status of the GAL as a non-party could potentially impact the rights of the child. These include the inability to appeal an order of the District Court, even where they deem it to be in the child's best interests to do so or their inability to interject in order to object to, for example, hearsay evidence. 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 it is necessary and in the interests of the child and of justice to do so.⁵⁵⁸ While

this section has been on the legislative books for many years, it is underused. Previously if the child was made a party under section 25, they would not be permitted to retain their GAL but this has been amended under the 2018 Scheme to allow the child to keep the GAL in such circumstances.⁵⁵⁹ This is a positive development. 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 1991.⁵⁶⁰ The GAL can play an important role in educating children about their rights and highlighting the opportunity that section 25 provides for their direct participation in proceedings affecting them. However, greater exploration of how the views and wishes of children such as those with learning difficulties could be best ascertained and represented in proceedings, which have an impact on them is also necessary.

► Appointment of a GAL:

The General Scheme provides that the court may appoint a GAL 'of its own motion or on the application of any party'.⁵⁶¹ If a Judge declines to appoint a GAL then they must provide reasons for their decision in open court, and must state how they intend to hear the views of the child.⁵⁶²

Although it appears the intention behind the legislation is that it will be 'the norm' to appoint a GAL in Circuit Court and District Court child care proceedings,⁵⁶³ it is possible that by providing for judicial discretion within the draft legislation, regional disparities could continue. Between December 2012 and July 2015 GALs were appointed in only 53 per cent of cases attended by the Child Care Law Reporting Project with considerable variations in different locations across the country, ranging from a high of 79.8 per cent of children being appointed a GAL in Louth to a low of 13.3 per cent in Galway.⁵⁶⁴

555 General Scheme of the Child Care (Amendment) Bill 2018, Head 5.

556 *ibid* Head 4(3)(d) reads as follows: '(d) cross-examine only in the following circumstances: (i) where the Guardian *ad litem* intends to give evidence on a particular matter which may conflict or contradict the evidence being given by a party or witness, s/he shall put such evidence to the witness or party by way of cross-examination; and (ii) where a party or a witness to the proceedings gives evidence that impugns the conduct, reputation or good name of the Guardian *ad litem*, the Guardian *ad litem* shall be permitted to cross-examine the party or witness.'

557 *ibid* Head 15.

558 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 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.'

559 General Scheme of the Child Care (Amendment) Bill 2018 Head 7(12).

560 Department of Children and Youth Affairs, 'Review of the Child Care Act 1991' <<https://bit.ly/2G58Uc8>> accessed 28 January 2019.

561 *ibid* 7(2).

562 *ibid* Head 7(4).

563 *ibid* Explanatory Note, 27.

564 Carol Coulter, *Final Report* (Child Care Law Reporting Project 2015) 80.

Guardian *ad Litem* Service Immediate Actions for 2019



Meaningful consultation with children and young people on the reform of the Guardian *ad litem* service and having their voice heard in court proceedings is recommended.

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



Consider whether the new draft legislation on the reform of the Guardian *ad litem* service resolves the issue of giving effect to the constitutional right of all children to be heard and to ensure that every child is provided with an opportunity to directly participate and/or be represented.

In order to give effect to the constitutional right of the child to be heard, the legislation should ensure the child's right to be heard along with their rights to fair procedures and redress by providing that every child is represented by an effective advocate in child care proceedings. Ensure that no child is limited in their participation in proceedings compared to other children due to their age or vulnerability so that they do not have lesser rights than a child who is joined to the proceedings in their own right.



Consideration could be given to a joint approach in public and private law proceedings to hearing the views of the child.

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

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 2019*, the same as last year's grade. A unit to monitor compliance with Child Safeguarding Statements was established and there was improved processing of vetting applications. In a welcome move, the Government's *Action Plan for Online Safety* was published. For the first time, it brings government departments together on the issue of online safety, however, it relies on self-regulation of industry which could lead to inconsistent application of standards and inadequate remedies for non-compliance.

Every child has the right to be protected from abuse, including sexual abuse and exploitation.⁵⁶⁵ 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'.⁵⁶⁶ 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.⁵⁶⁷ In

565 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'.

566 *ibid* Art 19 (1).

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

addition, it recommended that long-term programmes for addressing the root causes of violence and abuse be implemented. On 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' by adopting 'holistic strategies'.⁵⁶⁸ The UN 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'.⁵⁶⁹

► 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 giving effect to the *Children First: National Guidance for the Protection and Welfare of Children*⁵⁷⁰ in full, including legislating for elements of the guidance, actioning sectoral plans, associated training and ensuring vetting requirements are met.⁵⁷¹ The Children First Act 2015, which has been fully commenced, provides that each service falling under its remit⁵⁷² must publish a Child Safeguarding Statement setting out the organisation's procedures to manage and reduce risk for children availing of its services.⁵⁷³ The Safeguarding Statement should also include a written risk assessment and specify risk management processes. Procedures to manage allegations against staff and to provide child protection information, as well as instruction and training for staff and

volunteers to enable them identify harmful incidents, must also be included.⁵⁷⁴ In March 2018, Tusla established a new Child Safeguarding Compliance Unit to monitor compliance⁵⁷⁵ of Statements provided voluntarily by providers referred to it by a regulatory authority or by means of unsolicited information.⁵⁷⁶ To date just 23 per cent of Statements were fully compliant and all organisations that were found to be non- or partially compliant are now compliant.⁵⁷⁷ Establishment of the Unit and its guidance and supportive model having led to full compliance to date is a step in the right direction. The Unit is a permanent structure yet to date it only has funding for two temporary appointments for a pilot phase.⁵⁷⁸

► 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'.⁵⁷⁹ The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016 were commenced, almost in full, on 29 April 2016.⁵⁸⁰ The Act provides for the mandatory vetting of those who work or volunteer with children and vulnerable people, where 'a necessary and regular part [of this work] consists mainly of the person having access to, or contact with, children'.⁵⁸¹ In 2018, the

568 UNCRC, 'Report of the 2014 General Day of Discussion, Digital Media and Children's Rights' (OHCHR, 2014) <<http://bit.ly/2tTlcel>> accessed 4 January 2018, 22.

569 *ibid.*

570 Department of Children and Youth Affairs, *Children First National Guidance for the Protection and Welfare of Children* (DCYA 2017) <<https://bit.ly/2hbLhVd>> accessed 17 December 2018.

571 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.

572 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.

573 Children First Act 2015, ss 10–11.

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

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

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

577 The Minister for Children and Youth Affairs has stated that Tusla aims to support organisations in meeting their statutory obligations, resorting only to the non-compliance register when a service is unwilling to cooperate. Minister for Children and Youth Affairs, Dr Katherine Zappone TD, Written Answers, Child Protection, 25 September 2018, [38432/18]. Communication received by the Children's Rights Alliance from the Department of Children and Youth Affairs, 9 January 2019.

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

579 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.

580 The Act was commenced by Statutory Instrument 214/16, 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.

581 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



National Vetting Bureau had processed 520,656 vetting applications, 99 per cent by e-vetting.⁵⁸² As a result, 85 per cent of vetting applications are being processed within five working days.⁵⁸³ Organisations using paper applications rather than the e-vetting system have an approximate four-week turnaround time.⁵⁸⁴ The turnaround times for eVetting have been reduced since its introduction, a positive outcome. The turnaround times for paper applications have remained consistent.

However, there is still no requirement for childminders exempt from Tulsa-registration to be vetted and data is not collated on the number of those who are vetted.⁵⁸⁵ Applications must be made through certain registered organisations only;⁵⁸⁶ anecdotally, this workload increases the demands on their resources.

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.

582 Communication received by the Children's Rights Alliance from the National Vetting Bureau, 5 December 2017.

583 Minister for Justice and Equality, Charlie Flanagan TD, Written Answers, Garda Vetting, 18 September 2018 [37521/18].

584 *ibid.*

585 However, Childminding Ireland does require its members to be Garda vetted.

586 An Garda Síochána, 'National Vetting Bureau' <<https://vetting.garda.ie/>> accessed 28 January 2019.

There is 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 the 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.⁵⁸⁷

► Online Protection:

Better Outcomes, Brighter Futures commits to support efforts to limit children's exposure to age-inappropriate material on the internet.⁵⁸⁸ 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.⁵⁸⁹

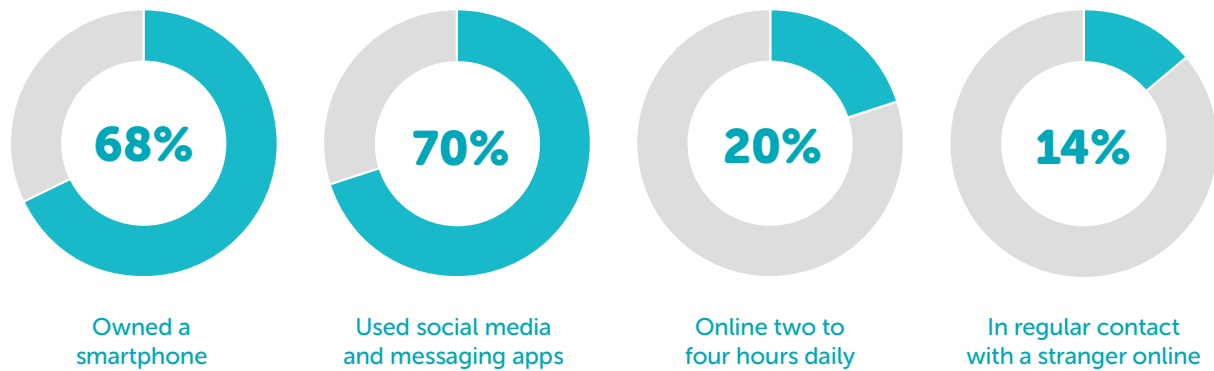
587 Geoffrey Shannon, *Eighth Report of the Special Rapporteur on Child Protection* (DCYA 2014) 96.

588 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.

589 *ibid* Commitment 3.13.

Source: CyberSafe Ireland Annual Report 2017

CyberSafe Ireland reported that of the 5,300 children it surveyed:



● Percentage of children

A third of children reported rarely or having never spoken to a parent or guardian about online safety.⁵⁹⁰ The level of confidence of parents in monitoring and protecting their child's online activity depends on the child's age.⁵⁹¹ Parents of older children (nine to twelve and thirteen to seventeen year olds) felt less confident that they can protect their children online than the parents of under-fives and five to eight year olds.⁵⁹² Research commissioned by ISPCC and the Vodafone Foundation found that 73 per cent of parents did not think the Government were doing enough to keep children safe online and 78 per cent felt that the industry were not doing enough.⁵⁹³

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.⁵⁹⁴

The Data Protection Act 2018 was enacted to comply with the EU General Data Protection Regulation which came into force on 25 May 2018. The Act sets the age of digital consent at 16 meaning that children under the age of 16 must have the consent of their parent or guardian in order to access certain online services.⁵⁹⁵

In July, shortly after the publication of the Action Plan, the Council of Europe published *Guidelines to respect, protect and fulfil the rights of the child in the digital environment*.⁵⁹⁶ They provide a pathway for States to ensure that the rights of children are protected online. Key provisions in the guidelines recommend that States should require relevant stakeholders to

⁵⁹⁰ Cybersafe Ireland, *Annual Report 2017*, (Cybersafe Ireland 2018) 3.

⁵⁹¹ Webwise.ie, *Webwise 2017, Parenting Survey* <<https://bit.ly/2VVI8se>> accessed 27 November 2018.

⁵⁹² *ibid.* Approximately 26 per cent of parents of children in the older age groups feel confident that they can protect their children online.

⁵⁹³ Karen Hand, '2018 Cyber Safety Quantitative Research, Key Findings: ISPCC & Vodafone' June 2018, Unpublished.

⁵⁹⁴ Criminal Law (Sexual Offences) Act 2017, Commencement Order (SI No. 112/2017).

⁵⁹⁵ 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.

⁵⁹⁶ 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).

implement privacy by design and privacy by default measures taking into account the best interests of the child. It is also recommended that incentives are provided to implement safety by design in addition to privacy by design and privacy by default as guiding principles for products and services addresses to or used by children.⁵⁹⁷ Legislating for these principles would ensure that children are protected from the planning stages of technology development.

A Private Members' Bill on the establishment of an Office of the Digital Safety Commissioner came before the Dáil at Committee stage in February 2018.⁵⁹⁸ Establishing an office of a digital safety commissioner would provide the framework to coordinate all activities related to children's rights and digital media and ICTs and lead on the implementation of key provisions of the Council of Europe guidelines on children in the digital environment. A digital safety commissioner should be granted the legal powers to regulate the sector to provide better protection to children online and ensure that children/young people and their parents are adequately educated in digital media and safety techniques.

In July, the Department of An Taoiseach published an *Action Plan for Online Safety*.⁵⁹⁹ The plan covers an 18 month period to the end of 2019 and sets out actions for six government departments: Children and Youth Affairs; Education and Skills; Communications, Climate Action and Environment; Justice and Equality; Health and Business, Enterprise and Innovation.⁶⁰⁰

In October, a National Advisory Council was established to provide advice to Government on online safety policy issues.⁶⁰¹ The publication of the *Action Plan* is a welcome development in particular given that it is to be overseen at the political level by a Cabinet Committee chaired by the Taoiseach with a cross-departmental Sponsors Group to drive implementation.⁶⁰² The Council of Europe's guidelines

should be considered by the Cabinet Committee, the Advisory Council and the Government to determine how they can be implemented as part of the *Action Plan* and in all future policy development in this area. The Plan includes positive actions such as a commitment to consult with children and young people and to legislate to create new criminal offences where gaps exist. However, the reliance on a voluntary code of conduct and on self-regulation of the industry has been criticised by child protection organisations such as the ISPCC.⁶⁰³ Self-regulation could result in inconsistent standards being applied across industry. Sanctions can help when industry fails in its compliance with the standards and adequate remedies are not available to those impacted.

In 2018, the Garda Youth Diversion Programme reported the number of children referred to the programme for possession of child abuse material almost trebled from 21 in 2016 to 59 in 2017.⁶⁰⁴ This showed the need not only for educating children about the law in this area⁶⁰⁵ but also for legislation which addresses the behaviour [of children being in possession of child abuse material]...rather than children being referred for the offence of possession/distribution of child pornography.⁶⁰⁶

597 *ibid.* Principles 35 and 53.

598 Digital Safety Commissioner Bill 2017, Bill 144 of 2017.

599 Government of Ireland, *Action Plan for Online Safety* (Government of Ireland 2018).

600 MerrionStreet.ie, 'Taoiseach launches Government's Action Plan for Online Safety' <<https://bit.ly/2zwOfMA>> accessed 28 November 2018.

601 *ibid.* Members of the Children's Rights Alliance on the Council are CyberSafe Ireland, ISPCC, National Parents Council (Primary) and SpunOut.ie, Department of Communications, Climate Action and Environment, 'National Advisory Council on Online Safety (NACOS), Membership' <<https://bit.ly/2syb5xP>> accessed 10 December 2018.

602 Government of Ireland, *Action Plan for Online Safety* (Stationary Office, 2018) 51.

603 ISPCC welcomes the publication of the Government's Action Plan for Online Safety' <<https://www.ispcc.ie/online-safety-policy#>> accessed 11 January 2019.

604 Elaine Edwards, 'Number of children referred to Garda programme for child porn possession almost trebles', *The Irish Times*, 22 November 2018.

605 *ibid.*

606 *ibid.*

Child Protection

Immediate Actions for 2019



Consider introducing measures to ensure that the Garda Vetting Bureau can access relevant information on time spent abroad.

The use of protocols or administrative arrangements with police authorities in foreign jurisdictions could address the issue as suggested by the Special Rapporteur on Child Protection.



Implement the *Action Plan for Online Safety* in full.

Given that the *Action Plan for Online Safety* is just 18 months in duration, it is important that the focus to implement it is maintained and that a plan is developed for the Government's approach to online safety at the end of 2019.



Consider the Council of Europe *Guidelines on the rights of the child in the digital environment* in current and future policy making in this area and introduce legislation for the introduction of safety by design, privacy by design and privacy by default mechanisms by industry.

The Council of Europe's *Guidelines on the rights of the child in the digital environment* provide a pathway for the protection of the rights of the child online. They should be considered by the Cabinet Committee that oversee the *Action Plan for Online Safety*, the National Advisory Council for Online Safety and the Government to determine how they can be implemented as part of the *Action Plan* and in all future policy development in this area. Specifically the principles of safety by design, privacy by design and privacy by default should be legislated for to require industry to embed the protection for child in the development of new technology.



Work towards the establishment of an office of a digital safety commissioner.

Establishing the role of a digital safety commissioner would provide a necessary framework to coordinate all activities related to children's rights, digital media and ICTs.

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' receives a 'B-' grade in *Report Card 2019*. This reflects an increase on last year's 'C+' grade because of the enactment of the Domestic Violence Act 2018 and the commencement of the outstanding provisions of the Criminal Justice (Victims of Crime) Act 2017. Though there are clear areas where investment is required, there has been some increased funding for services and a commitment to pilot the One House model in Galway, which will see all service and supports for child victims of sexual abuse under one roof with the aim of reducing trauma for victims.

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'.⁶⁰⁷ Such recovery and reintegration should take place in an environment that 'fosters the health, self-respect and dignity of the child'.⁶⁰⁸ 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 Prostitution and Child Pornography.⁶⁰⁹ The Protocol requires States to adopt appropriate measures to protect the rights and interests of child victims at all stages

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

608 *ibid.*

609 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.

of the criminal justice process, including measures recognising their vulnerability, and the adaptation of procedures to recognise their needs.⁶¹⁰ 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.⁶¹¹ Unnecessary processing delays in their cases should be avoided.⁶¹² 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.⁶¹³

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'.⁶¹⁴ It 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.⁶¹⁵ In 2016, the UN Committee on the Rights of the Child recommended that the State provide redress and rehabilitation to victims of domestic violence.⁶¹⁶

► Criminal Justice (Victims of Crime) Act 2017:

The Criminal Justice (Victims of Crime) Act 2017 was signed into law in November 2017.⁶¹⁷ The legislation seeks to transpose an EU Directive on the rights of victims of crime into Irish law. 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'.⁶¹⁸ 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'.⁶¹⁹ 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.⁶²⁰ The Act also provides for a wide definition of the types of offences for which victim impact statements will be heard.⁶²¹ Supports under the Act could have been strengthened, for example, in relation to the provision of information to parents (who are not accused of wrongdoing) of child victims.⁶²²

Following the passing 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.⁶²³ However, the Protocol is yet to be ratified, and this should happen without further delay.⁶²⁴

► 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'.⁶²⁵ Ireland has an obligation to 'take all appropriate measures' to promote the recovery of child victims.⁶²⁶ The UN Committee on the Rights of the Child has outlined the supports that child victims may need, including medical

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

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

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

613 *ibid* Art 8(3).

614 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.

615 *ibid* Commitments 3.13, 3.14 and 3.15.

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

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

618 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; European Commission, 'Strengthening victims' rights in the EU', Justice – Building a European Area of Justice: Victims' <<http://bit.ly/2ErIBJo>> accessed January 2018.

619 *ibid*.

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

621 *ibid* s 31.

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

623 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.

624 The Department of Children and Youth Affairs has stated that a document that demonstrates Ireland's compliance with the protocol and which illustrates that there is no need for further measures to be put in place is to be submitted to the Attorney General in early 2019 to lay the groundwork for ratification. 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).

625 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).

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

treatment, mental health treatment, social and legal services and long-term follow-up services.⁶²⁷

During her 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 or respond to sexual violence against children.⁶²⁸ In addition, she highlighted a lack of national data on reported incidents of child abuse required for policy development and the need for more care services.⁶²⁹

The 24/7 Child Sexual Abuse Reporting Line launched by An Garda Síochána in 2017 received a total of 71 calls in 2018. In 2018 the Victims of Crime Office provided €1.712 million in funding for voluntary sector organisations to support victims of crime.⁶³⁰ This includes provision to expand the CARI accompaniment service which supports and provides advocacy to children and their families where there are prosecution proceedings.⁶³¹ In addition, €23.8 million was allocated to Tusla in 2018 to support domestic and sexual violence sector organisations, a 17 per cent increase on the amount allocated in 2015. Cosc, the National Office of the Prevention of Domestic, Sexual and Gender-based Violence received €2.684 million and was allocated €2.884 million in Budget 2019.⁶³²

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 independent sexual abuse assessment and therapy units, both in Dublin,⁶³³ one 24 hour state medical forensic service located in Galway providing forensic examinations and two specialist therapy services provided by CARI in Limerick and Dublin.⁶³⁴

Children have to travel long distances to receive treatments and this can 'compound the harm' and increase the risk of forensic evidence of crimes against children being compromised.⁶³⁵ Where services do exist, child victims face significant delays in accessing counselling support – for example, CARI had a waiting list of 88 children from January to December 2018. For survivors aged 14 years and older, there are effectively seven sexual assault treatment units across the country providing specialist care⁶³⁶ and victims also have access to a range of specialist voluntary and statutory therapy services.⁶³⁷ However, the UN Special Rapporteur also noted that specialised and local counselling services are not guaranteed to child victims of sexual violence⁶³⁸ 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 could 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. In this context, the joint announcement by the Minister for Children and Youth Affairs, Dr Katherine Zappone TD, the Minister for Justice and Equality, Charlie Flanagan TD and the Minister for Health, Simon Harris TD of their intention to pilot a 'One House' centre for children who have been sexually abused in early 2019 is very welcome.⁶³⁹ This was a recommendation in

627 UNCRC, 'General Comment 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.

628 '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 19 November 2018.

629 *ibid.*

630 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 20 December 2018.

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

632 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 20 December 2018.

633 St Clare's Unit at Temple Street University Hospital and St Louise's Unit, Our Lady's Children's Hospital Crumlin.

634 CARI, 'Our Services' <[http://www.cari.ie/our-services/child-](http://www.cari.ie/our-services/child-and-adolescent-therapy)

[and-adolescent-therapy](http://www.cari.ie/our-services/child-and-adolescent-therapy)> accessed 7 December 2017.

635 '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 19 November 2018.

636 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.

637 These include the Rape Crisis Network and the Dublin Rape Crisis Centre, which can offer only a limited service to 16 and 17 year olds.

638 '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 19 November 2018.

639 Joint Statement by the Minister for Children and Youth Affairs, Dr Katherine Zappone TD, the Minister for Justice and Equality, Charlie Flanagan TD and the Minister for Health, Simon Harris TD, "One House' model to ease trauma for children who have been sexually abused, Ministers announce pilot project



The 24/7 Child Sexual Abuse Reporting Line launched by An Garda Síochána in 2017 received a total of 71 calls in 2018. In 2018 the Victims of Crime Office provided €1,712 million in funding for voluntary sector organisations to support victims of crime.

Report Card 2017.⁶⁴⁰ It will see a multi-disciplinary team of Gardai, social workers, health professionals and lawyers working together in one location in Galway, to carry out interviews and assessments where there are concerns that a child has been sexually abused.⁶⁴¹

► Domestic Violence Act 2018:

The Domestic Violence Act 2018 was enacted in April 2018. 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.⁶⁴² Most welcome is the fact that, taking account of the age and maturity of a child, a judge may ascertain their views when an order is sought on their behalf, or may appoint an expert to do so⁶⁴³ and that the Act repeals legislative provisions which allow children to marry.⁶⁴⁴ However, as highlighted by the Special Rapporteur on Child Protection, the Act does not provide for child-specific services for children who experience domestic violence such as counselling, nor does it make provision to allow children to make court applications in their own right without relying on their parents to do so.⁶⁴⁵ The Act was commenced in full on 1 January 2019.⁶⁴⁶

for Galway, Budget 2019 provides resources for new approach' <<https://bit.ly/2HuNrvR>> accessed 17 January 2019.

640 To view *Report Card 2017*, visit <<https://www.childrensrights.ie/content/report-card-2017>> accessed 4 December 2018.

641 Department of Children and Youth Affairs, 'One House' model to ease trauma for children who have been sexually abused. Ministers announce pilot project for Galway' <<https://www.dcy.gov.ie/docs/EN/Press-Releases-copy-dcy-gov-ie-2018/81/4997.htm>> accessed 26 November 2018.

642 Domestic Violence Act 2018, s 16.

643 *ibid* s 27.

644 *ibid* s 49.

645 Professor Geoffrey Shannon, Eleventh Report of the Special Rapporteur on Child Protection, (DCYA 2018) 265-266.

646 Communication received by the Children's Rights Alliance from the Department of Justice and Equality, 20 December 2018.

Child Victims of Crime

Immediate Actions for 2019



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

We welcome the Government's intention to ratify the Optional Protocol in 2019 and would encourage them to prioritise this to ensure it happens.



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 could 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 a valuable part of a strategy.