**Request for information from UN Special Rapporteur on the sale of children, child prostitution and child pornography on assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation, in accordance with Human Rights Council Resolution 7/13**

**Response of Ireland**

**May 2015**

1. **Provide information on the legal, policy, institutional and budgetary framework developed by your country to establish, assistance and rehabilitation programmes for child victims of sale and exploitation, including sexual exploitation.**

The primary legislation regulating the child protection and welfare system in Ireland is the Child Care Act 1991. Under the Child Care Act 1991 Act, as amended by the Child and Family Agency Act 2013, the Child and Family Agency (Agency) has a statutory duty to promote the welfare of children who are not receiving adequate care and protection. The definition of a child is a person under 18 years of age who is not or has not been married. The Act sets out that the welfare of the child is the first and paramount consideration and that, as far as is practicable, the wishes of the child should be considered. Thus, similar to other countries and in keeping with the United Nations Convention on the Rights of the Child (1989), the child protection and welfare system in Ireland has moved towards a greater involvement of children and respect for their views.

This is emphasised in national guidance for social workers with the *Child Protection and Welfare Practice Handbook*, published in 2011, recommending that children are involved and consulted in relation to all matters and decisions about their lives. In practice, this means that social workers meet with children including victims of abuse or exploitation at all stages of the process from assessment, provision of supports and services, and/or care placements and aftercare. Some children remain at home with their families while some children including separated children seeking asylum are taken into statutory care under the Child Care Act 1991. In these cases, the child’s view is sought formally by means of care planning and reviews. When appropriate, children also attend case conferences which are multidisciplinary meetings attended by all of the people involved in the child’s care including parents. The Agency ensures children in care have access to an advocacy service.

Once a child is in State care there are secondary legislation instruments and national standards to protect children’s rights. For example, the services that can be offered to children and families are set out in the legislation and cover a range of family support through to care arrangements which provides for both voluntary arrangements, entered into by parents and guardians, as well as court-ordered arrangements for alternative care. These latter arrangements are determined by the court authorities having regard to the various rights of both children and parents set out in the Constitution. The 31st amendment to the Irish Constitution also provides a mandate for the State to strengthen laws, policies and services to protect children, support families and recognise children in their own right.

In relation to the views of the child, Section 26 of the Child Care Act 1991 also provides for the appointment of a guardian ad litem (GAL) in respect of child care proceedings where a child is not party to those proceedings and where the court is satisfied that it is in the child’s best interests to have a GAL appointed. The GAL is independent of the Agency and the courts and their primary function is to provide a voice for the child.

All of the actions, planned and undertaken to address trafficking in human beings, are designed to combat and prevent human trafficking in all its forms. However, the National Action Plan to prevent and combat trafficking in human beings 2009 -2012 recognises that children who have been the victims of trafficking are particularly vulnerable. They have special needs and are in a need of a high level of protection from the State. Since the publication of the Plan in 2009 there have been a number of developments which have impacted positively on the prevention of child trafficking and the support of child victims in Ireland.

These include:

* Establishment of a working group on child trafficking which has NGO, International Organisations and State agency representation;
* Training and awareness raising which has been provided to a wide range of frontline personnel including frontline Gardaí, educational professionals, Office of the Refugee Application Commissioner staff, HSE and Legal Aid Board staff;
* Awareness raising initiatives aimed at children and young people including a film festival in October 2010, a Civil, Social and Political Education module developed for secondary schools and presentations in a number of third level institutions;
* The adoption by the Child and Family Agency (Tusla) of the Equity of Care principle for separated children which has led to the closure of hostels and the placement of children within foster care settings;
* Strengthened interagency co-operation between the Human Trafficking Investigation and Co-ordination Unit (HTICU) and Tusla which has led to a reduction in the numbers of unaccompanied minors going missing.
* The publication of the revised Children First National Guidelines for the Protection and Welfare of Children in July 2011 which will be statutory basis in the future.

Further information on these initiatives is available on [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie)

1. **Based on your experience what elements are necessary for a comprehensive and rights based care and recovery system of child victims of sale and exploitation, including sexual exploitation?**

The key to any successful process is fostering co-operation between Government and civil society and ensuring there is no gaps in services for the victims. There must be a mutual understanding and respect for the roles and competencies of the different stakeholders. By coming late to the process, Ireland was in a position to benefit from the Council of Europe Convention and the processes in place in other countries. For example our national referral mechanism is based on the OSCE NRM handbook.

1. **Provide examples of good practices and successful initiatives of assistance and rehabilitation programmes which facilitate the rehabilitation and reintegration of child victims of sale and exploitation, including sexual exploitation.**

**Specific measures in Ireland to support child victims of trafficking**

The Child and Family Agency (Tusla) has responsibility, under the Child Care Acts and the Children First Guidelines, to make all necessary provisions for any unaccompanied children identified as potential or suspected victims of trafficking. Where an unaccompanied child is identified as an alleged victim of trafficking he/she will be immediately referred to the Social Work Team for Separated Children seeking Asylum. Services provided by Tusla to alleged child victims of trafficking include:

* Initial counselling and debriefing provided by an experienced psychologist.
* An advocacy/support service to assist them in dealing with other services.
* A multi-disciplinary assessment of children’s needs is conducted over time, this is adapted to the child’s individual experience and capacity. A Care Plan is generated on the basis of this assessment and incorporates all the services required to meet the child’s needs, including the most appropriate placement recommended.
* The allocation of a social worker to oversee and implement individual Care Plans.
* A range of placement options is made available and the protection level and care required is taken into account when deciding on placement options.
* Full medical screening with referral to more specialist medical services, if required.
* Assessment in relation to immigration status and linkage to the asylum process and advice regarding all options available.
1. **Describe the challenges that your country has identified in the establishment and management of assistance and rehabilitation programmes for child victims of sale and exploitation including sexual exploitation.**

One of the challenges faced was that it required firm commitment and investment from numerous agencies in order to developa multi disciplinary approach to tackling trafficking in human beings, including child trafficking, without extra resources being allocated to them.

1. **How do you ensure that the views and needs of children are duly taken into account in the design and provision of care and recovery services?**

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1. **How do you ensure access of child victims to support services?**

Child victims of trafficking are usually referred to the mainstream child protection services by An Garda Síochána and some are identified by the mainstream social work service or the service for unaccompanied minors. The provisions and full protection of the Childcare Act are applied to identify child victims of trafficking. All children who are identified as victims of trafficking are subject to a full care order and are therefore awarded a guardian.

1. **How do you ensure the adoption of a gender perspective in the establishment and management of the assistance and rehabilitation programmes? Do the programmes provide gender-specific measures for care and recovery of boys and girls?**
2. **Provide information on prevention programmes developed by your country with a specific focus on children at risk or in vulnerable situations (e.g children working and/or living on the street, children placed in institutions, unaccompanied migrant children).**

The National Action Plan outlined how the HSE (now the Child and Family Agency/Tusla) had devised a National Operational Plan for all separated children. A principle of this policy is that all children in the care of Tusla should receive the same standard of care. The current position is that separated children seeking asylum have been removed from hostel care and placed instead in foster homes. Placement of separated children seeking asylum is on a national basis and the Separated Children Seeking Asylum Intake and Assessment Team provide social workers and other relevant staff and agencies with appropriate training to enable this service to be provided nationwide. The placement of a child is solely the remit of the Tusla Child Protection Team and is influenced by the child’s individual assessment – including a risk assessment.

It is important to recognise that there are structures in place to provide services to these children on a nationwide basis. It is part of the remit of local child care managers to interact with service providers such as teachers, health care professionals to ensure the provision of appropriate care to these vulnerable minors. Training and awareness raising of human trafficking is provided to care workers and social workers.

There have been a number of developments which have impacted positively on the prevention of child trafficking and the support of child victims in Ireland.These include:

* Establishment of a working group on child trafficking which has NGO, International Organisations and State agency representation;
* Training and awareness raising which has been provided to a wide range of frontline personnel including frontline Gardaí, educational professionals, Office of the Refugee Application Commissioner staff, HSE and Legal Aid Board staff. This includes the provision of aGuide for the provision of services to child victims of traffickin which sets out the procedures in place for supporting and protecting child victims of trafficking. The Guide is available on the Blueblindfold website.
* Awareness raising initiatives aimed at children and young people including a film festival in October 2010, a Civil, Social and Political Education module developed for secondary schools and presentations in a number of third level institutions, a social media video/photography awareness raising competition aimed at third level students;
* The adoption by Tusla of the Equity of Care principle for separated children which has led to the closure of hostels and the placement of children within foster care settings;
* Strengthened interagency co-operation between the HTICU and Tusla which has led to a reduction in the numbers of unaccompanied minors going missing.
* The publication of the revised Children First National Guidelines for the Protection and Welfare of Children in July 2011 which will be put on a statutory basis.

There has also been a number of awareness raising initiatives aimed at migrant communities which will help to protect vulnerable children from possible exploitation. These include:

* An **article** was published in a number of editions of a Romanian newsletter entitled ‘***Informati*'** - the article was published in both Romanian and English.
* In December 2009, ***Thai Ireland*** newsletter put a link to the Blue Blindfold website on their website www.thai-ireland.com.
* An **article and image** in Metro Éireann newspaper in April, 2011 and a separate image in the newspaper in May, 2011. The newspaper describes itself as “Ireland's only multicultural newspaper” with a circulation of 10,000 copies every fortnight and 400,000 online readers.
* Awareness raising training has been provided to Garda Ethnic Liaison Officers working with migrant communities.

Other relevant developments include:

***Operation Snow***

The Garda National Immigration Bureau (GNIB) has placed great emphasis on monitoring suspicious movements of children and young people into, within and out of the State and a dedicated Operation called Operation Snow was put in place in 2008 for this purpose. In Dublin Airport alone, this operation has resulted in approximately 100 minors being placed in the care of the HSE during 2011 and 2012. The placing of these minors in care arose as a consequence of immigration officers identifying suspicious aspects of their arrival in the State. More often that not, following an examination of the circumstances involved in such cases, what was initially identified as suspicious movement was actually an instance of family reunification.

***Protocol on child trafficking between the CFA and An Garda Síochána***

The CFA and HTICU are developing a protocol in relation to unaccompanied minors who arrive at ports of entry in Dublin (usually Dublin Airport). The Draft Protocol covers such areas as co-operative interviewing, joint training and awareness raising and the sharing of information. It is hoped that the experience gained from operating this protocol will lead to it being rolled out on a nationwide basis.

***Family reunification function of the Child and Family Agency***

The Separated Children Seeking Asylum (SCSA) service provides a family reunification function. Where the parentage or legal guardianship of adults entering the state with children is questionable an immigration officer will refer the family to the reunification service. Having assessed the situation if the social work service cannot establish parentage or guardianship then the children are taken into care until parentage is established or indefinitely should this issue not be concluded. This service provides a critical screening function in relation to potential victims of trafficking as international evidence indicates that young children are easier to traffick. Several children have been identified as house slaves/ servants through this process and immediately taken into care. Should the child be returned to the family the reunification team notify the Child Care Manager in the local areas requesting him/ her to alert all the relevant services (e.g. Public Health Nurses, schools , preschools etc) to ensure that the child is safe and visible in the community.

The service introduced a critical screening measure some years ago in the form of DNA testing and the numbers presenting fell immediately and significantly. This function is currently being refined and extended to all social work teams throughout the State.

***Measures in relation to missing children.***

Tusla is responsible for the protection and welfare of children within the Republic of Ireland under the Child Care Act 1991 and the Children First Guidelines. Tusla is also responsible for the provision of care to all unaccompanied minors. They take any incident of a child going missing from their care extremely seriously and do everything within their power to recover missing children. In tackling this issue Tusla has strengthened co-operation with An Garda Síochána, in particular HTICU in relation to the prevention, notification and detection of missing unaccompanied minors.

The SCSA maintains a database on separated children who go missing from the service. A small subset of these children have been identified as potential/suspected child victims of human trafficking and the mainstream Garda Síochána and the HTICU have been notified.

The Children Missing from Care Protocol - a Joint Protocol between Tusla and An Garda Síochána includes a formal procedures for interagency notification and cooperation in relation to the recovery of children who go missing from care. A review of the operation of the protocol is currently being undertaken by Tusla and An Garda Síochána and is due to be finalised shortly.

The protocol recognises that one of the factors to be considered when deciding on the circumstances of absence is predatory influences on the child, which may relate to others wanting to involve the child in crime, sex child trafficking or drugs. This along with the experience and knowledge of those who are charged with looking after the child should ensure that the special vulnerability of separated children who may be at risk of trafficking is considered when dealing with a missing child. It is also worth noting that the Children First National Guidelines for the Protection and Welfare of Children, published in July 2011, outlines how special attention should be paid to the welfare and protection of children who are living apart from their birth parents and whose first language is not English. Moreover, the “Child Protection and Welfare Practice Handbook” that was published in September 2011 includes a separate section on the different forms of child trafficking and outlines the indicators relevant for the identification of child victims of human trafficking.