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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

IRELAND

Replies registered by the Secretariat on 21 December 2021

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- Department of Tourism, Culture, Arts, Gaeltacht, Sport & Media (DTCAGSM)
- Department of Rural & Community Development (DRCD)
- Department of Education (DEd)
- An Garda Síochána (AGS)
- Irish Prison Service (IPS)
- Tusla, Child and Family Agency (Tusla)

GENERAL FRAMEWORK

Question 1: Definition of “child”

1a Does the notion of “child” under your internal law correspond to that set out in Article 3, letter (a), i.e. “any person under the age of 18 years”?

The Children Act 2001 defines a “child” as a person under the age of 18 years.

Under the Criminal Justice (Victims of Crime) Act 2017 a “child”, other than in the definition of family member, means a person under the age of 18 years.

The definition of a child is outlined in section 2(1) of the Child Trafficking and Pornography Act 1998 (as amended) as anyone who is under 18 years of age.

The Criminal Justice (Victims of Crime) Act 2017 section 2(3) provides that where the age of a victim is uncertain but there is reason to believe that the victim is a child, he or she shall be presumed to be a child for the purposes of this Act, unless the contrary is proved.

Under section 256 of the Children Act 2001, where under a charge or indictment for an offence it is thought that the person by or in respect of whom the offence was committed was underage, that person will be presumed to be a child unless the contrary can be proven.

All unaccompanied minors entering the State are referred to Tusla under the International Protection Act 2015.

1b What legislative or other measures have been taken to ensure that when the age of a victim is uncertain and there are reasons to believe that the victim is a child, the protection and assistance provided for children are accorded to him or her in accordance with Article 11, para. 2?

Under section 256 of the Children Act 2001, where under a charge or indictment for an offence it is thought that the person by or in respect of whom the offence was committed was underage, that person will be presumed to be a child unless the contrary can be proven.

Where it is thought that a victim of a crime is a child, Tusla will presume that the victim is a child pending verification. All relevant assessment, validation and therapeutic services for child sexual abuse will be offered to victims of child sexual abuse as deemed appropriate by professional workers responsible for the assessment of child sexual abuse concerns.

Where there is a doubt of the age of the child being brought, Tusla may carry out an assessment of the child’s age as part of its child risk assessment process. In the interim the young person is presumed to be a child and treated accordingly.

All unaccompanied minors entering the State are referred to Tusla, under the International Protection Act 2015. At that stage, it may not be known if the child has or has not suffered from abuse or exploitation, as a trust relationship may need to be established with the child. All unaccompanied minors are needs assessed by Tusla and where trauma, whether from abuse or other reasons, is identified then an appropriate care plan is put in place for that child.

1c Please state whether the age for legal sexual activities is below 18 years of age and if so, please specify the age set out in internal law.

The age of consent in Ireland is 17 years of age provided that the other person is not a person in authority. Under Section 3 of the Criminal Law (Sex Offences) Act 2006 as amended by Section 5 of the Criminal Law (Sexual Offences) (Amendment) Act 2007 it is a criminal offence to engage or attempt to engage in a sexual act with a child under 17 years of age.

Under-age consensual non-exploitative sexual activity is not a criminal offence, where the age difference between the parties is no more than two years. The Criminal Law (Sexual Offences) Act 2017 recognises the reality of under age, consensual, peer relationships through the introduction of a 'proximity of age' defence. Under this provision, a person charged with an offence of engaging in a sexual act with a person between the ages of 15 and 17 years can use consent as a defence if the person charged is younger or is less than two years older.

The Criminal Law (Sexual Offences) Act 2006 as amended by the Criminal Law (Sexual Offences) Act 2017 sets out offences in relation to sexual acts with children under the age of 17. It is not a defence to show that the child consented to the sexual act. The person charged must not be in authority over the child or be intimidatory or exploitative.

The consent of the Director of Public Prosecutions is required for any prosecution of a child under the age of 17 years for this offence. A girl under the age of 17 who has sexual intercourse may not be convicted of an offence on that ground alone.

It is an offence for a person in authority to engage or attempt to engage in a sexual act with a child under 18 years of age.

Question 2: Non-discrimination

Is discrimination, on grounds such as the ones mentioned in the indicative list in Article 2, prohibited in the implementation of the Convention, in particular in the enjoyment of the rights guaranteed by it? If so, please specify. If not, please justify.

Ireland's Constitution guarantees equality before the law. Article 40.1 states "All citizens shall as human beings be held equal before the law". In the Convention the term "other status" is explicitly underlined as open ended.

Question 3: Overview of the implementation

Please indicate (without entering into details)

3a the main legislative or other measures to ensure that children are protected against sexual exploitation and sexual abuse in accordance with the Convention;

The Child Care Act 1991

Child Trafficking and Pornography Act 1998

Criminal Law (Sexual Offences) Act 2006

Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012

The Children First Act 2015

National Vetting Bureau (Children and Vulnerable Persons) Acts, 2012-2016

Criminal Law (Sexual Offences) Act 2017

Children First National Guidance for the Protection and Welfare of Children 2017

The Department of Children, Equality, Disability, Integration and Youth has overall responsibility for developing the State's policy and legislative framework in relation to child welfare and protection.

Child welfare and protection policy is based on a legal framework provided primarily by the Child Care Act 1991 and the Children First Act 2015.

Child Care Act 1991

This is the key piece of legislation which regulates child care policy in Ireland. Under this Act, Tusla has a statutory responsibility to promote the welfare of children who are not receiving adequate care and protection. If it is found that a child is not receiving adequate care and protection, Tusla has a duty to take appropriate action to promote the welfare of the child. This may include supporting families in need of assistance in providing care and protection to their children. The Child Care Act also sets out the statutory framework for taking children into care, if necessary.

Children First Act 2015

The Children First Act 2015, which was fully commenced in December 2017, provides for a number of key child protection measures, including raising awareness of child abuse and neglect, providing for reporting and management of child protection concerns and improving child protection arrangements in organisations providing services to children.

The Act operates side-by-side with the non-statutory obligations provided for in *Children First: National Guidance for the Protection and Welfare of Children*. The guidance sets out definitions of abuse, and signs for its recognition. It explains how reports about reasonable concerns of child abuse or neglect should be made by the general public and professionals to Tusla. It sets out what organisations need to do to keep children safe. It also describes the obligations under the Children First Act 2015 and who they attach to. These guidelines have been in place since 1999 and were fully revised and published in October 2017 to include reference to the provisions of the Act.

The Children First Act forms part of a suite of child protection legislation which includes the National Vetting Bureau (Children and Vulnerable Persons) Acts, 2012-2016 and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012 and the Criminal Law (Sexual Offences) Act 2017

3b whether your country has adopted a national strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children. If so, please specify the main fields of action and the body/bodies responsible for its/their implementation;

While Ireland has not adopted a National Strategy and/or Action Plan to combat sexual exploitation and sexual abuse of children, Children First Act 2015, promotes the protection of children from abuse and neglect, by setting out what persons and organisations need to do to keep children safe, and how to deal with concerns about a child's safety or welfare.

Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People, 2014-2020 was an over-arching policy framework, which also covered violence against children under Safe and Protected from Harm Outcome, including actions related to sexual violence/abuse. In light of Covid-19, progression of a new framework has been delayed until 2022. Two significant initiatives which the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) will progress in 2021 are the implementation of the EU Child Guarantee and development of Ireland's reporting to the United Nations Children's Rights Convention. It is envisaged that both of these initiatives, and the impacts of the pandemic, will inform the priorities to be addressed in the successor to Better Outcomes, Brighter Futures.

The Second National Strategy on Domestic, Sexual and Gender-based Violence (DSGBV) has, as a key action the delivery of a national awareness raising campaign to achieve attitudinal and societal change to support the prevention of domestic, sexual and gender-based violence.

The Department of Education provides child protection guidance and support to all recognised schools in implementing child protection policy. Any allegation of a child protection nature received by staff in the Department, is dealt with in accordance with the Department's Procedures for responding to Child Protection Concerns which come to the attention of staff employed by the Department of Education. Under these procedures the Department of Education does not make any judgement on the concerns brought to its attention and ensures that the details of the concern reported to the Department are immediately passed on to the relevant investigatory authorities, including Tusla, the school authorities and/or An Garda Síochána.

The Children First Act 2015 places a statutory obligation on certain categories of people to report child protection concerns/allegations of abuse that are at or above a threshold of harm (as defined in the Act) to Tusla. Such persons are referred to as “mandated persons” under the Act. Psychologists in the National Educational Psychological Service are mandated persons under the Children First Act 2015 and therefore have such statutory reporting obligations under that Act. As members of staff of the Department, the aforementioned psychologists are also required to comply with the procedures for reporting child protection concerns which come to the attention of staff of the Department of Education.

The Child Protection Procedures for schools takes into account the statutory requirements of the Children First Act 2015 and the Children First National Guidance 2017. The procedures for schools include the reporting procedures to be followed by registered teachers in respect of their role as mandated persons under the 2015 Act. The procedures provide guidance and direction for schools in relation to meeting their statutory obligations in relation to the preparation and publication of Child Safeguarding Statements.

The procedures for schools also put in place significantly enhanced oversight measures at school level and at Department of Education level to help ensure and demonstrate that the statutory obligations of the Children First Act, 2015 and the best practice obligations of the Children First National Guidance 2017 are being adhered to by both school personnel and by school authorities. As part of the Department of Education’s oversight measures, the Department of Education Inspectorate checks on school compliance with the key aspects of the Child Protection Procedures for Primary and Post-Primary Schools 2017, during all school inspections. Once an inspector has noted that a school is not compliant with any aspect of child protection procedures, the Inspectorate continue to engage with the school until the school becomes compliant. The nature of the engagement will be determined by the nature of the non-compliance.

3c whether your country has any guidelines to ensure a child-friendly implementation of the laws, measures and strategies referred to in letters (a) and (b) above. If so, please specify.

Part 3 of the Criminal Justice (Victims of Crime) Act 2017 introduced a range of measures of protection for victims during both investigation and criminal proceedings. This includes an assessment of the individual protection needs of the victim and measures to safeguard them from further victimisation and/or intimidation at either stage.

The Criminal Justice (Victims of Crime) Act 2017 also sets out in statute the right to information on victim support services, the right to information on the criminal justice system and on the progress of any investigations or court proceedings.

As set out in the Children First Guidance, there are a number of key principles of child protection and welfare that inform both Government policy and best practice for those dealing with children. These include:

- The safety and welfare of children is everyone's responsibility
- The best interests of the child should be paramount
- Children have a right to be heard, listened to and taken seriously. Taking account of their age and understanding, they should be consulted and involved in all matters and decisions that may affect their lives
- A proper balance must be struck between protecting children and respecting the rights and needs of parents/guardians and families. Where there is conflict, the child's welfare must come first.

Question 4: Child participation

4a Please indicate what steps have been taken to encourage the participation of children, according to their evolving capacity, in the development and the implementation of state policies, programmes or other initiatives concerning the fight against sexual exploitation and sexual abuse of children (Article 9, para. 1);

The Department of Children, Equality, Disability, Integration and Youth (DCEDIY) is strongly committed to the participation of children in the development and implementation of state policies, programmes and other initiatives concerning issues that affect their lives. Ireland was the first country in Europe to develop a national strategy in this regard, the *National Strategy on Children and Young People's Participation in Decision-Making 2015-2020*, which is a constituent strategy under *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People*. DCEDIY is the lead department for both initiatives.

The Participation Unit within DCEDIY has undertaken a number of consultations relevant to the theme of *sexual exploitation and abuse* of children. For example:

- Consultation with young people to develop questions on sexual behaviour and health to inform the Growing Up in Ireland study (2015).
- Consultations with young people on the age of consent for sexual activity (2006).
- A survey of implementation of Social, Personal and Health Education (SPHE) and Relationships and Sexuality Education (RSE) in second-level schools (2010)

TUSLA Participation Initiatives

TUSLA have implemented a range of participation initiatives. In June 2017, Tusla launched the National Children and Young People's Charters that give children and families a greater clarity about the quality of services they can expect from Tusla staff members and the principles underpinning this work.

Oberstown Participation Initiative

Under the Oberstown Strategic Plan 2017-2020, the Campus made a commitment to adopt a strategy for the participation of young people in decision-making with a view to ensuring that the views of young people are heard and taken into account in matters that affect them, both individually and as a group. A consultation advisory group has been put together to input into the National Standards for the Oberstown Children Detention Campus and also to input into the design of a future Children's Court.

Department of Education & Skills

The Inspectorate in the Department of Education gathers the perspectives of children and young people on matters relating to child protection and bullying in a number of ways during inspections. During Child Protection and Safeguarding Inspections, inspectors engage with groups of students. During whole school evaluations, surveys administered to students include

questions that relate to student wellbeing and bullying matters. The Inspectorate is working on the further development of its processes to support engagement with students during inspection to ensure that the student voice is heard effectively during the course of inspection work, including on matters relation to student wellbeing, bullying and safeguarding. This involves review and updating of surveys used during whole-school type inspections and exploration of the potential for enhanced engagement with students in focus groups during inspections. Research on how inspection findings can be shared most effectively with children and young people has also been undertaken by the Department of Education Inspectorate.

The Department of Education is progressing legislation to provide for a School Community Charter. The overall aim of the legislation is to improve the level of engagement between the school community by inviting feedback, comment and observation from students and parents and by developing a listening culture in the school. The legislation will require every school to publish and operate a Charter in accordance with national guidelines published by the Minister. One of the key concepts of the Bill is the need for a school to consult with students and their parents on individual school plans, policies and activities. This approach will help ensure that the various views of students and parents will be heard and responded to by schools on issues/policies including child safeguarding and anti-bullying policies.

The Department of Education is also commencing a review of the Department's 2013 Action Plan on Bullying and the 2013 Anti-bullying Procedures for Primary and Post-primary Schools.

This review will take account of developments and relevant research since the action plan and procedures were published in 2013 and will specifically consider areas such as cyber bullying and gender identity bullying. The review will also give detailed consideration to the recommendations contained in the Oireachtas Joint Committee Report on School Bullying and the Impact on Mental Health. This review of the Action Plan on Bullying and the Anti-bullying Procedures for Primary and Post-primary Schools will involve significant consultation and collaboration across the Department, with other Government Departments and Bodies including the Ombudsman for Children, and will also involve consultation with a broad range of education stakeholders, including parents and students.

4b In particular, please indicate whether, and if so, how child victim's views, needs and concerns have been taken into account in determining the legislative or other measures to assist victims (Article 14, para. 1).

Tusla has a number of community based social work teams that are responsible for responding to concerns of suspected child sexual abuse. There are also a number of specialist multi-disciplinary assessment units nationally where children may be assessed following concerns of suspected abuse. This process includes identifying therapeutic needs of the child and their family. Therapy in these instances may be provided through a number of different services depending on the needs of the individual child.

Tusla community based social work teams provide a full assessment service to children who are suspected of being the victim of child sexual abuse. The possibility of removing the alleged perpetrator and the possibility of removing the victim from his/her family environment where

this is in the best interests of the child are included in the range of options available to Tusla under the Child Care Act 1991.

Paediatric medical/forensic examination

Medical/forensic examination services are provided by the HSE and are currently available in cities and several regional hospitals.

A paediatric forensic medical assessment involves having an understanding of the allegation or child protection concern, the taking of a detailed medical, developmental and social history and “top to toe” examination. This entails evaluating a child’s health, developmental and psychological needs, identifying physical markers of abuse and obtaining any available forensic evidence. It is undertaken in a child centred environment with age appropriate toys for younger children and an appropriate setting for adolescent children. The parent/carer/child advocate is encouraged, and supported, to stay with and support the child throughout. Older children/adolescents can opt to have a supporter present or to undergo examination alone with the doctor and the specialist nurse.

Emergency services for children aged over 14 years are available at Sexual Abuse Treatment Units at a number of locations.

Question 5: Specialised bodies/mechanisms

5a please indicate the independent institution(s) (national or local) in charge of promoting and protecting the rights of the child. Please specify its/their responsibilities and indicate how resources are secured for it/them (Article 10, para. 2, letter (a))

Ombudsman for Children

The Ombudsman for Children's Office (OCO) is an independent office and was set up in 2004 under the Ombudsman for Children Act 2002. Under this law, the Ombudsman for Children has two core statutory functions; to promote the rights and welfare of children including through awareness raising campaigns and educational workshops and to investigate complaints made by or for children and young people about the actions of public organisations

The OCO website also teaches children and young people about their rights in an age-appropriate manner, with contents aimed at children 4 to 13+ years old.

The OCO engages with a diverse range of issues affecting children through the examination and investigation of complaints, engagement with developments in legislation and public policy, initiatives to hear and highlight the views of children, and activities to raise awareness of children's rights.

The Ombudsman for Children is directly accountable to the Oireachtas in the exercise of his/her statutory functions. The OCO as a state body is subject to governance oversight by the Department of Children, Equality, Disability, Integration and Youth. The Office received a financial allocation from DCEDIY of €2.955m in 2021.

5b Which legislative or other measures have been taken to set up or designate mechanism for data collection or focal points, at the national or local levels and in collaboration with civil society, for the purpose of observing and evaluating the phenomenon of sexual exploitation and sexual abuse of children, with due respect for the requirements of personal data protection? (Article 10, para. 2, letter (b))

The Central Statistics Office (CSO) has worked over a number of years with An Garda Síochána to establish a more robust time series on sexual offences, which the CSO publishes. The Courts Service publishes data in its annual reports on sexual offences before the courts.

Ombudsman for Children

The Ombudsman for Children's Office (OCO) is an independent office and was set up in 2004 under the Ombudsman for Children Act 2002. Under this law, the Ombudsman for Children has two main roles – to look into complaints made by or for children and young people about the actions of public organisations, and to promote the rights and welfare of children and young people under 18 years old living in Ireland.

The OCO's work to promote children's rights and welfare, includes finding out what children and young people are concerned about, highlighting their opinions to the Government and other people who make decisions that affect them. It supports people, including children and young people, to find out about children's rights and how those rights can be respected, protected and realised. It gives advice to the Government and others to help make sure laws and plans affecting children and young people, respect children's rights. It encourages public organisations to work in ways that promote children and young people's rights and welfare, and carries out research to get a better understanding of issues that are important in children and young people's lives.

5c Which legislative or other measures have been taken to organise the collection and storage of data relating to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with this Convention? What is the national authority in charge of the collection and storage of such data? (Article 37, para. 1).

Under section 31 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, it is permissible to take DNA samples from an offender who is currently serving a sentence in prison, or if the sentence is otherwise in force. In the case of sex offenders, the DNA samples may be taken at any point while the offender is subject to notification requirements – such as post-release supervision. The sample will be used to generate a DNA profile in respect of the offender, to be entered into the reference index of the DNA Database system. The sample or DNA profile generated from the sample may be transmitted or provided to a person or body in connection with the investigation of criminal offences or criminal proceedings as outlined in the Act.

Forensic Science Ireland is the single national authority as per Section 67 of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, which names the Director of Forensic Science Ireland as the custodian of the DNA Database System.

Question 6: National or local coordination, cooperation and partnerships

6a Please describe how coordination on a national or local level is ensured between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children. In particular, please provide information on existing or planned coordination between the education sector, the health sector, the social services and the law enforcement and judicial authorities (Article 10, para. 1);

The Children First Act 2015, which was fully commenced in December 2017, provides for a number of key child protection measures, including providing for reporting and management of child protection concerns and improving child protection arrangements in organisations providing services to children.

It also provided for the establishment of the Children First Inter Departmental Implementation Group on a statutory footing. The Implementation Group is chaired by DCEDIY and includes membership from each Government Department as well as a representative from Tusla, An Garda Síochána (AGS) and the Health Service Executive (HSE). The group promotes and monitors compliance by Government Departments with their obligations under the Children First Act and is a forum where members can raise child welfare and protection issues with a cross-departmental or cross-sectoral dimension.

Joint working between Tusla and An Garda Síochána forms an integral part of the child protection and welfare service. AGS and Tusla published the Children First Joint Working Protocol for An Garda Síochána/Tusla Liaison to reflect the provisions in the Children First Act 2015 and the Children First Guidance. The protocol covers respective responsibilities in key areas including with regard to notification of suspected abuse between both agencies, confidentiality and information sharing and liaison structures.

SORAM – Sex Offender Risk Assessment and Management

SORAM is the joint management of sex offenders between the Probation Service, An Garda Síochána, the Irish Prison Service, Local Authorities, and where there are child protection concerns, Tusla. SORAM commenced in 2010 with 5 local SORAM areas comprising of representatives from the above agencies and expanded nationwide to 28 local SORAM Teams throughout the country, based on An Garda Síochána regional divisions.

In 2012 the SORAM Steering Group was formed comprising of the key agencies as previously outlined as well as representatives from the Irish Prison Service. The National SORAM Office was developed in 2013 and delegates from the 3 statutory agencies were appointed. The primary role of the National SORAM Office is to oversee the operational functioning of the local SORAM Teams nationwide in terms of standardising effective risk assessment and management practices as well as policy development in the area of sex offender management. The National SORAM Office developed a 'Risk Assessment and Management Plan' (RAMP) for all sex offenders within SORAM which is used nationwide.

The Housing Authorities joined SORAM at Steering Group and National SORAM Office level in February 2015. Part of Housing remit is to develop a national policy for all local authorities in housing sex offenders.

Not all sex offenders are in SORAM. They must be subject to supervision by the Probation Service and convicted sex offenders subject to Part 2 of the Sex Offenders 2001 Act. An offender with a previous sexual offence conviction, or whose offence has a clear sexual component and is subject to Probation Supervision, is also managed under SORAM. Sex Offenders within SORAM must be assessed at medium or above on the Risk Matrix 2000.¹ The Probation Service also works closely with An Garda Síochána and other partner agencies to ensure the cooperation and compliance by the offender with supervision in the interests of community safety. Risk assessment instruments are used to determine the level and type of interventions required.

Sex Offender Resettlement Team (SORT)

This was developed the by Probation Service in June 2014. It consists of 1 Probation Officer and works with all sex offenders under supervision who are homeless upon release from custody and are returning to the greater Dublin area. It provides intensive one to one probation support/ monitoring and works closely with statutory and non-statutory partners in re-integration /risk management of sex offenders leaving custody.

Tusla and An Garda Síochána (AGS) have agreed on a procedure and guidance on working with children who are suspected of being sexually exploited or are at risk of sexual exploitation. An element of this joint work is a joint training programme. This training will provide awareness of child sexual exploitation and working with children who are suspected of being at risk of child sexual abuse. There is also a joint Tusla and AGS protocol around working together with children who are suspected of being sexually abused under the Children First Act 2015.

Tusla is engaged with AGS in cross-agency liaison at national level. There is close co-operation at national and local level with an exchange of information regarding cases of sexual exploitation or abuse. Tusla has developed a standalone reporting mechanism with AGS. Also, AGS have access to information out of hours, through a national out of hours contact centre and can access information on children listed on Ireland's child protection register, Child Protection Notification System.

The Children First Act 2015 is a significant legislative measure in relation to the protection of children including concerns related to sexual abuse. The Act is now commenced in full since December 2017.

¹ Risk assessment instruments are empirically validated and evidence based approaches which research has shown to be effective in the risk assessment and management of sex offenders.

National Child Protection Unit (NCPU)

The NCPU within the Garda National Protective Services Bureau (GNPSB), works closely with TUSLA for the purpose of ensuring a coordinated response to child protection and welfare concerns. For this purpose, a Joint Working Protocol relating to An Garda Síochána and TUSLA has been developed, arising from the Children First Act 2015 and Children First: National Guidance 2017. Furthermore, an information sharing agreement is being prepared to provide specific guidance for TUSLA and AGS regarding the sharing of information between the two State agencies, for the purpose of child protection.

National Child Safeguarding Strategic Liaison Committee (NCSSLC)

The NCSSLC comprises representatives of AGS, TUSLA and the Health Service Executive (HSE) and is co-chaired by AGS Assistant Commissioner assigned to the Special Crime Operations and the Chief Executive Officer of TUSLA. This committee meets quarterly, for the purpose of addressing issues of strategic significance, pertaining to child protection, which impact on TUSLA and AGS. This initiative helps ensure a coordinated response to child protection related concerns.

Human Trafficking Investigation and Coordination Unit (HTICU)

The HTICU exists within the GNPSB (Garda National Protective Services Bureau), and coordinates the investigation of child trafficking and exploitation and, for this purpose, engages with relevant State and non-governmental organisations, including at an international level. The HTICU is represented on interdisciplinary working groups, reporting to an Interdepartmental High-Level Group with representatives of Government Departments and Agencies. The HTICU also represents AGS and Ireland at a European level, at human trafficking related meetings arranged through EMPACT (European Multi-disciplinary Platform Against Criminal Threats).

EMPACT is a structured, multidisciplinary cooperation platform of the relevant Member States, EU institutions and agencies, as well as third countries, international organisations and other (public and private) partners to address the prioritised threats of organised and serious international crime.

6b Is cooperation with a view to better preventing and combating sexual exploitation and sexual abuse of children encouraged between the competent state authorities, civil societies and the private sector (Article 10, para. 3)? If so, please specify how;

Under The Children First Act 2015, it is the responsibility of Government Departments to ensure that children and young people are kept safe while accessing services provided or funded by each Department.

This Act provided for the establishment of the Children First Inter Departmental Implementation Group on a statutory footing. The Implementation Group is chaired by DCEDIY and includes membership from each Government Department as well as a representative from Tusla, An Garda Síochána (AGS) and the Health Service Executive (HSE). The group promotes and monitors compliance by Government Departments with their obligations under the Children First Act and is a forum where members can raise child welfare and protection issues with a cross-departmental or cross-sectoral dimension.

Tusla's Child Protection and Welfare Strategy 2017-2022, addresses interagency cooperation, process and standardisation, policy and practice, governance, data and performance.

Garda National Protective Services Bureau

The Garda National Protective Services Bureau provides advice, guidance and assistance to Gardaí investigating Sexual Crime, Online Child Exploitation, Child Protection, Human Trafficking, Organised Prostitution, and Sex Offender Management. The Bureau leads the investigation in more complex cases. The Bureau also liaises with relevant Government Departments, State Bodies and voluntary groups, embracing the essential multi agency approach to tackling these crimes and their causes. Primary considerations in these cases are the protection and welfare of the victims, while ensuring the proper investigation of the alleged activities.

An Garda Síochána and Tusla work collaboratively at national level to address any issues which arise between the services. Currently Tusla and AGS National Protective Services Bureau liaise on a regular basis with relevant staff regarding national policies and protocols and issues which arise at local services level.

Sex Offender Risk Assessment and Management (SORAM)

The State has established a partnership, SORAM, which provides effective cooperation between relevant authorities to manage the risks posed to the community by convicted sex offenders that safeguards the welfare of children. SORAM supports enhanced levels of co-operation and co-ordination between key statutory organisations involved in managing the risks posed to the community by convicted sex offenders. The National SORAM Steering Group oversee the management of sex offenders and comprises of representatives from An Garda Síochána, The Probation Service, Child and Family Agency (Tusla), HSE (Cosc), The Irish Prison Service and Local Authority Housing. The 28 Local SORAM Teams identifies and manages the individual sex offenders and also comprises representatives from An Garda Síochána, The Probation Service, Child and Family Agency (Tusla) and Local Authority Housing.

6c Are partnerships or other forms of cooperation between the competent authorities promoted with particular regard to the recipients of intervention programmes and measures for persons subject to criminal proceedings or convicted of any of the offences established in accordance with the Lanzarote Convention (Article 15, para. 2 and Article 16)?

Sex Offender Risk Assessment and Management (SORAM)

The State has established a partnership, Sex Offender Risk Assessment and Management (SORAM), which provides effective cooperation between relevant authorities to manage the risks posed to the community by convicted sex offenders that safeguards the welfare of children. SORAM supports enhanced levels of co-operation and co-ordination between key statutory organisations involved in managing the risks posed to the community by convicted sex offenders. The National SORAM Steering Group oversee the management of sex offenders and comprises of representatives from An Garda Síochána, The Probation Service, Child and Family Agency (Tusla), HSE (Cosc), The Irish Prison Service and Local Authority Housing. The 28 Local SORAM Teams identify and manage the individual sex offenders and also comprises representatives from An Garda Síochána, The Probation Service, Child and Family Agency (Tusla) and Local Authority Housing.

Care; Education; Health; Offending behaviour and Preparation for discharge (CEHOP)

In line with the programmes offered to young people detained on criminal charges, the CEHOP forms the journey through care for each young person. Under the “Offending behaviour” the behaviour which brings the young person into detention is challenged and all available programmes, both internal and external, are made available. In terms of specific measures, the programmes for sexual offenders in Oberstown Detention Centre are aimed, based on their assessment, on challenging their offending sexual behaviour and this is delivered both using internal staff resources but also external agencies who specialise in the treatment of young sexual offenders. A protocol exists between Tusla and the Oberstown Children Detention Campus around the sharing of relevant information. The Assessment, Therapy and Consultation Service (ACTS) provides in-reach clinical services to young people detained as well as following the young person back into the community to ensure a continuum of service.

Referral is regularly made to the PACE² organisation, through the Probation Service, to the Safer Lives programme, which is a community based programme for sexual offenders, to Circles of Support and Accountability & to Foothold Floating Support Services. Closer links have been developed between the Irish Prison Service and SORAM. An IPS representative is deployed to the SORAM office one day per fortnight to coordinate and support communication between this office and the IPS. Case conferences are held between IPS and other authorities including the Gardaí, the Probation Service, HSE, Tusla and other authorities.

² PACE Organisation – Prevention, Accommodation, Community, Enterprise. A voluntary Sector organisation in Ireland, that works with people that have convictions, to support their safe integration into the community.

Question 7: International cooperation

Has your country integrated prevention and the fight against sexual exploitation and sexual abuse of children in assistance programmes for development provided for the benefit of third states (Article 38, para. 4)? Please give examples.

The Department of Foreign Affairs has developed a Safeguarding Policy (including child safeguarding and sexual exploitation, abuse and harassment). The implementation of this policy includes Standard Operating Procedures for DFA staff and for grantees, partners and contractors.

All Civil Society Organisations (CSOs) funded by DFA must maintain policies and procedures to keep safe, and prevent harm to, any children or vulnerable people with whom the CSO's staff or associates are in contact in the course of implementing programmes. This approach is a pre-requisite for funding eligibility and is monitored on an ongoing basis. For example, ActionAid Ireland is funded by DFA in three countries in Africa and Asia (Ethiopia, Kenya and Nepal). In its work, ActionAid Ireland recognises that SHEA and safeguarding incidents are rooted in abuses of power and inequalities and that sexual violence and power intersect with each other in different ways. As a result their policies distinguish between abusive behaviours carried out between staff and other representatives (addressed through the *Sexual Harassment, Exploitation, and Abuse at Work policy*), abusive behaviour carried out towards children (addressed through Child Safeguarding policy), and abusive behaviour carried out towards rights holders and communities, including adults at-risk (addressed through the *Protection from Sexual Exploitation and Abuse policy*).

All CSOs ensure safety and protection from harm; some CSOs also have a strong focus on prevention of and response to sexual exploitation and sexual abuse of children and young adults in their programming. For example, DFA supports World Vision Ireland's work across four countries in Africa (Uganda, Tanzania, Sierra Leone and Mauritania). World Vision Ireland is targeting some of the world's most vulnerable children, including trafficked children, orphans, child soldiers, street children, child brides, displaced children and children that are in conflict or emergency situations. Its child protection system is focused on building a fully protective environment around the child, consisting of laws, services, attitudes and behaviour that combined, prevent and respond to abuse, neglect, exploitation and other forms of violence against children. They achieve all this by working closely with communities to create child-friendly spaces where vulnerable children can be safe and access vital services, and by supporting child protection committees and local services to respond to the needs of the most disadvantaged children. World Vision also advocates for governments and international institutions to use their influence to better protect the world's most vulnerable children.

PREVENTION OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 8: Education, awareness raising and training

8a (i) Which legislative or other measures have been taken to:

- ensure that children, during primary and secondary education receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacities? (Article 6, Explanatory Report, paras. 59-62).
- Please also specify whether this information includes the risks of the use of new information and communication technologies (Article 6, Explanatory Report, para. 63)

The Professional Development Service for Teachers (PDST) as a Department of Education funded support service has responsibility for delivering professional development supports to teachers and school leaders in all areas of curriculum and policy for schools. National Child Protection Seminars provided by the Professional Development Service for Teachers are dedicated supports for Designated Liaison Persons (DLP) and Deputy Designated Liaison Persons (DDL) in schools. They provide direction and guidance on the implementation of the 'Children First' and the Department Child Protection Procedures when dealing with allegations/suspicion of child abuse and neglect. The seminars focus on the role and responsibilities of the DLP/DDLP including liaising with external agencies, supporting staff, reporting to Tulsa, communication with the Board of Management /parents and curriculum implementation.

The provision of Social, Personal and Health Education (SPHE), the Junior Cycle Wellbeing Programme, anti-bullying policy in schools and the implementation of the Wellbeing Policy are all aimed at developing socially and emotionally competent, resilient young people who respect diversity and are able to make healthy relationship and life choices.

SPHE is delivered on a mandatory basis throughout primary level and at Junior Cycle. At primary level SPHE provides specific opportunities to enable the child to understand himself or herself, to develop healthy relationships and to establish and maintain healthy patterns of behaviour. It is a particular concern of the curriculum, to develop in the child respect and care for his or her body and an appropriate concern for safety. It also enables the child to acquire the knowledge and attitudes that help to promote a healthy lifestyle. This includes becoming aware of the influence that advertising, peer pressure and other factors can have on the individual lifestyles and developing the ability to make appropriate choices and decisions on a range of health issues.

In addition, the 'Stay Safe' programme is a mandatory programme delivered at Primary Level. It is designed to enable primary school teachers to deliver a very specific and structured abuse-prevention programme that addresses personal safety issues such as physical, emotional and sexual abuse as well as bullying and stranger danger. The mandatory requirement places a legal obligation on the Board of Management, the school leader, the Designated Liaison Person (DLP) and the teacher to ensure that this programme is fully

implemented without edit or change that is not in line with the specific content therein. The 'Stay Safe' programme focuses on the home as a safe and loving environment and that individual cases of concern would be picked up by teachers and is delivered in an age appropriate manner.

At Post Primary level, Personal Safety lessons are designed to be delivered as part of a planned and integrated Junior Cycle SPHE programme and as part of the Senior Cycle SPHE Framework. The Personal Safety lessons cover topics such as staying safe, abuse, healthy and unhealthy relationships.

An extensive consultation occurred as part of the review of Relationship and Sexual Education (RSE) published by the National Council for Curriculum and Assessment (NCCA) in 2019. Following this review, the NCCA commenced the creation of an overall framework to inform the development of future SPHE/RSE resources. Work on updating or developing new specifications for SPHE/RSE has begun, with a focus on Junior Cycle. The NCCA curriculum development process includes extensive stakeholder consultation. A draft of the updated specification for Junior Cycle will be available for public consultation in early 2022. The redevelopment of Junior Cycle SPHE/RSE will be followed by the redevelopment of the Senior Cycle and Primary curricula.

The Child Safeguarding Statement of the Department of Education (last updated May 2021) details the relevant services provided by staff of the Department of Education to children as well as the principles and procedures in place to safeguard children from harm while availing of those services. This statement was prepared in line with Tusla's Guidance on Developing a Child Safeguarding Statement, Children First National Guidance for the Protection and Welfare of Children as well as the Addendum to Children First: National Guidance for the Protection and Welfare of Children which deals with online safety. This statement will be reviewed every 2 years, or as soon as practicable if there has been a material change in any matter to which the statement refers.

The Department of Education and Skills is, along with all other Government Departments, a member of the Children First Interdepartmental Implementation Group (CFIDG) established and chaired by the Department of Children and Youth Affairs. The CFIDG's functions are to:

1. Promote compliance by Government Departments with their obligations under the 2015 Act.
2. Monitor the implementation by Government Departments of the guidelines issued by the Minister for Children and Youth Affairs.
3. Provide support to Government Departments regarding the preparation and publication of sectoral implementation plans.
4. Promote a consistent approach by Government Departments to the preparation and publication of sectoral implementation plans.
5. Report to the Minister, when requested, on the implementation of the Children First Act 2015, and of the guidelines issued by the Minister.
6. Provide information or advice, or make proposals, to the Minister on any of the above matters.

In the Oberstown Detention Campus, the SPHE (Social, Personal & Health Education) and the CSPE (Civil, Social & Political Education) programmes deal with imparting the necessary information to young people on the areas highlighted in Article 6. QQI (Quality and Qualifications Ireland) awards in the areas of Person Effectiveness and modules on Personal and Interpersonal Skills are conducted which impart the necessary information for self-protection to young people.

Online Safety is a priority of the Irish Government, as demonstrated by progress toward the enactment of the Online Safety and Media Regulation Bill. The Online Safety and Media Regulation Bill will establish a robust regulatory framework for online safety. This regulatory framework will be overseen by an Online Safety Commissioner as part of a wider multi-person Media Commission.

It will be the role of the Online Safety Commissioner to oversee the regulatory framework for online safety. As part of the framework, the Commissioner will have the power to designate online services for regulation on the basis of risk assessments and create binding online safety codes that seek to minimise the availability of defined categories of harmful online content through oversight of the systems that online services used to deliver and moderate content. These defined categories include criminal material³, serious cyber-bullying material, material promoting eating disorders and material promoting self-harm or suicide.

In July 2018, the Government's first Action Plan for Online Safety was launched by the Taoiseach. The Action Plan reflects a whole of Government approach and contains twenty-five actions under five main goals. The actions are assigned to six different Government Departments for implementation, including the Department of Justice. Some of the main actions under the Plan include:

- Legislate for new criminal offences with the support of the Oireachtas.
- Strengthen links and processes with industry for removing illegal and harmful material.
- Work with online platforms based in Ireland to advance online safety measures.
- Work with EU and international partners to actively promote online safety.

The Action Plan is overseen by a Sponsors Group consisting of representatives of the six Departments involved in the Plan and by the National Advisory Council on Online Safety (NACOS). NACOS comprises key stakeholders and is chaired by the Minister of State at the Department of Communications, Climate Action and Environment.

The Department of Education recognises the importance of online safety for children and continues to ensure that there are extensive training and curricular supports and resources available to assist schools in the development of policies and practices on the safe use of the internet by children and young people.

³ The Harassment, Harmful Communications and Related Offences Act, 2020 (Coco's law) is covered by the category of harmful online content concerning illegal content.

BeSafeOnline

A single online access point has been established as part of the gov.ie portal which provides pathways to information on online safety.

EU Safer Internet Ireland

Combatting illegal, harmful and predatory use of the internet requires responses at national, EU and international levels. Ireland is part of the EU Safer Internet initiative. As part of the initiative, Ireland provides awareness raising, helplines and a hotline. These services are provided by partner organisations, coordinated by the Department of Justice. The project partners are co-financed by the European Union's Connecting Europe Facility.

The project partners are:

- Webwise.ie

This is part of the PDST (Professional Development Service for Teachers) Technology in Education in the Department of Education and Skills. It deals with awareness raising, develops materials and programmes for schools and runs the annual event for Safer Internet Day in Ireland. The Webwise programme is a key educational resource in the area of online safety. Webwise.ie promotes the autonomous, effective and safer use of the internet by young people through a sustained information and awareness strategy targeting school leaders, teachers, parents and children themselves with consistent and relevant messages.

The Webwise team develop and disseminate resources that help teachers to embed internet safety into teaching and learning in their schools including resources on cyberbullying, sexual exploitation, image sharing and sexting. It also provides information, advice, and tools to parents to support their engagement in their children's online lives.

Recognising that the voice of children is very important, the Webwise Youth hub, Watch Your Space, developed with the help of the Webwise Youth Advisory Panel, is a proactive and creative Hub where young people can get advice on internet safety issues and become involved in making the internet a better place for all users. It provides information on key issues such as online grooming, sexual exploitation and sexual coercion.

- Hotline.ie

Hotline.ie is the Irish national reporting centre where members of the public can securely, anonymously, and confidentially report concerns in respect of illegal content online, especially child sexual abuse material (CSAM). The removal of child sexual abuse images and videos from the Internet is the core of their work.

- ISPCC Childline

The Irish Society for the Prevention of Cruelty to Children (ISPCC) operates the helpline (Childline), which provides services on a 24/7 basis where children affected by issues encountered on the internet may turn for advice and guidance.

- NPC Primary

The National Parents Council Primary operates the parent/adult helpline, a dedicated helpline to deal with issues relating to internet safety, including cyberbullying. The NPC also provides parents with training courses, both online and face to face.

The Arts Council

The Arts Council has developed a quality assurance self-audit in the area of child safeguarding. Funded organisations must complete the self-audit in advance of drawing down funding. This brings them through a series of questions and links them to the national legislation and guidance available through Tusla. The self-audit process supports awareness across the arts sector regarding child safeguarding and helps organisations to ensure that their policies and procedures are informed and up to date.

Foras na Gaeilge

Foras na Gaeilge, the body responsible for the promotion of the Irish language throughout the island of Ireland. It facilitates and encourages its use in speech and writing in public and private life in the south and, in the context of Part III of the European Charter for Regional or Minority Languages, in Northern Ireland where there is appropriate demand. It also undertakes supportive projects, and grant-aiding of bodies and groups as considered necessary.

Whilst Foras na Gaeilge does not deal directly with children in formal education settings, it provides funding to organisations to deliver programmes to children of this age, but outside of formal education settings. All grantees are encouraged to discuss the safeguarding policy with children in their care and also with the parents or guardians, we have developed a child friendly version to assist with this. As a funding body it ensures that organisations funded by them have policies and procedures in place that are up to date with best practice and include the risks associated with the internet and social media.

8a (ii) Which legislative or other measures have been taken to:

- **encourage awareness of the protection and rights of children among persons who have regular contacts with children in the education, health, social protection, judicial and law-enforcement sectors and in areas relating to sport, culture and leisure activities? (Article 5, para. 1)**

The Children First Act 2015, which was fully commenced in December 2017, provides for a number of key child protection measures, including raising awareness of child abuse and neglect, providing for reporting and management of child protection concerns and improving child protection arrangements in organisations providing services to children.

Children First promotes the protection of children from abuse and neglect, by setting out what persons and organisations need to do to keep children safe, and how to deal with concerns about a child's safety or welfare.

The Act operates side-by-side with the non-statutory obligations provided for in Children First: National Guidance for the Protection and Welfare of Children. The guidance sets out definitions of abuse, and signs for its recognition. It explains how reports about reasonable concerns of child abuse or neglect should be made by the general public and professionals to Tusla. It sets out what organisations need to do to keep children safe. It also describes the obligations under the Children First Act 2015 and who they attach to. These guidelines have been in place since 1999 and were fully revised and published in October 2017 to include reference to the provisions of the Act.

Under section 11 of the Children First Act 2015, providers of relevant services to children are required to keep children safe from harm and to develop a written child safeguarding statement within three months of commencing operation. "Relevant services" is defined broadly and includes childcare and education services. The statement must outline risk assessments, procedures to manage any risk identified, staff recruitment procedures, and must be furnished, on request to Tusla. They are also required by law to review this statement within a 24 month timeframe. Organisations which fail to provide this information may be issued with a non-compliance notice. Tusla will also compile a register of non-compliant organisations which will be made available to the public.

Section 11 also requires that a child safeguarding statement specifies the procedures for the provision of information and, where necessary, instruction and training to members of staff of the provider in relation to the identification of the occurrence of harm.

Under section 14 of the Children First Act 2015, where a mandated person knows or believes on the basis of information acquired during the course of their employment, including information disclosed to the mandated person by a child, that a child has been harmed, or is at risk of being harmed, they are required to report that information to Tusla as soon as practicable.

Sector-specific measures

Tusla and AGS (An Garda Síochána) have agreed a joint training programme designed to raise awareness of Child Sexual Exploitation and agreed procedures for suspected cases.

Tusla is the statutory body responsible for receiving child welfare and protection referrals. Child protection refers to neglect or physical, emotional or sexual abuse. Referrals of child sexual abuse, which would include sexual exploitation and abuse, are assessed and managed by child protection social workers. All social workers are trained in the handling of child sexual abuse allegations. Those that meet the threshold for a social work assessment are managed by social workers. Under Irish law all social workers must be registered with the national regulatory body, CORU, under the Health and Social Care Professionals Act 2005 (as amended). Tusla also provides continuing professional development (CPD) to support social workers who are required to undertake CPD to maintain their registrations.

Oberstown Children Detention Campus (Oberstown) provides a safe and secure environment for young people sentenced or remanded by the Courts. It provides care, education, training and other programmes for young people under 18 years of age, with the aim of reintegrating them back into the community, capable of making a positive and productive contribution to society. The educational facility on the campus caters for all the young people who are detained here. In line with the 'National Guidelines for Children First', all staff who work in detention receive intensive and on-going training in child protection and safeguarding. The training includes initial induction training and on-going refresher training on an annual basis.

The Department of Education and skills has published 'Child Protection Procedures for Primary and Post-Primary School 2017' which gives direction and guidance to school authorities and school personnel in relation to meeting the statutory obligations under the Children First Act 2015. All schools are required to adhere to Departmental procedures when dealing with allegations or suspicions of child abuse. Key elements of the procedures include:

- Guidance for all school personnel on the four main types of abuse, how abuse and neglect can be recognised, and the reporting responsibilities for all school personal (teaching and non-teaching).
- Information for school authorities in child safeguarding, including statutory obligations in respect of undertaking an assessment of the risk of harm while children are attending the school and preparing and publishing the school's Child Safeguarding Statement. The procedures require that all schools use templates published by the Department when preparing, publishing and reviewing their Child Safeguarding Statement.
- Significantly strengthened oversight requirements at school and Department level which are aimed at ensuring full compliance by schools with the Children First Act 2015, Children First National Guidance 2017, and with the Department's requirements as set out in the procedures for schools.

Continuing professional development to support schools in the implementation of the new procedures is also being made available through the Professional Development Service for Teachers. All schools are permitted two half-day closures during the current school year to allow time to engage with the revised procedures and to access the supports available.

National Gallery of Ireland

It is the policy of the National Gallery of Ireland (NGI) to safeguard the welfare of children and young people by ensuring they are safe and protected from harm whilst visiting their premises and, to the extent that it is within their control, when engaging in Gallery-run activities offsite and online. To this end, it has in place a Child Protection Policy and Child Safeguarding Statement. These documents are consistent with both the guidance set out in Children First: National Guidance for the Protection and Welfare of Children (2017), and the Children First Act (2015), as amended. These documents are further supported by additional NGI policies and procedures, including our Digital Activities with Children and Young People Safeguarding Procedure, Privacy Notice and Social Media Policy. All of these documents are periodically reviewed in accordance with changing legislative requirements and current best practice.

Irish Museum of Modern Art (IMMA)

IMMA has signed up to the Children First guidelines and uses the National Guidance for the Protection and Welfare of Children as their guiding policy framework in the recruitment of staff and running of our public and education programming.

Chester Beatty

Chester Beatty adheres to the requirements of the Children First Act 2015 and has developed policies and a Child Safeguarding Statement, both of which have been ratified by the Chester Beatty Board of Trustees.

Foras na Gaeilge

As a funding body they ensure that organisations funded by them have policies and procedures that are up to date with best practice and include:

- procedures to recruit and manage staff
- An Garda Síochána vetting checks
- staff inductions on the organisations' safeguarding policy
- code of practice for behaviour between staff and young people
- relevant staff training on safeguarding

Sport Ireland

Sport Ireland acts in a guidance and support capacity to over 60 recognised National Governing Bodies of Sport in the area of Safeguarding and Child Protection. Their remit is to develop and disseminate guidelines and codes of practice promoting best practice for the protection of children in sport consistent with child protection legislation.

8a (iii) Which legislative or other measures have been taken to:

- **ensure that persons, referred to while replying to the bullet point above, have an adequate knowledge of sexual exploitation and sexual abuse of children, of the means to identify them and of the possibility of reporting suspicions of a child being the victim of such acts? (Article 5, para. 2).**

The Children First Act 2015 is a significant legislative measure in relation to the protection of children, and as mentioned in Article 4, is now fully commenced.

Under Children First, it is the responsibility of Government Departments to ensure that children and young people are kept safe while accessing services provided or funded by each department. It is also the responsibility of departments to ensure that all staff in the department itself, the sectors and agencies under the remit of the department, and the services funded are aware of comply with the obligations under the Children First Guidance and legislation, including the statutory obligations on mandated persons.

Tusla provides information on the Children First Act 2015 and Children First: National Guidance. This includes an e-learning training module that covers recognising and reporting child protection and welfare concerns. This training module is available to everyone, free of charge and can be found on the Tusla website: www.tusla.ie. The training also covers the role of mandated persons, mandated assisting, responsibilities of organisations working with children, and the role of designated liaison persons. Tusla also employs Children First Information and Advice Officers who can help assist with any queries about child protection and welfare training.

Under section 11 of the Children First Act 2015, providers of relevant services to children are required to keep children safe from harm and to develop a written child safeguarding statement within three months of commencing operation. "Relevant services" is defined broadly and includes childcare and education services. The statement must outline risk assessments, procedures to manage any risk identified, staff recruitment procedures, and must be furnished, on request to Tusla. They are also required by law to review this statement within a 24 month timeframe. Organisations which fail to provide this information may be issued with a non-compliance notice. Tusla will also compile a register of non-compliant organisations which will be made available to the public.

Section 11 also requires that a child safeguarding statement specifies the procedures for the provision of information and, where necessary, instruction and training to members of staff of the provider in relation to the identification of the occurrence of harm.

Under section 14 of the Children First Act 2015, where a mandated person knows or believes on the basis of information acquired during the course of their employment, including information disclosed to the mandated person by a child, that a child has been harmed, or is at risk of being harmed, they are required to report that information to Tusla as soon as practicable.

Sector-specific measures

Tusla and AGS (An Garda Síochána) have agreed a joint training programme designed to raise awareness of Child Sexual Exploitation and agreed procedures for suspected cases.

Tusla is the statutory body responsible for receiving child welfare and protection referrals. Child protection refers to neglect or physical, emotional or sexual abuse. Referrals of child sexual abuse, which would include sexual exploitation and abuse, are assessed and managed by child protection social workers. All social workers are trained in the handling of child sexual abuse allegations. Those that meet the threshold for a social work assessment are managed by social workers. Under Irish law all social workers must be registered with the national regulatory body, CORU, under the Health and Social Care Professionals Act 2005 (as amended). Tusla also provides continuing professional development (CPD) to support social workers who are required to undertake CPD to maintain their registrations.

Oberstown Children Detention Campus (Oberstown) provides a safe and secure environment for young people sentenced or remanded by the Courts. It provides care, education, training and other programmes for young people under 18 years of age, with the aim of reintegrating them back into the community, capable of making a positive and productive contribution to society. The educational facility on the campus caters for all the young people who are detained here. In line with the 'National Guidelines for Children First', all staff who work in detention receive intensive and on-going training in child protection and safeguarding. The training includes initial induction training and on-going refresher training on an annual basis.

The Department of Education and skills has published "Child Protection Procedures for Primary and Post-Primary School 2017", which gives direction and guidance to school authorities and school personnel in relation to meeting the statutory obligations under the Children First Act 2015. All schools are required to adhere to Departmental procedures when dealing with allegations or suspicions of child abuse. Key elements of the procedures include:

- Guidance for all school personnel on the four main types of abuse, how abuse and neglect can be recognised, and the reporting responsibilities for all school personal (teaching and non-teaching).
- Information for school authorities in child safeguarding, including statutory obligations in respect of undertaking an assessment of the risk of harm while children are attending the school and preparing and publishing the school's Child Safeguarding Statement. The procedures require that all schools use templates published by the Department when preparing, publishing and reviewing their Child Safeguarding Statement.
- Significantly strengthened oversight requirements at school and Department level which are aimed at ensuring full compliance by schools with the Children First Act 2015, Children First National Guidance 2017, and with the Department's requirements as set out in the procedures for schools.

Continuing professional development to support schools in the implementation of the new procedures is also being made available through the Professional Development Service for Teachers. All schools are permitted two half-day closures during the current school year to allow time to engage with the revised procedures and to access the supports available.

National Gallery of Ireland

It is the policy of the National Gallery of Ireland (NGI) to safeguard the welfare of children and young people by ensuring they are safe and protected from harm whilst visiting their premises and, to the extent that it is within their control, when engaging in Gallery-run activities offsite and online. To this end, it has in place a Child Protection Policy and Child Safeguarding Statement. These documents are consistent with both the guidance set out in Children First: National Guidance for the Protection and Welfare of Children (2017), and the Children First Act (2015), as amended. These documents are further supported by additional NGI policies and procedures, including our Digital Activities with Children and Young People Safeguarding Procedure, Privacy Notice and Social Media Policy. All of these documents are periodically reviewed in accordance with changing legislative requirements and current best practice.

Irish Museum of Modern Art (IMMA)

All staff are required to be vetted and are trained using the National Guidance for the Protection and Welfare of Children, as their guiding policy framework in the recruitment of staff and running of their public and education programming.

Chester Beatty

All personnel, both relevant staff and volunteers have undergone Child Safety Awareness Training and relevant staff have completed the Children First E-learning Programme.

Foras na Gaeilge

As a funding body they ensure that organisations funded by them have policies and procedures that are up to date with best practice, which include:

- staff inductions on the organisations' safeguarding policy
- code of practice for behaviour between staff and young people
- relevant staff training on safeguarding

Sport Ireland

Sport Ireland's Safeguarding programme is aimed at sports leaders & adults who are involved in the organisation of sport for children and young people. The goal of the programme is to promote awareness of best practice and legal requirements in the area of safeguarding & child

protection. To advance this function, Sport Ireland offers three workshops in the area of safeguarding & child protection and must be attended by those carrying out relevant roles:

- Safeguarding 1 - Basic Awareness – (all sports leaders engaging with children & young people)
- Safeguarding 2 – Club Children Officer (role specific)
- Safeguarding 3 – Designated Liaison Person (role specific)

8b Which policies or strategies have been implemented to promote or conduct awareness-raising campaigns targeted at the general public where the focus is directed especially towards the risks and realities of sexual exploitation and sexual abuse of children? Please describe the material used for the campaign/programme and its dissemination. (Article 8, para. 1)

Tusla, issued a Guide for the reporting of Child Protection and Welfare concerns, including sexual abuse, for individuals and organisations working with children under the Children First Act 2015.

The ‘Supporting Children’ (gov.ie/supportingchildren) information and media campaign, aimed at raising awareness of services and supports for vulnerable children, young people and their families, was initially launched in June 2020. The Department of Children, Equality, Disability, Integration and Youth (DCEDIY) launched the campaign in the context of the public health emergency. Information provided covered a range of topics including messaging around keeping children safe and reporting child protection concerns to Tusla.

The ‘Blue Blindfold’ campaign and website is maintained by the Department of Justice, which has primary responsibility for the coordination and development of the Government’s response to the crime of human trafficking. The campaign seeks to further educate the public on what human trafficking is, how it occurs in Ireland, how members of the public can spot and report the signs of trafficking, and how the State supports these victims once identified. The ‘Blue Blindfold’ motif urges the public not to close their eyes to the signs of human trafficking. The updated ‘Blue Blindfold’ website is available at www.blueblindfold.gov.ie

The Second National Strategy on Domestic, Sexual and Gender-based Violence (DSGBV) has as a key action the delivery of a national awareness raising campaign to achieve attitudinal and societal change to support the prevention of domestic, sexual and gender-based violence.

There are also actions in the Second National Strategy concerned with developing awareness/education for primary, second and third level in an age and diversity appropriate way in relation to DSGBV.

The Rape Crisis Centres carry out important general awareness raising activities. The Department of Children, Equality, Disability, Integration and Youth (DCEDIY) coordinated Children First Awareness Week in November 2021. The main campaign messages were as follows:

- Everyone has a responsibility to keep children as safe as possible.
- The Covid-19 pandemic has highlighted the importance of communities and organisations working together to keep children and young people as safe as possible.
- You should always inform Tusla if you are concerned that a child or young person may have been, is being, or is at risk of being abused or neglected.
- Organisations classed as providers of relevant services under the Children First Act 2015 are required to have Child Safeguarding Statements and have a responsibility to keep children safe from harm

8c Which legislative or other measures have been taken to prevent or prohibit the dissemination of materials advertising the offences established in accordance with this Convention? If so, please provide details (Article 8, para. 2, Explanatory Report, para. 66).

Under the common law system the dissemination of materials advertising offences outlined in the Child Trafficking and Pornography Act 1998 and the Sexual Offences Act 2017 would be covered by the common law offence of conspiracy, or aiding, abetting, counselling or procuring under the Criminal Law Act 1997.

Question 9: Recruitment and screening

9a Which legislative or other measures have been taken to ensure that the conditions for accessing those professions whose exercise implies regular contact with children, ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children? (Article 5, para. 3). Please specify to which professions such measures apply. Please also indicate for how long the criminal record of a person who was convicted for such crimes is kept in your country;

The National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016, provide a statutory basis for the vetting of persons carrying out relevant work with children or vulnerable persons. The Act also creates offences and penalties for persons who fail to comply with its provisions. The Act stipulates that a relevant organisation cannot employ, enter into a contract with, or permit a person to undertake relevant work with children or vulnerable persons on behalf of the organisation unless the organisation has received a vetting disclosure from the National Vetting Bureau in respect of that person.

The Act defines a "relevant organisation" as one that employs or permits a person to carry out relevant work or activities which mainly consist of them having access to, or contact with, children or vulnerable persons.

Garda vetting disclosures include details of all prosecutions, successful or not, pending or completed, and/or convictions. The Act also provides for the use of "soft" information on vetting or "specified information" as it's called in the Act. Specified information is information other than a court determined criminal record. For example, it includes conclusions from investigations of child abuse or neglect by the Health Service Executive, where such investigations have concluded that a person poses a threat to children or vulnerable persons. Specified information will also include similar conclusions arising from fitness to practice inquiries by statutory bodies such as the Medical Council, the Nursing Council or the Teaching Council.

Under the Children First Act providers of relevant services have an obligation to keep children safe from harm, to carry out a risk assessment and to develop a Child Safeguarding Statement (CSS) that outlines the policies and procedures that are in place to manage any risks identified, including in relation to the selection and recruitment of staff who are suitable to work with children. The Child Safeguarding Statement must be displayed publicly and made available to parents and guardians, Tusla and members of the public upon request.

The Act also provides for Tusla to establish and maintain a register of non-compliance for providers who fail to provide a copy of the CSS to Tusla when requested to do so. Tusla has established a Child Safeguarding Statement Compliance Unit (CSSCU) to support implementation of these provisions of the Act. The register of non-compliance is available on the Tusla website www.tusla.ie.

Under Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016, a range of minor offences become *spent* after 7 years. This means that an adult convicted of an offence covered by the Act does not have to disclose the conviction after 7 years, except in certain circumstances. The Act does not apply to any conviction for a sexual offence or an offence which was tried in the Central Criminal Court. These offences cannot become spent convictions.

9b Does the screening of candidates apply to voluntary activities (Explanatory Report, para. 57)?

Under The National Vetting Bureau (Children and Vulnerable Persons) Act 2012, a relevant organisation cannot employ, enter into a contract with, or permit a person to undertake relevant work with children or vulnerable persons on behalf of the organisation unless the organisation has received a vetting disclosure from the National Vetting Bureau in respect of that person.

The act defines “relevant organisation” as one that employs or permits a person to carry out relevant work or activities which mainly consist of them having access to, or contact with, children or vulnerable persons. This includes voluntary work if the voluntary activities involve the volunteer having access to, or contact with, children or vulnerable persons.

Question 10: Preventive intervention programmes or measures

10a Which legislative or other measures have been taken to ensure that persons who fear that they may commit any of the offences established in accordance with the Convention, have access to effective intervention programmes or measures designed to evaluate and prevent the risk of offences being committed? Please specify under which conditions, if required (Article 7, Explanatory Report, para. 64);

One in Four was established as a charity in Ireland in 2003. In 2020, 73% of its funding came from Government bodies. It started out as a public voice for people abused in clerical and institutional settings and provided therapy. Since then, as more people have come forward for help the range of clients and the required services have expanded. They now run a wide range of therapy programmes (individual, group, family, couples and prevention treatment), and an increasingly busy advocacy service, often providing vital support during the criminal justice journey from initial reporting through to trial.

The Prevention Programme (previously known as Phoenix Programme) is part of their core child protection strategy. One in Four work with individuals who exhibit sexually harmful behaviour towards children. While the state provides treatment programmes for convicted sex offenders both in prison and on release, the Prevention Programme aims to address non-convicted individuals who may be at risk of offending, offering structured interventions mostly in group settings. International research shows that good community-based treatment works and reduces the risk of reoffending.

The programmes are specific courses of evidence-based therapeutic interventions aimed at individuals who exhibit sexually harmful behaviour towards children and aim to support the individuals who are impacted by the perpetrator's behaviour. The types of programmes include:

- A systemic therapeutic approach for individuals who have perpetrated sexual violence against children
- A systemic therapeutic intervention for the families directly or indirectly impacted by sexual violence perpetrated by a family member
- Significant Individual Programme
- Mediation
- Family meetings

Referrals for the Prevention Programme come through the HSE, Gardaí, the Court system, self-referrals, solicitors and other professionals. Clients must acknowledge their sexually harmful behaviour. Clients attend an initial meeting to assess their suitability for the programme. All clients who attend this meeting will be referred to Tusla Child Protection Services. They will not be admitted to the Prevention Programme until they have met with a Tusla social worker. The Garda Superintendent in the area in which the offender lives is also notified immediately.

The Prevention Programme is delivered in 3 modules spread over 12 months with each module informing the pathway that led to sexual offending behaviour. The aim is to challenge the offender to understand the harm caused, to gain insight into the thoughts and behaviours that facilitated the abusive behaviour and to support them to build a lifestyle that keeps children safe.

- Module 1: Early Life History
- Module 2: Sexually Harmful Behaviour History
- Module 3: Positive Living Pathway

Once the programme has been satisfactorily completed the individual moves onto the aftercare/intervention programme. The client attends once a month for the first year and then once every three months for up to two years.

It is highly recommended that each participant in the programme nominates a support person from within their family or community. This person attends a support group which runs at the same time with each of the offender intervention modules. The support group focuses on psycho-educative issues, sexually harmful behaviour, child protection and personal support. A key aspect of the Prevention Programme has always been the involvement of the non-offending family members. Family members, usually the wife or the partner or parent of the offender, are invited to attend a psycho-educative support group which allows them to learn about:

- characteristics of individuals who offend
- offending behaviour
- pathways that lead to offending behaviour

Group members are supported in exploring family dynamics which allowed the abuse to occur and to understand the role they played in maintaining this dynamic. Understanding the pathways that led to the offending behaviour is paramount in prevention and is at the heart of protecting children from sexual harm.

Tusla

Tusla's existing structures carried out by Social Work regarding Child Protection and Welfare are responsive to such situations cited in this question; and legislation such as the Child & Family Agency Act 2013 - Sections 13, 14, and 15 provide a legal basis for specialized work carried out by Tusla's National Inter Agency Prevention Programme (NIAPP), that works with children who have admitted to having sexually abused others, and their parents/carers. Enquiries concerning fears of sexually abusing others would be taken up by Social Work for initial assessment; with appropriate referrals being made to either public or private services, depending on the case.

Tusla established NIAPP in 2016 and is a developing service within Ireland specific for children 18 and younger who have admitted to having sexually abused others. Currently there are 8 NIAPP Initiatives in specific Areas of the State. Social Workers and NIAPP Clinicians have access to AIM 3 training which, is a structured assessment framework, used to assess concerns and strengths of such children which informs safety planning and potential interventions. NIAPP provides training to Tusla's other departments as requested on areas such as: when to be concerned, what is normal child sexual behaviour, safety planning, provision of safe and effective assessment and intervention re this population, and conditions that may warrant a child who has sexually abused others being placed in alternative care. For children who deny such accusations, the Social Work Department would have authority to advise and/or ensure appropriate safety planning was in place for the child with their parents/carers. For children who admit to such accusations, NIAPP is available for referral by the Tusla Social Worker with the agreement of the family.

10b Which legislative or other measures have been taken to ensure that persons subject to criminal proceedings or convicted for any of the offences established in accordance with the Convention, may have access to effective intervention programmes or measures? Please specify under which conditions, if required (Articles 15 to 17). Please indicate in particular:

- **who has access to these programmes and measures (convicts, persons subject to criminal proceedings, recidivists, young offenders, persons who have not committed a crime yet?);**
- **how the appropriate programme or measure is determined for each person;**
- **whether there are specific programmes for young offenders;**
- **whether persons have a right to refuse the proposed programme/measures?**

Current treatment for people convicted of sexual violence in custody in Ireland

The Irish Prison Service (IPS) has engaged in several iterations of sex offender treatment over the past two decades, with changes being introduced based on new evidence and best international practice. The Building Better Lives programme is available in the Irish Prison Service to men in custody who have been convicted of a sexual offence.

In 2009, the IPS introduced the Building Better Lives (BBL) group programme which is based on Canada's Rockwood model of treatment. This programme is available to those in custody who have been convicted of a sexual offence. BBL is aimed at preventing and minimising the risks of repeated offences of a sexual nature against children. Those included in treatment must demonstrate robustness of mental health, intellectual, social and developmental capacity, some literacy capacity and must have finished any appeal process related to their conviction. It is voluntary in nature and one of the main criteria for inclusion is acknowledgement of the offence and harm caused and a sentence of at least 18-24 months. Treatment typically occurs in the last two years of the sentence.

Assessments used as part of the programme include the Risk Matrix 2000 (RM 2000) and Risk of Sexual Violence Protocol (RSVP). Typically, an individual participating in the BBL will undergo six to eight hours of risk assessment which identifies an individuals' risks, needs and protective factors. This assessment informs treatment. BBL takes place over three stages and

the programme takes at least 18 months to complete. The bulk of the programme (Part 2) runs twice weekly.

- Stage 1: 'Exploring Better Lives' (EBL) enhances motivation and further identifies treatment targets.
- Stage 2: 'Practicing Better Lives' (PBL) includes 60-70 sessions of in-depth therapeutic and risk relevant work.
- Stage 3: 'Building Better Lives Support Programme (BBL Support Group) supports maintenance of progress and addresses key risk and resettlement issues.

The programme can be delivered as a group or individually, depending on the person's needs. The BBL programme includes a high degree of challenge and support for participants, includes family meetings, and there is regular review and monitoring of the participants' progress. It also includes the development of a comprehensive risk management and resettlement plan and comprehensive risk relevant information sharing between key criminal justice agencies.

Between 2015 and 2019 (pre-Covid-19 pandemic) an average of 20-25 people participated in the BBL programme annually. In relation to BBL group programme as it currently operates, breakdown *approximates* as follows: 25% engage in all or part of the BBL, 25% are not in prison long enough to engage in the BBL, 25% are appealing their sentence and 25% are unsuitable for the BBL due to their mental health, personality instability or denial of the offence (those appealing their offence often deny all or part of their offending also, therefore 'denial' as an exclusion criteria constitutes a significant percentage of the population).

The BBL programme is only one of a number of assessment and intervention (treatment) pillars provided by the Irish Prison Service and Probation Service for people convicted of sexual violence. The IPS provides alternative pathways of intervention for people who are not suitable for, or decline to attend, the Building Better Lives Programme but who are willing to engage in other interventions, in order to facilitate cognitive, emotional and behavioural change and social reintegration and seek to reduce the risk of recidivism and help ex-offenders lead law-abiding lives.

Prison in-reach Psychiatry services are available for stabilisation and maintenance of mental health where a mental health diagnosis is made. A Sex Offender Risk Assessment and Management (SORAM) programme has also been established to support the cooperation and coordination between key statutory organisations involved in managing the risk posed to the community by convicted sex offenders, as well as the Safer Lives Community Group Work Treatment Programme by the Probation Service. A significant number of those released who do not participate in Building Better Lives Programme, are managed through one or more of these programmes.

In keeping with best practice, the IPS has no proposals to make offence-focused treatment for sex offenders mandatory. There are currently no legislative measures used to ensure people convicted of sexual violence access the appropriate treatment required. Unlike other jurisdictions, Ireland does not allow for the opportunity of early temporary release on successful completion of treatment. This has an impact on uptake to treatment programmes.

The Third National Strategy on Domestic, Sexual and Gender-based Violence, due to be agreed by the end of 2021, will place an emphasis on prevention and reduction of such violence in Irish society. The new strategy will be drafted and structured on the basis of the four pillars of the Istanbul Convention, which Ireland ratified on 8 March 2019: Prevention, Protection and support of victims, Prosecution of offenders and Integrated Policies. In parallel, the Council of Europe (CoE) European Committee on Crime Problems strongly recommend that Governments of Member States be guided in their legislation, policies and practice by the rules contained in their updated report regarding the assessment, management and reintegration of persons accused or convicted of a sexual offence (Draft Recommendations Feb. 2021). The draft recommendations have been sent to the CoE Committee of Ministers for final adoption. These recommendations represent the most up-to-date research and evidence on the reduction and prevention of sexual violence by whole-of Criminal Justice Agencies.

Consistent with both the European and Irish context, the IPS plans to implement the CoE best-practice recommendations to sustain safer behaviour by people convicted of sexual violence on release to the community. Plans include risk assessment at an early stage in sentence to inform sentence management and treatment options, working with people who deny and minimise their offence(s), working with people with mental disorders who have been sexually violent, and provision of treatment for people in all risk categories for better outcomes and safer communities.

Proposed treatment changes would include the introduction of interventions for people who minimise or deny their offending. Whilst it may seem counterintuitive, denial is not a strong predictor of re-offending. Recent clinical practice and research highlights the benefits of working with this category of offender e.g. preliminary findings indicate 2.5% recidivism compared to an expected rate of 13% over a 3.5 year period at risk.

In-custody treatment is a critical part of an overall public protection strategy. Best practice research outlines that custodial treatment should include: consistent qualified psychologists facilitating clinical intervention, group treatments, and treatments of sufficient dosage and duration to reflect the risk and need.

In line with the programmes offered to young people detained on criminal charges the **C**are; **E**ducation; **H**ealth; **O**ffending behaviour and **P**reparation for discharge (CEHOP) forms the journey through care for each young person. Under the “Offending behaviour” the behaviour which brings the young person into detention is challenged and all available programmes, both internal and external, are made available.

In terms of specific measures, the programmes for sexual offenders in Oberstown Detention Centre are aimed, based on their assessment, on challenging their offending sexual behaviour and this is delivered both using internal staff resources but also external agencies who specialise in the treatment of young sexual offenders.

A protocol exists between Tusla and the Oberstown Children Detention Campus around the sharing of relevant information. The Assessment, Therapy and Consultation Service (ACTS) provides in-reach clinical services to young people detained as well as following the young person back into the community to ensure a continuum of service.

Referral is regularly made to the 'PACE'⁴ organisation, through the Probation Service, to the PACE - Safer Lives programme, which is a community based programme for sexual offenders, to Circles of Support and Accountability & to Foothold Floating Support Services. Closer links have been developed between the Irish Prison Service and SORAM. An IPS representative is deployed to the SORAM office one day per fortnight to coordinate and support communication between this office and the IPS. Case conferences are held between IPS and other authorities including the Gardaí, the Probation Service, HSE, Tusla and other authorities.

Sections 28 to 30 of the Sex Offenders Act 2001, as amended by the Sexual Offences Act 2017, include provisions for post-release supervision for sex offenders. Under the Act, it is the duty of the court to consider including post-release supervision at sentencing. During the specified period of supervision, the offender is required to engage with, and be under the supervision of, a probation and welfare officer and is required to comply with the supervision requirements that are set at sentencing. Proposed amendments to the 2001 Act, which were published in the General Scheme of the Sex Offenders (Amendment) Bill 2018, also include a provision giving power to the court to amend conditions or include new conditions for a sentence involving post-release supervision on the application of a probation officer.

Under section 16 of the Sex Offenders Act 2001, a member of An Garda Síochána can apply to the Court in request of a sex offender order in respect of a person who has been convicted of a sexual offence either inside or outside of State, and if there are reasonable grounds to believe it is necessary to protect the public from serious harm from the offender. Sex offender orders shall contain only such prohibitions on the respondent's doing a thing or things as the court considers necessary for the purpose of protecting the public from serious harm from the offender.

Under section 99 Criminal Justice Act 2006 sex offenders can be sentenced to part suspended sentences which involve an offender serving a period of time in custody followed by a suspended portion in the community. The sentencing judge can impose conditions of Probation Service supervision and/or treatment in the court order.

In managing these cases the Probation Service works closely with the Gardaí and other partner agencies to ensure the co-operation and compliance by the offender with supervision in the interests of community safety. Risk assessment instruments are used to determine the level and type of interventions required.

⁴ PACE Organisation – Prevention, Accommodation, Community, Enterprise. A voluntary Sector organisation in Ireland, that works with people that have convictions, to support their safe integration into the community.

In addition, the Probation Service provides funding to community based non-governmental bodies which provide services which are in line with the strategic priorities of the Probation Service. One such body, PACE⁵, operates 3 separate services for sex offenders under supervision and who are classified as being of medium to high risk of re-offending.

The Sex Offenders Act 2001 states it is:

“an Act to require, in the interests of the common good, the notification of information to the Garda Síochána by persons who have committed certain sexual offences; in those interests to impose, or enable the imposition of, certain other requirements on such persons (including requirements the purpose of which is to assist in their rehabilitation)”.

Thus, the Sex Offenders Act 2001 provides a legal basis for AGS to carry out risk assessments of convicted sex offenders. For this purpose, all persons involved in the local management and monitoring of sex offenders are trained in the use of risk assessment tools. AGS has also engaged with the Probation Service in providing joint training in the risk assessment of sex offenders, utilising the *Stable and Acute 2007 risk assessment tool*, which facilitates ongoing risk assessment and monitoring of sex offenders, with identification of appropriate interventions. These risk assessments and recommended interventions feed directly into the SORAM process, so as to ensure that all agencies participating in SORAM can work together, to manage the risk posed to the community by convicted sex offenders and to safeguard the welfare of children.

AGS reports all allegations of suspected physical, sexual or emotional abuse and neglect of children which it becomes aware of, to TUSLA, pursuant to the provisions of the Children First Act 2015 and Children First: National Guidance 2017. This process has been in existence formally and as part of relevant AGS policy since 1999. Such notifications allow TUSLA to put in place necessary child protection arrangements.

There is no legislative basis empowering AGS to risk assess suspected sex offenders who have not been convicted, however, TUSLA carry out an assessment of child protection risk in such circumstances. AGS and TUSLA cooperate in completing this assessment. It is intended that the information sharing agreement referred to previously, will assist in this process and provide guidance to both agencies on the appropriate means of sharing information and the nature of information that is to be shared, to facilitate this assessment process.

⁵ PACE Organisation – Prevention, Accommodation, Community, Enterprise. A voluntary Sector organisation in Ireland, that works with people that have convictions, to support their safe integration into the community.

Question 11: Participation of the private sector, the media and civil society

What steps have been taken to encourage:

11a The private sector (in particular the information and communication technology sector, the tourism and travel industry, the banking and finance sectors) to participate in the elaboration and implementation of policies, programmes or other initiatives to prevent sexual exploitation and sexual abuse of children?

Please indicate which private sectors are concerned and explain how participation takes place.

Please also provide information concerning any relevant code of conduct or enterprise charter aimed at protecting children from sexual exploitation and sexual abuse (Article 9, para. 2, Explanatory Report, paras. 68-73);

Under the Children First Act 2015, providers of relevant services to children, whether public, private or voluntary, are required undertake a risk assessment and to develop, implement and publish child safeguarding statements (CSS), which must be furnished on request to Tusla. The statements must include assessments of potential risks to children that may occur in the context of the organisation, and outline the policies in place to mitigate these risks.

The Act provides for the Child and Family Agency, Tusla to establish and maintain a register of non-compliance for service providers who fail to provide a copy of their Child Safeguarding Statement (CSS) to Tusla when requested to do so. Tusla has established a Child Safeguarding Statement Compliance Unit (CSSCU) to support implementation of this provision. During 2019/20 the CSSCU reviewed 1,035 CSSs leading to the initiation of 26 enforcement actions.

The Department of Justice engages with a range of NGOs who operate to raise awareness of human trafficking, some of whom also focus on child sexual exploitation, and engage with the private sector as part of that work. The Department also makes funding available on an annual basis through the Government's Dormant Accounts Funding Programme for worthwhile projects in this area. Currently, funding is provided to the Migrant Rights Centre of Ireland, which is a national organisation working to promote justice, empowerment and equality for migrants and their families, and to Ruhama, an organisation which works on a national level to support people affected by prostitution and commercial sexual exploitation.

Online safety is being tackled in a coordinated manner by the Government's first Action Plan for Online Safety (2018-2019), which was launched by the Taoiseach in July 2018. The Action Plan reflects a whole of Government approach and contains twenty-five actions under five main goals. The actions are assigned to six different Government Departments for implementation. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media is the lead Department. Some of the main actions under the Plan include:

- Legislate for new criminal offences with the support of the Oireachtas.
- Strengthen links and processes with industry for removing illegal and harmful material.

- Work with online platforms based in Ireland to advance online safety measures.
- Work with EU and international partners to actively promote online safety.

The Action Plan is overseen by a Sponsors Group consisting of representatives of the six Departments involved in the Plan and by the National Advisory Council on Online Safety (NACOS).

BeSafeOnline

A single online access point has been established as part of the gov.ie portal which provides pathways to information on online safety.

EU Safer Internet Ireland

Combatting illegal, harmful and predatory use of the internet requires responses at national, EU and international levels. Ireland is part of the EU Safer Internet initiative. As part of the initiative, Ireland provides awareness raising, helplines and a hotline. These services are provided by partner organisations, coordinated by the Department of Justice.

The project partners are:

- Webwise.ie This is part of the PDST (Professional Development Service for Teachers) Technology in Education in the Department of Education and Skills. It deals with awareness raising, develops materials and programmes for schools and runs the annual event for Safer Internet Day in Ireland.
- Hotline.ie The Internet Service Providers' Association of Ireland (ISPAI) operates the hotline, the service which allows the public to report suspected illegal content or activities found on the internet.
- ISPCC Childline The Irish Society for the Prevention of Cruelty to Children (ISPCC) operates the helpline (Childline), which provides services on a 24/7 basis where children affected by issues encountered on the internet may turn for advice and guidance.
- NPC Primary The National Parents Council Primary operates the parent/adult helpline, a dedicated helpline to deal with issues relating to internet safety, including cyberbullying. The NPC also provides parents with training courses, both online and face to face.

The project partners are co-financed by the European Union's Connecting Europe Facility.

What steps have been taken to encourage:

11b The media to provide appropriate information concerning all aspects of sexual exploitation and sexual abuse of children (Article 9, para. 3, Explanatory Report, para. 74);

The Government actively encourages the sharing of information pertaining to legislative and other measures relating to child protection through the provision of press releases, speeches, and transparent documentation of parliamentary debates which are made available to the public without delay.

A Children First Awareness Week was held November 2021. The main campaign messages were as follows:

- Everyone has a responsibility to keep children as safe as possible.
- The Covid-19 pandemic has highlighted the importance of communities and organisations working together to keep children and young people as safe as possible.
- You should always inform Tusla if you are concerned that a child or young person may have been, is being, or is at risk of being abused or neglected.
- Organisations classed as providers of relevant services under the Children First Act 2015 are required to have Child Safeguarding Statements and have a responsibility to keep children safe from harm

A separate 'Supporting Children' (gov.ie/supportingchildren) information and media campaign, aimed at raising awareness of services and supports for vulnerable children, young people and their families, was initially launched in June 2020. The Department of Children, Equality, Disability, Integration and Youth (DCEDIY) launched the campaign in the context of the public health emergency. Information provided covered a range of topics including messaging around keeping children safe and reporting child protection concerns to Tusla.

The Children Act 2001 and the Criminal Law (Rape) Act 1981 make provision for the restriction of reporting by the media in criminal trials relating to children and sexual offences, respectively.

What steps have been taken to encourage:

11c The financing, including, where appropriate by the creation of funds, of the projects and programmes carried out by civil society aimed at preventing and protecting children from sexual exploitation and sexual abuse (Article 9, para. 4, Explanatory Report, para. 75).

May the proceeds of crime be used to finance the above mentioned projects and programmes? Please provide details (Article 27, para. 5, Explanatory Report, para. 193).

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The project partners are co-financed by the European Union's Connecting Europe Facility.

CARI

CARI provides child-centred therapy for children and adolescents who have been affected by sexual abuse. CARI also provides therapy to children who present with sexually harmful behaviour. CARI is a post assessment therapy centre and child protection concerns must have been reported to the TUSLA before therapy can commence. However, they also provide ongoing support sessions for parents while their child is awaiting and undergoing the TUSLA child sexual abuse assessment.

- Children who have disclosed sexual abuse and whose disclosure have been investigated by the appropriate authorities.
- Children who witness reported sexual assaults on a child or adult.
- Siblings of the above
- Children affected by information regarding sexual abuse of a child and/or who may have been the confidant of a disclosure provided that the relevant authorities have been informed.
- Children who have engaged in sexually harmful behaviour up to (and including) 12 years old.

CARI is dependent on State funding from Tusla and other statutory agencies and on voluntary contributions raised through community and corporate fundraising.

Barnahus

The State has committed to the establishment of a specialised coordinated service, based on the Barnahus model, and the first service based on this model has been established in the West of Ireland. There is an interdepartmental group, and a separate inter-agency group working to expand the provision of the Barnahus model in the Cork and Dublin regions. The service is provided by Tusla, the HSE and An Garda Síochána.

The service uses the one door principle (a child has only to come to one centre to receive multi-professional support.) Barnahus strives to avoid secondary victimisation, achieved through a joint child investigative interview and providing a safe place for disclosure and neutral place for professional interventions. The model provides therapeutic support for children, including referral pathways for emergency psychological support and medical treatment if required. The Barnahus model also provides support for the parents of the children, during the medical examination and interview processes.

Rape Crisis Network Ireland (RCNI)

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence with a proven capacity in strategic leadership. They are the representative, umbrella body for member Rape Crisis Centres who provide free advice, counselling and support for survivors of sexual abuse.

The RCNI developed a Guidance On Prevention, for their membership which was subsequently adapted and became The Guiding Principles on Prevention of the Irish National Strategy on Preventing Domestic, Sexual and Gender-Based Violence. RCNI has since used these principals to produce a Prevention Model to assist all those working to effect prevention.

RCNI shares expertise on prevention with other agencies and bodies including policy makers, government departments, NGOs, statutory agencies, professionals and youth organisations. It does so through one to one engagement, such as consultation on the school curriculum, as

well as through formal structures such as the National Steering Committee on Violence Against Women's communications subcommittee and through participation in conferences, most recently presenting at the UN at the invitation of the Irish government.

The RCNI is funded through Pobal, a not-for-profit company that manages programmes on behalf of the Irish Government and the EU. Funding through the Scheme to Support National Organisations (SSNO) helps fund RCNI core roles. The SSNO Grant programme is funded by the Government of Ireland through the Department of Rural and Community Development. The Department of Justice, supports RCNI to deliver a specialised legal response, and funds public awareness campaigns.

The Department of Justice engages with a range of NGOs who operate to raise awareness of human trafficking, some of whom also focus on child sexual exploitation, and engage with the private sector as part of that work. The Department of Justice also makes funding available on an annual basis through the Government's Dormant Accounts Funding Programme for worthwhile projects in this area.

An Garda Síochána

The Garda National Protective Services Bureau (GNPSB) work closely and collaboratively with a significant number of external NGO's and Statutory agencies to ensure effective measures are in place to prevent and protect children from sexual exploitation and sexual abuse.

Proceeds of Crime

In accordance with the Proceeds of Crime (Amendment) Act 2005, proceeds of crime are lodged with the Central Exchequer.

Question 12: Effectiveness of preventive measures and programmes

12a Please specify whether an assessment of the effectiveness and impact of the preventive measures and programmes described in replies to questions 4, 10 and 11 is regularly carried out

The material supplied for Questions 4, 10 and 11, as in relation to many of the other questions posed, is composed of composite responses drawn from several Government Departments and other bodies operating under their aegis. Notwithstanding the difficulty that can arise in attempting to measure the effectiveness of some preventive measures, in the sense that one is sometimes attempting to measure the extent to which something has not happened, assessment of the effectiveness/impact of the measures and programmes, in the context of the requirements laid down by the Lanzarote Convention specifically, has not taken place.

However, all Government Departments in Ireland, the actions they undertake and the funds they expend and disburse, are subject to extensive accountability arrangements, ranging from internal audit to parliamentary scrutiny. Similarly, publicly-funded bodies as a matter of course are held accountable, both in accordance with their internal arrangements and by their parent Departments, including with a view to ensuring the effectiveness of the measures they take and programmes they adopt, and similar accountability and value-for-money principles are applied to non-Governmental organisations in respect of the funding that is granted to them by Governmental bodies for stated purposes.

12b Please provide examples of the good practices in preventing sexual exploitation and sexual abuse of children.

The commencement of the Children First Act and the associated guidance provided for a number of new child protection measures including the introduction of mandatory reporting for certain key professionals and Child Safeguarding Statements for organisations providing relevant services to children.

An Garda Síochána

Operation Cosnaím was established at Garda National Protective Services Bureau (GNPSB) in October 2020, as a response to concerns over children in State care (Secure Care, Residential Care and Foster Care) being at risk of sexual exploitation.

GNPSB has, under this operation, monitored potential incidents of exploitation of children in care. Regular liaison between An Garda Síochána and Tusla occurs where there is any suspicion/report of sexual exploitation of children in State care. A joint plan is then developed and put in place to provide an appropriate protection and investigation response.

Numerous reports received by Tusla in which children frequently go missing from care homes only to return in possession of cash, phones/devices and or clothes informed the instigation of this operation. While such occurrences in themselves do not automatically indicate the existence of a criminal offence or sexual exploitation, there is sufficient

concern to warrant the establishment of an operation to mitigate the occurrences. The 4 pillars of the operation are: **prevent, protect, prosecute** and **partnership** in respect of child exploitation.

Prevent	Protect	Prosecute	Partnership
An Garda Síochána devise, in conjunction with Tusla, a prevention strategy around the sexual exploitation of children in residential and or foster care.	An Garda Síochána utilise both National and local Protective Services Units to identify children at risk of harm. An Garda Síochána respond quickly and robustly to incidents of concern, providing the maximum protection to children at risk of exploitation.	An Garda Síochána investigate and prosecute those persons who seek to abuse and exploit children in care settings.	An Garda Síochána will undertake the above strands utilising internal and external partnerships, in particular with Tusla.

Operation Cosnaím achieves the aim of ensuring that cases reported, or identified by local Garda investigators, are examined on a more holistic perspective to determine if evidence exists of organised, more widespread exploitation involving other children and/or other care homes. It offers a national perspective in tandem with an organised partnership with Tusla.

Hotline.ie – An Garda Síochána has partnered with Hotline.ie, which acts as an online URL reporting platform for Irish Service Providers to report Child Sexual Abuse or Child Sexual Exploitation content that is encountered on their networks. All URL’s harvested are then subject to examination to determine their country of origin. Once this is known, a report is submitted to GNPSB who then report same, onwards, via international Law Enforcement Channels.

A member of the Online Child Exploitation Unit in the GNPSB sits on the Online Safety Advisory Committee who are orientated towards online child protection including from Child Sexual Exploitation. This committees roles and responsibilities are as follows:

- Bring together key stakeholders to provide advice from a range of perspectives in order to support the Online Safety Initiative
- Build partnerships and mobilise stakeholders
- Provide expertise on online safety and digital youth work
- Provide strategic direction and guide the online safety initiative
- Provide support with the Online Safety Programme implementation
- Monitor progress on the implementation of the Online Safety Programme
- Pre-empt and identify challenges and opportunities to support the effective implementation of the Online Safety Programme and advise how best to respond

- Collaborate, share information and contribute to the success of the Online Safety Initiative
- Provide critical feedback where appropriate
- Identify and facilitate synergies between the Online Safety Programme and other programme initiatives / organisations to ensure additionality

Foras na Gaeilge

Foras na Gaeilge, is the body responsible for the promotion of the Irish language throughout the island of Ireland. It also undertakes supportive projects, and grant-aiding of bodies and groups as considered necessary. It requires those organisations in receipt of funding to have a robust safeguarding policy to include:

- procedures to recruit and manage staff
- An Garda Síochána vetting checks
- staff inductions on the organisations' safeguarding policy
- regular staff training on safeguarding
- code of practice for behaviour between staff and young people
- child centred approach to policy development and dissemination of information regarding the policy to children in funded groups
- safeguarding policy regularly reviewed
- safeguarding policy easily available to staff, parents and children

Sport Ireland

Sport Ireland's Safeguarding Guidance for Children and Young People in Sport aims to help sporting bodies create a culture of safety that promotes the welfare of children and young people engaged in sporting activities. This guidance document supports National Governing Bodies to meet their child safeguarding and child protection responsibilities which are cognisant of, and in line with, requirements under policy/legislation and with best practice. It does this through the provision of guidance and information in relation to the carrying out of a risk assessment, the development of a Child Safeguarding Statement and the development and implementation of policies and procedures for safeguarding and protection of children and young people.

Safeguarding Audit Framework

The main purpose of the Sport Ireland Safeguarding Audit framework is to support National Governing Bodies to strengthen their adherence to safeguarding policies and procedures thereby ensuring that children and young people partaking in sport are protected. Sport

Ireland's Safeguarding Audit Framework has been developed for use by all sporting organisations that work with children and young people, from grassroots to the national level.

Training

Sport Ireland offers three workshops in the area of safeguarding & child protection and must be attended by those carrying out relevant roles:

- Safeguarding 1 - Basic Awareness – (all sports leaders engaging with children & young people)
- Safeguarding 2 – Club Children Officer (role specific)
- Safeguarding 3 – Designated Liaison Person (role specific)

PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN VICTIMS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE

Question 13: Reporting suspicion of sexual exploitation or sexual abuse

13a Are professionals working in contact with children bound by confidentiality rules? Do these rules constitute an obstacle for reporting to the services responsible for child protection any situation where they have reasonable ground for believing that a child is a victim of sexual exploitation or sexual abuse? Please indicate the criteria or guidelines which allow for the waiving of confidentiality rules (Article 12, para. 1, Explanatory report, para. 89);

Under section 14 of the Children First Act 2015, where a mandated person knows or believes on the basis of information acquired during the course of their employment that a child has been harmed, or is at risk of being harmed, they are required to be obliged to report child protection concerns at or above a defined threshold to Tusla, the Child and Family Agency, as soon as practicable. This also applies in the case that the mandated person believes that, on genuine grounds, the child should be removed for their safety.

Mandated persons are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm. The list of mandated persons is set out in schedule 2 of the Act. It includes professionals working with children in the education, health, justice, youth and childcare sectors. Certain professionals who may not work directly with children, such as those in adult counselling or psychiatry, are also mandated persons. The list also includes registered foster carers and members of the clergy or pastoral care workers of a church or other religious community.

Furthermore, under section 3 of the Protection for Persons Reporting Child Abuse Act of 1998, persons are offered protection from civil liability in respect of communication by them to an appropriate person of their opinion that a child is or has been assaulted or sexually abused.

13b Are there any rules encouraging any person who knows about or suspects, in good faith, sexual exploitation and sexual abuse of children to report the facts to the competent authorities? If so, please specify under which conditions and to which authorities (Article 12, para. 2, Explanatory Report, para. 91). Please provide examples of good practice.

Under section 2 of the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012, it is an offence for a person to fail to disclose information where he or she believes that an offence has been committed upon a child, or if they have information which they know or believe may be of material assistance in the apprehension, prosecution or conviction of an individual for such offences.

Any person referring a child protection or welfare concern to Tusla, in good faith and which is not malicious, is protected from civil liability under the Protection for Persons reporting Child Abuse Act 1998. This legal protection means that even if a person reports a case of suspected child abuse and it proves unfounded, a plaintiff who took an action would have to prove that this person had not acted reasonably and in good faith in making the report. If a person makes a report in good faith and in the child's best interests, they may also be protected under common law by the defence of qualified privilege.

Question 14: Helplines

Which legislative or other measures have been taken to encourage and support the setting up of information services, such as telephone or Internet helplines, to provide advice to callers, even confidentially or with due regard for their anonymity? (Article 13, Explanatory Report, para. 92).

As set out in the Children First guidance any person should always inform Tusla if they have reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. It is not necessary for this person to prove that abuse has occurred to report a concern to Tusla. A report of concern can be made in person, by telephone or in writing to the local social work duty service in the area where the child lives. The contact details for the Tusla social work teams are provided at Tusla's website.

If a person is concerned about a child but unsure whether they should report it to Tusla, they can contact Tusla to informally discuss the concern.

While it is possible for members of the public to report a concern without providing their name, it may make it difficult for Tusla to assess their concern. Although Tusla cannot guarantee confidentiality, in general it will not reveal the names of members of the public who report suspected child abuse without their permission.

Mandated persons, such as key professionals working with children in the education, health, justice, youth and childcare sectors, cannot submit a report of a mandated concern anonymously.

CARI

The CARI Foundation (with funding support from Tusla) provides a National Helpline to parents and carers as well as professionals when callers are concerned about a child or young person who has been sexually abused or who displays worrying sexual behaviour. They provide information and advice and explore options available including referral to follow-up service.

Childline

Childline is a 24 hour national helpline run by the Irish Society for Prevention of Cruelty of Children. Childline is a general confidential listening service but it also refers young people to social welfare services and/or the Gardaí if they are not safe and agree to give their name.

Question 15: Assistance to victims

15a Please indicate which types of assistance described in Article 14 are provided to victims of sexual exploitation and sexual abuse of children. (Explanatory Report paras. 93-100) Please specify:

- **how the assistance is adapted to the victims' age and maturity;**
- **how due account is taken of the child's views, needs and concerns;**
- **if the assistance (in particular emergency psychological care) is also provided to the victims' close relatives and persons responsible for their care.**

Children who have been sexually abused require specialised, timely and differentiated services. These services include child protection, criminal investigation, forensic and medical assessment, and therapeutic service delivery. These services have been typically provided separately by the relevant State agencies; Tusla (the Child and Family Agency), the Health Services Executive and An Garda Síochána. Tusla and the HSE also works with organisations (including voluntary and charitable organisations) to source specialised psychological and counselling support as required.

Tusla has a number of community based social work teams that are responsible for responding to concerns of suspected child sexual abuse. There are also a number of specialist multi-disciplinary assessment units nationally where children may be assessed following concerns of suspected abuse. This process includes identifying therapeutic needs of the child and their family. Therapy in these instances may be provided through a number of different services depending on the needs of the individual child.

Tusla community based social work teams provide a full assessment service to children who are suspected of being the victim of child sexual abuse. The possibility of removing the alleged perpetrator and the possibility of removing the victim from his/her family environment where this is in the best interests of the child are included in the range of options available to Tusla under the Child Care Act 1991.

Management of allegations of abuse

When a referral of abuse is received by Tusla, the safety of the child is the immediate concern. The Children First Act, 2015 places a clear statutory framework around the protection and welfare of children, including the introduction of mandatory reporting for professionals working with children. The legislation and guidance underpinning Children First emphasises the importance of multi-disciplinary, inter agency working, sharing and managing concerns about child welfare. Central to this is the sharing of information between agencies and disciplines in the best interest of children and the need for full co-operation to ensure better outcomes.

Section 16 of the Children First Act 2015 introduced mandated assistance, where professionals may be compelled to work with Tusla, the Child and Family Agency to assess referrals of suspected abuse or neglect.

When a child tells someone that they have been abused, and this information is given to Tusla, a social worker carries out an initial assessment. The identified abuse may be physical, emotional, sexual or one of neglect. The social worker will also notify An Garda Síochána (AGS) where there is a suspicion that a crime has been committed.

The Signs of Safety national approach to practice, used by all child protection social workers within Tusla, places the child at the centre of the assessment process. The child's extended family and professionals working with the child are all included in identifying the specific concerns for the child's wellbeing. Children are involved in making safety plans, in line with their age and level of understanding.

The safety plan must be agreed by all, including children when they are old enough, and their family. When a complaint is made of alleged abuse the immediate action is to ensure the child is safe. Where there is a concern that the child's safety cannot be ensured at home, even with a safety plan, a decision may be taken for the child to be placed in care on an emergency or interim basis.

Work is underway within Tusla to develop a new policy approach for the management of sexual abuse allegations either by children, or by adults about abuse experienced as children. The purpose of this methodology is to assess whether the person against whom an allegation is made could pose a current risk to children.

Paediatric medical/forensic examination

Medical/forensic examination services are provided by the HSE and are currently available in cities and several regional hospitals.

A paediatric forensic medical assessment involves having an understanding of the allegation or child protection concern, the taking of a detailed medical, developmental and social history and "top to toe" examination. This entails evaluating a child's health, developmental and psychological needs, identifying physical markers of abuse and obtaining any available forensic evidence. It is undertaken in a child centred environment with age appropriate toys for younger children and an appropriate setting for adolescent children. The parent / carer / child advocate is encouraged, and supported, to stay with and support the child throughout. Older children / adolescents can opt to have a supporter present or to undergo examination alone with the doctor and the specialist nurse.

Emergency services for children aged over 14 years are available at Sexual Abuse Treatment Units at a number of locations.

CARI

CARI Foundation provide child centred therapy and support to children, families and groups affected by sexual abuse. Tusla provides a significant part of their funding. The organisation provides counselling services to confirmed cases of abuse and to unconfirmed cases. CARI

is funded by the Commission for the Support of Victims of Crime (CSV) to provide Court Accompaniment to child witnesses. CARI also provides a National Helpline.

Barnahus

The State has committed to the establishment of a specialised coordinated service, based on the Barnahus model, and the first service based on this model has been established in the West of Ireland. There is an interdepartmental group, and a separate inter-agency group working to expand the provision of the Barnahus model in the Cork and Dublin regions. The service is provided by Tusla, the HSE and An Garda Síochána.

The service uses the one door principle (a child has only to come to one centre to receive multi-professional support.). Barnahus strives to avoid secondary victimisation, achieved through a joint child investigative interview and providing a safe place for disclosure and neutral place for professional interventions. The model provides therapeutic support for children, including referral pathways for emergency psychological support and medical treatment if required. The Barnahus model also provides support for the parents of the children, during the medical examination and interview processes.

15b Please specify if and to what extent internal law provides for the possibility of removing (Article 14, para. 3, Explanatory Report, para. 99):

- **the alleged perpetrator, when the parent or persons caring for the child are involved in his or her sexual exploitation or sexual abuse;**
- **the victim from his or her family environment when parents or persons caring for the child are involved in his or her sexual exploitation or sexual abuse.**

Tusla community based social work teams provide a full assessment service to children who are suspected of being the victim of child sexual abuse. The possibility of removing the alleged perpetrator and the possibility of removing the victim from his/her family environment where this is in the best interests of the child are included in the range of options available to Tusla under the Child Care Act 1991.

Where it is considered by a member of AGS that there is an immediate and serious risk to the health and welfare of a child, and there is insufficient time to seek an emergency care order, then a child may be removed without a warrant by that member under Section 12 of the Child Care Act 1991. The child shall as soon as possible be delivered up to the custody of the Child and Family Agency (Tusla).

Under Section 13 of the Child Care Act 1991, the Court may, as part of an emergency care order proceeding, provide a warrant authorising AGS to accompany a social worker to remove a child into care, by force if necessary.

Where a child has committed a criminal offence but is under the age of criminal responsibility, AGS is to return the child to the care of their parents or guardians, except where a view is formed that the parents are not capable of providing care or protection. If there are reasonable grounds for believing a child who has committed an offence would be in immediate and serious

risk of harm to their health or welfare, section 53 of the Children Act 2001 provides that the child may be removed to a place of safety as if section 12 of the Child Care Act 1991, were being applied.

15c(i) If internal law does provide for this:

- **are the conditions and duration of such removal to be determined in accordance with the best interests of the child?**

The Child Care Act 1991 ('the Act'), specifies different types of care order, which will determine the type and duration of the subsequent alternative care placement. These include:

- Emergency Care Orders.
- Interim Care Orders.
- Care Orders.
- Special Care Orders.

A child may also be taken into the care of the Child and Family Agency on a voluntary basis for a determined period of time without the need for a care order, subject to the agreement and wishes of the parent.

The conditions required for a court to make a Care Order in respect of a child are specified in Part IV Section 18 of the Act. These conditions include the satisfaction of the court that the child has been or is being sexually abused, as follows:

“(Part IV) 18.—(1) Where, on the application of the Child and Family Agency with respect to a child, the court is satisfied that—

- (a) the child has been or is being assaulted, ill-treated, neglected or sexually abused, or*
- (b) the child’s health, development or welfare has been or is being avoidably impaired or neglected, or*
- (c) the child’s health, development or welfare is likely to be avoidably impaired or neglected”*

A successful Care Order will commit the child into the care of the Child and Family Agency until the age of 18 or for a shorter period if so determined by the Court. For the duration of the order, the Agency will have like control over the child as if it were his or her parent, and is required to do what is reasonable for the purpose of safeguarding or promoting the child’s health, development or welfare.

The Child Care Act 1991 was enacted in a context where the United Nations Convention on the Rights of the Child had very recently made the best interests of the child the paramount consideration in international child law. This emphasis is reflected in Section 3 the Act which requires the Agency to regard the welfare of the child as the first and paramount consideration, and gives due regard to the wishes of the child and to the principle that it is generally in the best interests of a child to be brought up in his or her own family. Section 24 of the Act directs that a Court will regard the welfare of the child as the first and paramount consideration in any proceedings occurring under the Act.

The 31st Amendment of the Constitution inserted a specific section into the Constitution of Ireland (Article 42A) which deals with certain matters of relevance to children, as follows:

“1: The State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights.

2 1: In exceptional cases, where the parents, regardless of their marital status, fail in their duty towards their children to such extent that the safety or welfare of any of their children is likely to be prejudicially affected, the State as guardian of the common good shall, by proportionate means as provided by law, endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.”

15c (ii) If internal law does provide for this:

- **are social programmes and multidisciplinary structures in place to provide the necessary support for victims, their close relatives and for any person responsible for their care? (Article 11, Explanatory Report, paras. 87-88).**

There are six Sexual Assault Treatment Units (SATUs) in Ireland which provide specialist care to victims of sexual assault who are aged fourteen and over. These units are located in Dublin, Cork, Waterford, Mullingar, Galway and Letterkenny. SATUs provide holistic services which address the medical, psychological and emotional needs of victims of sexual crime, including the provision of emergency contraception and medication. The SATU services also respond to requests from the Gardaí for the collection of forensic evidence to aid the legal process and also provide services for victims who do not wish to report an incident to the Gardaí. Emergency services for children aged over 14 years are available at SATU's in Dublin, Cork, Galway, Donegal, Mullingar and Waterford.

There are also some specialised services for child victims of sexual assault such as the Child and Adolescent Sexual Assault Treatment Service (CASATS) Galway; which provides an integrated forensic medical service for children (under 14) who are victims of rape or sexual assault, or suspected child abuse. The service also accommodates adolescents 14-18 years who allege historical child abuse. The Unit provides a confidential, co-ordinated service for child and adolescent victims of sexual abuse within the West and Mid-Western Regions. Furthermore, forensic examination services are also available at the specialist sexual abuse Centre's at the Cork Family Centre. A number of other hospitals in Dublin and other regional locations provide forensic examination on an on-call basis.

Temple Street Hospital and Our Lady's Children Hospital, both provide a specialist sexual abuse assessment and treatment service including if necessary a forensic examination for children who may have experienced Child Sexual Abuse. Tusla also provides social work support to families where child sexual abuse has been alleged including assessment and follow up assistance. Tusla may apply for a care order to take a child into care where deemed necessary.

Therapeutic interventions include individual therapy, group therapy and family therapy. Supportive work with parents, caregivers, foster parents, siblings and other family members is also provided as appropriate.

In addition, The CARI Foundation, a non-Government organisation funded by the State (being funded by Tusla and the Victims of Crime Office) provides child centred therapy and support to children, families and groups affected by sexual abuse. The organisation provides counselling services to confirmed cases of abuse and to unconfirmed cases. The CARI Foundation also run a Child Accompaniment Support Service (CASS) which provides advocacy and support to child victims of sexual abuse and their families, whose prosecution case has gone to court.

An Interdepartmental Group (IDG) was established in 2018 with the purpose of bringing together the protection, health, therapeutic and policing service and other relevant services and professionals needed to put in place child centred services in response to child sexual abuse. The Group is comprised of representatives from three government departments - Department of Children, Equality, Disability, Integration and Youth (DCEDIY), Department of Justice and Department of Health, and three key government agencies – Tusla, the Health Service Executive (HSE) and An Garda Síochána. This new service is modelled on the Swedish 'Barnahus' structure, and aims to minimise, as far as possible, on-going trauma for children who have experienced sexual abuse, and their families.

15d Which legislative or other measures have been taken to ensure that victims of an offence established in accordance with the Convention in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their state of residence? (Article 38, para. 2, Explanatory Report, paras. 258-259).

Section 13 of the Criminal Justice (Victims of Crime) Act 2017 provides for offences occurring outside of the State. This provision outlines that “where a victim makes a complaint to a member of the Garda Síochána in relation to an offence which is alleged to have occurred in a Member State other than the State, the member concerned shall, unless the State has jurisdiction in respect of the alleged offence and proposes to exercise that jurisdiction, arrange for the details of the complaint to be transmitted as soon as practicable to the competent authority in the Member State in which the offence is alleged to have been committed.”

PROSECUTION OF PERPETRATORS OF SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN

Question 16: Criminal law offences

16a Please indicate whether the intentional conducts in the box below are considered criminal offences in internal law;

Sexual Abuse (Article 18)

1. Engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;

The offence of engaging in sexual activity with a child is set out in section 3 of the Criminal Law (Sexual Offences) Act 2006.

2. Engaging in sexual activities with a child where
 - use is made of coercion, force or threats;
 - abuse is made of a recognised position of trust, authority or influence over the child, including within the family;
 - abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence.

Offences for engaging in coerced or forced sexual activity with a child are outlined under section 3 of the Child Trafficking and Pornography Act, as amended by the Sexual Offences Act 2017. Section 21 of the Sexual Offences Act 2017 deal specifically with the offences of engaging in a sexual act with protected persons – such as those described in article 18.1 as having a mental or physical disability. Section 3A of the Criminal Law (Sexual Offences) Act 2006, as amended, provides for the offence of engaging in sexual activity with a child by persons in authority.

Child Prostitution (Article 19)

1. Recruiting a child into prostitution or causing a child to participate in prostitution;

The recruiting of a child into prostitution or causing a child to participate in prostitution is covered by section 4A of the Child Trafficking and Pornography Act 1998.

2. Coercing a child into prostitution or profiting from or otherwise exploiting a child for such purposes;

Coercing a child, profiting from or otherwise exploiting a child for prostitution is covered by section 3 of the Criminal Law (Sexual Offences) Act 2017, and section 4A of the Child Trafficking and Pornography Act 1998.

3. Having recourse to child prostitution.

Having recourse to child prostitution is covered by section 3 of the Child Trafficking and Pornography Act 1998, section 3 of the Criminal Law (Sexual Offences) Act 2006, section 6 of the Criminal Law (Sexual Offences) Act 1993 and section 3 of the Criminal Law (Sexual Offences) Act 2017.

Child Pornography (Article 20)

1. Producing child pornography;

Producing child pornography is an offence under section 5(1) (a) of the Child Trafficking and Pornography Act 1998.

2. Offering or making available child pornography;

Offering or making available child pornography is also an offence under section 5 of the Child Trafficking and Pornography Act 1998

3. Distributing or transmitting child pornography;

Distributing child pornography is an offence under section 5 of the Child Trafficking and Pornography Act 1998.

4. Procuring child pornography for oneself or for another person;

Procuring child pornography is an offence under section 6 of the Child Trafficking and Pornography Act 1998.

5. Possessing child pornography;

Possessing child pornography is an offence under section 6 of the Child Trafficking and Pornography Act 1998.

6. Knowingly obtaining access, through information and communication technologies, to child pornography.

Knowingly obtaining access to child pornography is an offence under section 6 of the Child Trafficking and Pornography Act 1998.

Participation of a Child in Pornographic Performances (*Article 21*)

1. Recruiting a child into participating in pornographic performances or causing a child to participate in such performances
2. Coercing a child into participating in pornographic performances or profiting from or otherwise exploiting a child for such purposes
3. Knowingly attending pornographic performances involving the participation of children.

All of the offences described in article 21.1 are offences under section 5A of the Child Trafficking and Pornography Act 1998.

Corruption of Children (*Article 22*)

The intentional causing, for sexual purposes, of a child who has not reached the internal legal age for sexual activities, to witness sexual abuse or sexual activities, even without having to participate.

Under section 5 of the Criminal Law (Sexual Offences) Act 2017, it is an offence to engage in sexual activity in the presence of a child. Under section 6 of the Act, it is an offence to intentionally cause a child to watch a person engage in sexual activity, or to look at an image of a person or persons engaging in sexual activity.

Solicitation of Children for Sexual Purposes (“grooming”) (*Article 23*)

The intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age for sexual activities as established by internal law, for the purpose of committing sexual abuse or producing child pornography, where this proposal has been followed by material acts leading to such a meeting.

Under section 7 of the Criminal Law (Sexual Offences) Act 2017, it is an offence to meet or travel to meet a child for the purpose of sexual exploitation, whether or not that is from within the State. Section 8 of the Act also provides for the offence of using information and communication technology to facilitate the sexual exploitation of a child.

Aiding or abetting and attempt (*Article 24*)

1. Intentionally aiding or abetting the commission of any of the above offences.

Section 7 of the Criminal Law Act 1997, as amended, provides that any person who aids/abets or procures the commission of an indictable offence can be charged and prosecuted as a principal offender. Section 22 of the Petty Sessions (Ireland) Act 1851 has a similar provision in respect of summary offences.

2. The attempt to commit any of the above offences.

Under the common law, an attempt to commit any offence is an offence in itself. In addition, there are several specific attempt offences set out in legislation. For example, under section 3 and 3A of the Criminal Law (Sexual Offences) Act 2006 it is an offence to attempt to engage in a sexual activity with a child.

16b Wherever the intentional conduct which is criminalised differs from the Lanzarote Convention benchmark, please justify;

The intentional conduct which is criminalised does not differ from the Lanzarote Convention benchmark.

16c Please highlight whether there are any other offences not included in the box below incriminating sexual exploitation and sexual abuse of children in your country? Please provide their definitions and specify in which act these are included;

There are no other offences.

16d Please also specify whether the age of a child plays a role in determining the gravity of the offence.

Section 3(8) of the Criminal Law (Sexual Offences) Act 2006 section 17 of the Criminal Law (Sexual Offences) Act 2017 includes a proximity of age defence for sexual offences where the child was between the ages of 15 and 17 years, whereby consent can be considered as a defence when the defendant is younger or less than 2 years older than the child, was not a person in authority and was not engaging in an exploitative/intimidatory relationship with the child.

There are higher penalties for sexual activity with a child who is under 15 years.

Question 17: Corporate liability

Does your system provide that a legal person may be held liable for an offence established in accordance with Article 26? Please specify under which conditions.

Under the general law, legal persons can be convicted of criminal offences. Section 18 of the Interpretation Act 2005 provides that 'person' shall be read as importing a body corporate or an unincorporated body.

The common law provides for the circumstances in which legal persons can be found criminally liable.

Section 57 of the Criminal Law (Sexual Offences) Act 2017 deals with offences by bodies corporate under the Act.

Question 18: Sanctions and measures

18a Please indicate which sanctions internal law provides for the criminal offences established in accordance with the Convention with regard to both natural and legal persons. Please specify whether the sanctions are criminal, civil and/or administrative sanctions (Article 27, Explanatory Report, paras. 182-193);

All of the relevant offences carry severe penalties. For example, the offence of meeting a child for the purposes of sexual exploitation carries a maximum term of 14 years' imprisonment. The relevant offences carry penalties of criminal fines.

Sections 3 and 4 of the Proceeds of Crime Act 1996 allow for the seizure and disposal of assets by interlocutory and disposal orders, if those assets directly or indirectly constitute proceeds of crime. When an order under the Act is in force, the Gardaí or a customs official may, under section 15, seize property which is subject to that order to prevent it from being removed from the State.

The Criminal Justice Act 1994 provides for the freezing and confiscation of property that is the proceeds of crime, and property that constitutes instrumentalities of crime.

With regard to the investigation of online child abuse material and the production, distribution and possession of child abuse material, a member of AGS may seize items used in the course of committing relevant offences, having obtained an appropriate court order permitting such a course of action. Relevant items are retained for examination and if any child abuse material or evidence of the production or distribution of same is discovered, the items will be retained, until relevant court proceedings are finalised. Upon conviction a Judge may then make a confiscation or destruction order, pertaining to items seized in the course of an investigation.

Financial reward associated with the sale, supply or circulation of child abuse related material, is not necessarily a feature of relevant cases, as the material involved often serves as the currency of exchange this, seizure of computer equipment and denial of access to cloud or other storage is often an effective means of curtailing the exchange of relevant material. However, monetary exchange may be a feature of live streaming of child abuse related images, facilitated by, for example, Western Unions or PayPal, and often organised by persons located far removed from Ireland. The companies who organise the transfer may report suspicious transactions, however, as the abuse is live streamed, it can prove very difficult to prove the purpose of the transaction.

Closure of establishment- under section 61 of the Criminal Justice Act 1994, a court can order the forfeiture of any property used in connection with the commission of an offence. This can include land or other buildings.

Denying the perpetrator the exercise of the activity involving contact with children. Under the European Union (Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography) Regulations 2015, a court may, when sentencing a person for a sexual offence, prohibit the offender from the offender engaging in work or a service a necessary and regular

part of which consists, mainly, of the offender having access to, or contact with, a child or children.

Under section 12 of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, it is a legal requirement to obtain vetting disclosure in respect of certain work and activities. This includes those which involve children. Under section 15 of the Act, disclosures must be made by the Chief Bureau Officer in respect of criminal records where it is believed that the information is of such a nature as to give rise to a genuine concern that the person may harm any child, cause them to be harmed, put any child at risk or harm, or incite another person to harm any child.

Tusla community based social work teams provide a full assessment service to children who are suspected of being the victim of child sexual abuse. The possibility of removing the alleged perpetrator and the possibility of removing the victim from his/her family environment where this is in the best interests of the child are included in the range of options available to Tusla under the Child Care Act 1991.

Sections 28 to 30 of the Sex Offenders Act 2001, as amended by the Sexual Offences Act 2017, include provisions for post-release supervision for sex offenders. Under the Act, it is the duty of the court to consider including post-release supervision at sentencing. During the specified period of supervision, the offender is required to engage with, and be under the supervision of, a probation and welfare officer and is required to comply with the supervision requirements that are set at sentencing. The amendment to the Act also included the provision giving power to the court to amend conditions or include new conditions for a sentence involving post-release supervision on the application of a probation officer.

Under section 16 of the Sex Offenders Act 2001, a member of An Garda Síochána can apply to the Court in request of a sex offender order in respect of a person who has been convicted of a sexual offence either inside or outside of State, and if there are reasonable grounds to believe it is necessary to protect the public from serious harm from the offender. Sex offender orders shall contain only such prohibitions on the respondent's doing a thing or things as the court considers necessary for the purpose of protecting the public from serious harm from the offender.

Under section 99 Criminal Justice Act 2006 sex offenders can be sentenced to part suspended sentences which involve an offender serving a period of time in custody followed by a suspended portion in the community. The sentencing judge can impose conditions of Probation Service supervision and/or treatment in the court order.

18b Which legislative or other measures have been taken to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with the Convention?

Previous convictions are one of many factors which can be taken into account under the common law system. Judicial discretion still applies, however generally, previous convictions are frequently considered as factors which would result in heavier sanctions. Section 4.20 of the DPP's Guidelines for Prosecutors [2016] discusses the issue of previous convictions as

something that tends to increase the seriousness of the offence, and also increases the likelihood that the public interest requires a prosecution.

Question 19: Jurisdiction

With regard to the offences referred to in question 16, please indicate which jurisdiction rules apply. Please specify under which conditions, if required (Article 25, Explanatory Report, paras. 165-176).

Article 25.1.a

Jurisdiction under this paragraph is automatic under Irish law.

Article 25.1.b

Jurisdiction under this paragraph is automatic under Irish law, under the common law.

Article 25.1.c

Jurisdiction under this paragraph is automatic under Irish law- Air Navigation and Transport Act 1973.

Article 25.1.d

Jurisdiction over the offences referred to in this section are provided for in legislation as per the following;

- With the exception of the offences listed in Articles 24.1 and 24.2 of the Convention, jurisdiction provisions exist within section 42(1) of the Criminal Law (Sexual Offences) Act 2017, section 7(1) of the Criminal Law (Human Trafficking) Act 2008, or section 2(1) of the Sexual Offences (Jurisdiction) Act 1996.
- In relation to Article 24.1, by virtue of the Criminal Law Act 1997, aiding or abetting any of the offences under any of the extraterritorial jurisdiction provisions listed above is criminalised. In addition, section 2(3) and (4) of the Sexual Offences (Jurisdiction) Act 1996 creates specific offences of aiding and abetting.
- In relation to Article 24.2, under the common law, attempting an offence under any of the extraterritorial jurisdiction provisions listed above is criminalised. In addition, section 2(2) of the Sexual Offences (Jurisdiction) Act 1996 and section 7(7) of the Criminal Law (Human Trafficking) Act 2008 create specific attempt offences.

Ireland has made a Declaration under Article 25.5.

Question 20: Aggravating Circumstances

Please indicate which of the circumstances referred to in Article 28, in so far as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration in your legal system as aggravating circumstances in the determination of the sanctions in relation to the offences established in accordance with this Convention (Explanatory Report, paras. 194-202).

Under the common law system, aggravating factors are frequently considered during sentencing decisions and are subject to judicial discretion.

Question 21: Measures of protection for the child victim

21a Please describe the measures taken to inform child victims of their rights, the services at their disposal, the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role as well as the outcome of their cases (Article 31, para. 1, letter (a) and para. 2). Please also indicate what is done to provide all relevant information in a manner adapted to the child's age and maturity and in a language that he/she may understand

The Criminal Justice (Victims of Crime) Act 2017, has introduced statutory rights for victims of crime. These include:

- The right to comprehensive information on the criminal justice system;
- The right to information on victim support services;
- The right to be kept informed on the progress of the investigation and any court proceedings;
- The right to an individual assessment of their protection needs and measures to safeguard them from further victimisation and intimidation;
- The right to be informed of a decision not to institute a prosecution and the right to request a review of that decision; and
- The right to receive information in clear and concise language and to interpretation and translation where necessary.

In relation to paragraph e, the Criminal Law (Rape) Act 1981 provides for the anonymity of complainants in sexual offence trials, and the exclusion of members of the public from those trials.

Section 18 of the Criminal Justice (Victims of Crime) Act 2017 provides that, where the victim is a child, and a person authorised to act on that child's behalf is precluded from proceedings (including being under investigation or charged with an offence relating to the victim), An Garda Síochána or the Ombudsman Commission must arrange for an appropriate person to accompany the victim during interviews and also during court proceedings if the victim is required to be present.

A child victim will be advised of the rights as a victim, in the presence of an adult, and this will ensure that every child victim and their families fully understand the criminal process and the role of the child in same, both as a victim and as a witness in any subsequent criminal proceedings. Specialist trained Child Interviewers will be deployed where appropriate and they will construct the interview process around a process that is age appropriate to the child being interviewed.

21b Please also indicate which measures have been taken to enable the child victim to be heard, to supply evidence and to choose the means of having his/her views, needs and concerns presented, directly or through an intermediary, and considered (Article 31, para. 1, letter (c))

Part 3 of the Criminal Evidence Act 1992, as amended, allows for the provision of evidence through videolink and video recording in such cases and, where necessary, through the use of an intermediary. Part 3 of the Criminal Justice (Victims of Crime) Act 2017 introduced a range of measures of protection for victims during both investigation and criminal proceedings. This includes an assessment of the individual protection needs of the victim and measures to safeguard them from further victimisation and/or intimidation at either stage.

21c What kind of support services are provided to child victims and their families so that their rights and interests are duly presented and taken into account? (Article 31, para. 1, letter (d))

There are a variety of supports put into place to ensure that child victims and their families' rights and interests are duly presented and taken into account. From a law enforcement perspective, one of the most fundamental protections that exists is that all interactions with children must take place in the presence of a parent or appropriate adult. This provision ensures that both a child victim and their family have the full range of information available pertaining to the criminal process involving them and any subsequent prosecution process that follows any such investigation. The Court Victims service will be engaged to provide court supports in the event of a prosecution. Where child protection concerns are evident or family support measures required, An Garda Síochána will notify Tusla.

21d Please describe the measures taken to protect the privacy, the identity and the image of child victims (Article 31, para. 1, letter (e))

The Criminal Law (Rape) Act 1981 provides for the anonymity of complainants in sexual offence trials, and the exclusion of members of the public from those trials. Under section 257 of the Children Act 2001, if a child is called as a witness during any proceedings for an offence, the court may exclude all persons except officers of the court and persons directly concerned in the proceedings during the taking of his or her evidence.

21e Please describe the measures taken to provide the safety of the child victims and witnesses and their families from intimidation, retaliation and repeat victimisation (Article 31, para. 1, letter (f));

Part 3 of the Criminal Justice (Victims of Crime) Act 2017 introduced a range of measures of protection for victims during both investigation and criminal proceedings. This includes an assessment of the individual protection needs of the victim and measures to safeguard them from further victimisation and/or intimidation at either stage.

21f Please specify whether the victim and his/her family are informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody.

Please indicate who delivers this information and how (Article 31, para. 1, letter (b));

Part 2 of the Criminal Justice (Victims of Crime) Act 2017 provides that victims be informed when the person prosecuted or convicted is released temporarily or definitely from detention or custody.

Should there be a registrant in a case where a prisoner is being released, the Victim Liaison Officer of the Irish Prison Service will contact them and advise the date of release and provide any other relevant information available about post-release supervision and/or conditions.

It is important to note that the Irish Prison Service Victim Liaison Service is an opt-in service. It is for the victim to register if they wish to obtain information about a prisoner/prisoners. The current practice is that the victim must initiate the contact with the Victim Liaison Service as any alternative arrangement could be viewed as intrusive in nature as many victims of crime do not wish to be reminded about a traumatic incident in their lives.

21g Please also indicate what measures have been taken to ensure that contact between victims and perpetrators, within court and law enforcement agency premises, is avoided. Please specify under which conditions the competent authorities may authorise such contact in the best interests of the child or when the investigations or proceedings require such contact (Article 31, para. 1, letter (g))

Part 3 of the Criminal Evidence Act 1992 sets out procedures for the giving of evidence by a child. This includes the options to give evidence by video link or from behind a screen.

The use of recorded interviews, commonly referred to as Specialist Interviews, in this jurisdiction means that Children are not routinely required to be present in the same court room as the alleged offender while proceedings are ongoing. Where an accused person's legal representative wishes utilize their rights to cross-examine a child victims, this is done via video link and the use of an intermediary is also now permitted in law, by virtue of Section 14, Criminal Evidence Act 1992, and transposed into law in respect of all offences by Section 19, Victims of Crime Act 2017. Special measures to protect a victim can also be deployed during the criminal investigation by virtue of Section 16, of the afore-mentioned act.

21h Please specify under which conditions child victims of the offences established according to the Convention have access to legal aid provided free of charge (Article 31, para. 3).

In the Irish criminal justice system, it is the State which brings the case on behalf of a victim in criminal proceedings. As such, a victim is not a party to such proceedings.

Legal Aid is not generally available to the victims of crime. However, the Legal Aid Board provides a free legal advice service to victims of human trafficking.

Question 22: Investigations and criminal measures to protect the child victim

22a What protective approach towards victims has been adopted to ensure that the investigations and criminal proceedings do not aggravate the trauma experienced by the child and that the criminal justice response is followed by assistance, where appropriate? (Article 30, para. 2, Explanatory Report, paras. 211-215)

Part 3 of the Criminal Evidence Act 1992 sets out procedures for the giving of evidence by a child. This includes the options to give evidence by video link or from behind a screen. Where the person giving evidence is under the age of 18, neither the judge nor barrister or solicitor shall wear a wig or gown. Where a person under the age of 18 is to give evidence, the court shall direct that the accused may not personally cross-examine the witness unless the court is of the opinion that the interests of justice require the accused to conduct the cross-examination personally.

Part 3 of the Criminal Justice (Victims of Crime) Act 2017 introduced a range of measures of protection for victims during both investigation and criminal proceedings. This includes an assessment of the individual protection needs of the victim and measures to safeguard them from further victimisation and/or intimidation at either stage. The Criminal Justice (Victims of Crime) Act 2017 also sets out in statute the right to information on victim support services, the right to information on the criminal justice system and on the progress of any investigations or court proceedings.

Special measures which can be afforded to victims includes the provision of trained interviewers, designated premises for interviews, and the requirement that the same individual conducts all interviews with the victim, if it is necessary to conduct more than one interview.

The Constitution requires that trials take place with reasonable expedition.

22b Which legislative or other measures have been taken to ensure that investigations or prosecutions of offences established in accordance with the Convention shall not be dependent upon the report or accusation made by a victim and that the proceedings may continue even if the victim has withdrawn his or her statement? (Article 32, Explanatory Report, para. 230)

The initiation and prosecution of offences does not depend on a report or accusation made by a victim in this jurisdiction.

22c Which legislative or other measures have been taken to ensure that the statute of limitation for initiating proceedings with regard to the offences established in accordance with Articles 18, 19, paragraph 1.a and b, and 21, paragraph 1.a and b, shall continue for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority and which is commensurate with the gravity of the crime in question? (Article 33, Explanatory Report, paras. 231-232)

There is no statute of limitation for the initiation of criminal proceedings for indictable offences.

22d Please clarify whether your judicial authorities may appoint a special representative for the victim who may be party, where the holders of parental responsibility are precluded from representing the child in proceedings related to sexual exploitation or sexual abuse of children as a result of a conflict of interest between them and the victim. Please specify who may be appointed as a representative and what are his/her tasks (Article 31, para. 4). Please also describe under which conditions it is possible?

Section 18 of the Criminal Justice (Victims of Crime) Act 2017 provides that, where the victim is a child, and a person authorised to act on that child's behalf is precluded from proceedings (including being under investigation or charged with an offence relating to the victim), An Garda Síochána or the Ombudsman Commission must arrange for an appropriate person to accompany the victim during interviews and also during court proceedings if the victim is required to be present.

22e Please describe how your internal law allows for groups, foundations, associations or governmental or non-governmental organisations assisting and/or supporting victims to participate in legal proceedings (for example, as third parties) (Article 31, para. 5). Please specify under which conditions, if so required?

Section 27 of the Criminal Justice (Victims of Crime) Act 2017 inserts an amendment to section 20 of the Criminal Justice Act 1951, which allows for a 'support worker', including a volunteer or individual employed by a service which provides assistance to victims of crime, to accompany the victim and remain present throughout criminal proceedings.

22f Please describe under which circumstances the use of covert operations is allowed in relation to the investigation of the offences established in accordance with the Convention (Article 30, para. 5)?

AGS Online Child Exploitation Unit (OnCE) falls within the remit of the Garda National Protective Services Bureau. This unit coordinates and oversees the majority of investigations into possession, distribution and production of child abuse material. This process involves the utilisation of both national and international legislation for the purpose of identifying suspects and the computers they use. OnCE carry out covert operations to identify persons utilising 'peer-to-peer' networks that are collecting and distributing child abuse material.

When sufficient evidence is available regarding the location of a computer or other device being used for the purpose of possession, distribution and production of child abuse material, necessary Court orders are obtained to facilitate the undertaking of searches, and the seizing of evidence. The prosecution of relevance offences may be undertaken, only upon receiving a direction to do so, from the Director of Public Prosecutions.

22g Please also describe what techniques have been developed for examining material containing pornographic images of children (Article 30, para. 5)?

The Victim Identification Unit (VID) also forms part of the OnCE Unit. This unit was established in 2016. The unit specialises in the investigation of child abuse material and the identification of the children whose images are discovered therein. Victim identification, in this context, involves a combination of image analysis and traditional investigative methods. Due to the global nature of the internet and its content, victim identification specialists work closely with their counterparts all over the world to ensure that evidence that may be unique to one jurisdiction is not overlooked, by law enforcement authorities, in another jurisdiction.

A significant resource used by the VID unit is the INTERPOL International Child Sexual Exploitation (ISCE) image and video database which allows specialised investigators to share data with colleagues across the world. The ICSE database uses sophisticated image and video comparison software to make connections between victims, abusers and places.

Law enforcement authorities, in a total of 54 countries, including AGS and Europol, are connected to the ICSE database and cooperate in the identification of child sexual exploitation victims and their abusers. The ICSE database includes data relating to more than 14,200 identified victims located around the world, as well as data related to numerous unidentified victims.

Question 23: Child friendly interviewing and proceedings

23a Please describe how interviews (Article 35) with child victims are carried out, indicating in particular whether:

- **they take place without unjustified delay after the facts have been reported to the competent authorities;**
- **they take place, where necessary, in premises designed or adapted for this purpose;**
- **they are carried out by professionals trained for this purpose;**
- **the same persons are, if possible and where appropriate, conducting all interviews with the child;**
- **the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;**
- **the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.**

Legislation allowing the recording, for use as direct evidence, of interviews with children and vulnerable persons (generally application to persons with an intellectual disability) was first enacted in 1992, with the applicable statutory provision being Sections 16 (1)(b) and Section 19 of the Criminal Evidence Act, 1992 as subsequently amended by the Childrens Act, 2001 and the Criminal Justice (Victims of Crime) Act, 2017.

However, the use of this legislation did not come into general use until 2003, following the drafting and introduction of 'Good Practice Guidelines for persons involved in recording interviews with complainants under 14 years of age (or with an intellectual disability) (extended to 18 years of age in practice by the introduction of the above amending legislation) for evidential purposes in accordance with Section 16(1)(B) of the Criminal Evidence Act, 1992, in cases involving sexual and/or violent offences' were developed, (hereafter 'Good Practice Guidelines').

The interviewing of persons under 18 years of age or with intellectual disabilities is completed through the recording of the interview on DVD so that it may negate the necessity for the person being required to repetitiously provide an account of the incident to others. This video recording also negates the necessity for victims to recount evidence to the court in person. However, a victim can, at the request of defence counsel, be subject to cross-examination.

The ethos of the Good Practice Guidelines is that each person is unique and the interview will be one that is tailored to the complainant's particular needs and circumstances. In accordance with Section 16 (1)(b) and Section 19 of the Criminal Evidence Act, 1992, complainants under 18 years of age or person's with an intellectual disability (both adults and children) will only be interviewed by a member of An Garda Síochána or any other person who is competent for that purpose. Members of An Garda Síochána and any other persons who are competently trained are referred to as 'Specialist Interviewers'.

The Good Practice Guidelines 2003 treats the interview as a process in which a variety of interviewing techniques are deployed in relatively discrete phases, proceeding from general and open to specific and closed forms of question. The basic aim of the interview is to obtain as accurate and truthful account from the complainant (witness) to determine, if any, abuse the complainant has experienced or witnessed. It is a special measure for vulnerable people.

Complainants under 18 years of age or person's with an intellectual disability are interviewed for evidential purposes if they are victims or witnesses of crime when this is possible to do so. Each interview is structured as much as possible around the person being interviewed, taking into account their particular needs and circumstances. At the earliest opportunity, the Specialist interviewers will assess the ability of the person with the intellectual disability to participate in the interview by consulting with a qualified professional.

The decision to interview complainants under 18 years of age or person's with an intellectual disability is determined by the Specialist Interviewers following a comprehensive assessment of the person's ability to participate in the interview. In some instances, the Specialist Interviewers may determine that the minimum requirements for an interview will not be fulfilled and it will be necessary to consider whether this could be achieved over a period of time; for example, following the completion of therapeutic intervention.

- **they take place without unjustified delay after the facts have been reported to the competent authorities;**

Once it becomes clear that a criminal offence may have been committed, an interview is arranged as soon as is practicable, subject to appropriate (protection and therapeutic) inter-agency consultation and planning. Once a inter-agency strategy has been canvassed and agreed upon; the interview process is generally subject to immediate action. This will minimize the stress experienced by the complainant and reduce the risk of him/her forgetting important details, or being unduly influenced by others. In those cases where, for example, any deferral will occasion serious risk to the complainant or when the alleged abuser has already been detained by the Gardaí, it may be necessary for a video recorded interview to be conducted immediately.

- **they take place, where necessary, in premises designed or adapted for this purpose;**

Interviews currently take place at designated interview suites that are located at strategic points throughout the country. Interview suites are not connected to or have any indications that they are associated to the Garda Síochána. As per the Good Practice Guidelines; locations are private, quiet, reasonably comfortable and adequately equipped (but not over-equipped) for the interview. Recordings made at a facility designed for this purpose, are considered more likely to achieve best quality results. These locations include an interview room, an observation room, a convenient and comfortable waiting area and refreshment and toilet facilities for the person being interviewed and any accompanying parent/carer.

- **they are carried out by professionals trained for this purpose;**

Interviews are carried out by Specialist, trained, interviewers who are trained in the area of interviewing children and person's with an intellectual disability. In circumstances that require a joint approach with Tusla (the Child and Family Agency), interviews are conducted by a specialist interviewer from both An Garda Síochána and Tusla, who have, up until now, been trained together to ensure the necessary level of competence.

- **the same persons are, if possible and where appropriate, conducting all interviews with the child;**

Each interview involves two people - one who will conduct the interview and the other who will act as observer. The complainant will be interviewed by only one person during any phase of the interview, and it would be an extremely rare exception that a complainant/vulnerable witness is interviewed a different person. If more than one interview is deemed necessary at planning stages it should be taken into account where possible that the same interviewers complete all interviews. Consideration is also given to the need for use of interpreters and intermediaries on a case by case basis.

- **the number of interviews is as limited as possible and in so far as strictly necessary for the purpose of proceedings;**

As per the Good Practice Guidelines and varying child welfare literature, the interview process seeks to conclude all matters during by way of one definitive statement, which is recorded on DVD. Obviously, each person and situation is unique, so the intention to harvest all available evidence is subject to variance on a case-by-case basis, particularly for those with an intellectual disability and any specific needs these persons may have. At the planning stage the Specialist Interviewers would take any specific considerations into account and factor any necessary or planned breaks or division of interviews before any interview is started. Where it is obvious, from the outset, that more than one interview is likely to be required, the interviewee will be informed of this in advance.

- **the child may be accompanied by his or her legal representative or, where appropriate, an adult of his or her choice, unless a reasoned decision has been made to the contrary in respect of that person.**

Children can only be interviewed with a responsible adult present, and that is generally a parent, but it can be any adult with a direct interest in the welfare of the child who is to be interviewed. It is not general practice in Ireland that victims are accompanied by legal professionals, in any interview where they are witnesses. This being said, there is provision under Section 12 & 14(2) of the Victims Act 2017 for a victim to be

accompanied when making a complaint and at interview by any person of their choosing, including their legal representative.

23b Please also specify whether all interviews with the victim or, where appropriate, those with a child witness, may be videotaped and whether these videotaped interviews may be accepted as evidence during the court proceedings;

Under Section 16(1) (b) Criminal Evidence Act 1992 (as amended by the Section 37 of the Criminal Law (Sexual Offences) Act 2017 & Section 30 of the Victims Act 2017) all interviews with victims (children and persons with intellectual disabilities) of relevant offences can be recorded – these offences are virtually all sexual offences and offences that are violent or where this a threat of violence. The recorded interviews are accepted as direct evidence. However, defence counsel can seek to cross-examine such witnesses who appear via video-link and can have an intermediary in certain circumstances.

23c Please describe under which conditions the judge may order the hearing to take place without the presence of the public and the child victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies? (Article 36).

Under section 257 of the Children Act 2001, if a child is called as a witness during any proceedings for an offence, the court may exclude all persons except officers of the court and persons directly concerned in the proceedings during the taking of his or her evidence.

Under Section 252 of the same act; it is an offence to publish any details that could lead to a child's identification emerging in to the public domain.

There are similar provisions in the Criminal Law (Rape) Act 1981.

Part 3 of the Criminal Evidence Act 1992, as amended, allows for the provision of evidence through video link and video recording in such cases and, where necessary, through the use of an intermediary

The trials of all criminal cases relating to sexual offences where there is a child victim are heard in-camera and members of the public are excluded. In other offences, these are not held in-camera. However, under Section 257 of the Children's Act 2001, all persons other than officers of the court can be excluded when a child is called as a witness and under Section 252 of the same act; it is an offence to publish any details that could lead to a child's identification emerging in to the public domain.

END OF QUESTIONNAIRE