|  |  |  |  |
| --- | --- | --- | --- |
|  |  | A/HRC/40/51/Add.2 | |
|  | **Advance Unedited Version** | | Distr.: General  1 March 2019  Original: English |

**Human Rights Council**

**Fortieth session**

25 February–22 March 2019

Agenda item 3

**Promotion and protection of all human rights, civil,**

**political, economic, social and cultural rights,**

**including the right to development**

Visit to Ireland

Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material[[1]](#footnote-2)\*,[[2]](#footnote-3)\*\*

|  |
| --- |
| *Summary* |
| In the report, the Special Rapporteur explores issues relating to the sale and sexual exploitation of children in Ireland in light of international human rights norms and standards. On the basis of information gathered prior to, during and after her visit, the Special Rapporteur highlights legislative initiatives, the institutional framework and child protection policies implemented to combat and prevent the phenomenon, as well as measures available to provide care, recovery and reintegration to child victims. The Special Rapporteur makes recommendations with a view to strengthening efforts to address the phenomenon, improve child protection and minimize the risks of children falling victim to the sale of children, child prostitution and child pornography. |
|  |

Annex

Report of the Special Rapporteur on the sale and sexual exploitation of children on her visit to Ireland

I. Introduction

A. Programme of the visit

1. The Special Rapporteur on the sale of children, child prostitution and child pornography visited the Republic of Ireland, at the invitation of the Government, from 14 to 21 May 2018. The objective of the visit was to assess the situation regarding the sale and sexual exploitation of children and to evaluate the national child protection system, with a view to making recommendations to prevent and eradicate all forms of sale and sexual exploitation of children.

2. Over the course of the mission, the Special Rapporteur visited Dublin, Limerick and Galway. She met the Minister and representatives of the Department of Children and Youth Affairs; representatives of the Department of Foreign Affairs and Trade; the Department of Health; the Department of Education and Skills; the Department of Employment Affairs and Social Protection; and the Department of Justice and Equality. The Special Rapporteur held meetings with officials of the Child and Family Agency, known as Tusla, at central and local level; with the Office of the Director of Public Prosecutions; and the An Garda Síochána, which is the national police. The Special Rapporteur also met members of independent national institutions, including the Ombudsman for Children; the Adoption Authority; the Special Rapporteur on Child Protection; and the Irish Human Rights and Equality Commission. She also met members of parliament (the Oireachtas) and members of the judiciary in Dublin and Limerick.

3. In addition to government officials, the Special Rapporteur held meetings with members of the Internet Service Providers Association of Ireland, the National Board for Safeguarding Children in the Catholic Church and civil society organizations involved in research, advocacy and service delivery.

4. The Special Rapporteur visited a residential care centre; a therapy centre; a direct provision centre; and the joint adult and children sexual assault treatment units in Galway. She also observed proceedings of the Child Care Courts; the Children Court; and the Central Criminal Court. She further held discussions with adult survivors of historical abuse and young people serving on the Comhairle na nÓg National Executive.

5. The Special Rapporteur expresses her gratitude to the Government of Ireland for facilitating meetings with authorities at central and local levels and to members of civil society and OHCHR for their assistance before, during and after her mission. She further thanks the individuals and organizations with whom she met for their dialogue and readiness to share first-hand experiences and insights on the issues.

B. Context

6. Established as the Irish Free State in 1922, Ireland is today a parliamentary republic that comprises 26 of 32 counties on the North Atlantic island of Ireland. Beginning in the 1960s, three decades of disputes over the political status of the remaining region, which makes up present day Northern Ireland, together with deep sectarian divides between the Catholic and Protestant population, precipitated inter-communal and cross-border violence commonly known as the “Troubles.” A subsequent peace process and the 1998 signing of the Good Friday agreement by Northern Irish political parties—together with the governments of Ireland and the United Kingdom—largely ended the violence. In 1973, the Republic of Ireland joined the European Community; it entered the euro-zone in 1999.

7. Following years of rapid economic growth that spanned the late 1990s to the early 2000s, Ireland faced an economic downturn during which period a national banking crisis nearly crippled the Irish financial system. The 2008 global recession, which took place concurrently with the Irish recession, contributed to rising unemployment and emigration rates. This led the government to undertake a series of austerity measures, financial restructuring and tax reform. The country is currently in a state of recovery from the economic crisis. Nevertheless, 11.1 percent of children live in consistent poverty, according to statistics from an anti-poverty civil society network.[[3]](#footnote-4)

8. As of 2016, Ireland’s population is estimated at 4,761,865,[[4]](#footnote-5) with 1,197,000 under age 18.[[5]](#footnote-6) Nearly 80 percent of the population identifies as Roman Catholic, while an increasing percentage of residents affiliate with no religion.[[6]](#footnote-7) Religious minorities include Anglicans from the Church of Ireland, Muslims and Orthodox, among others.[[7]](#footnote-8) Ethnically, a vast majority (82.2 percent) of Irish residents are White Irish, with the largest minorities having other white ethnic origins (9.5 percent).[[8]](#footnote-9) A smaller subset of the population identifies as Black (1.4 percent), Chinese or other Asian (2.1 percent), or as Irish Travellers (0.7 percent).[[9]](#footnote-10)

II. Scope of the sale and exploitation of children

9. Ireland has made progress in recent years to prevent and respond to circumstances constituting sale or sexual exploitation of children, particularly in the areas of child marriage and ICT-related sexual exploitation. However, enough has not been done to provide information, accountability and redress to those who suffered abuse in the past in institutions and to those who were adopted in a manner that would amount to sale of children under international law. Moreover, certain children, such as those from minority backgrounds, with disabilities and in the care system, have specific vulnerabilities that merit particular attention.

A. Sale of children

10. Amongst egregious forms of sale of children, the following forms should be highlighted: illegal adoptions, forced labour and international or commercial surrogacy arrangements.

1. Illegal adoptions

11. There are historical precedents of illegal and irregular adoptions in Ireland that impact the situation today. From the 1920s until the 1990s, so-called mother and baby homes, which were institutions managed by Catholic orders, were established to house pregnant, unmarried women and girls.[[10]](#footnote-11) From the founding of the homes until the early 1950s, the children of those women and girls—who were deemed “illegitimate” and in need of moral guardianship—were placed with other families in informal boarding arrangements or in foster care.[[11]](#footnote-12) Following passage of the 1952 Adoption Act, the institutions facilitated large-scale adoptions of the children, including to foreigners, particularly from the United States.[[12]](#footnote-13) It has been regularly reported that adoptions were made against the wishes of the natural mothers, or through the deception of those mothers in order to get their consent. Birth records were also falsified.[[13]](#footnote-14)

12. Ireland experienced a significant decrease in inter-country adoptions following its 2010 ratification of the Hague Convention and the entry into force of its Adoption Act, which specifies Ireland will only register adoptions from other States parties to the Convention or with which Ireland has a specific bilateral agreement. The restriction of adoptions in this case is positive, reducing the risk that adoptions will be made between prospective parents in Ireland, where there is a relatively high demand for adoption,[[14]](#footnote-15) and agencies in countries without safeguards for children. It thus limits the potential for adoption to become a vehicle for the sale or trafficking of children (see A/HRC/34/55, paras. 43-52). Another positive step has been the reduction of the number of agencies licensed to facilitate inter-country adoptions in Ireland. Government officials indicate there is only one such agency, which, in principle, reduces the risk of illicit inter-country adoptions (see A/HRC/34/55, para. 76).

13. Some concerns remain, however. In particular, the fact that social notions persist about adoption being an entitlement for childless adults, rather than a child protection measure, could lead to irregular practices that are harmful to children. This is already manifest in the pressure put on lawmakers to develop new avenues for inter-country adoption or to diverge from strict compliance with the Hague Convention.[[15]](#footnote-16) The Special Rapporteur has also learned that travel and certification documents used for children adopted internationally lack specificity and can easily be falsified.

14. As regards the “historic” adoptions from institutions, the Commission of Investigation into Mother and Baby Homesis expected to address the issue when it produces its report announced for 2020. However, the Special Rapporteur is concerned that the limited scope of the Commission’s work—as with those of other commissions examining abuses in institutions before it—will mean its investigation is not broad enough to uncover the full scale of illegal adoptions, which still affect Irish citizens today. Having identified institutions whose operations classify them as mother and baby homes, the Commission may only investigate adoptions that took place at less than 20 places[[16]](#footnote-17) whereas illicit adoptions are alleged to have taken place in hundreds of formal and informal settings, including State maternity hospitals, through adoption agencies and between private individuals.[[17]](#footnote-18) The potential scale of the issue is demonstrated in the fact that, a few weeks after the Special Rapporteur’s visit, Tusla discovered 126 falsified birth documents from a single religious adoption society, requiring affected adults to be notified.[[18]](#footnote-19)

15. The Special Rapporteur has met with individuals who have approached religious orders and the courts in order to receive identity and background records as well as information on possible siblings, who were and still are systematically denied this information. Meanwhile those affected are advancing in age, so the need for a comprehensive national examination of forced and illegal adoptions is urgent. Failure to provide information, redress and justice for these human rights abuses perpetuates the harm to the victims.

2. Forced labour

16. Evidence is available that girls who were transferred to Magdalene laundries were made to work against their will and with little to no compensation in arrangements that could amount to the sale of children. Similar to the mother and baby homes, the Magdalene laundries were institutions operating from Ireland’s founding to the mid-1990s and housed girls and young women considered to be at risk socially or, as time went on, in danger morally.**[[19]](#footnote-20)** Conditions in the laundries were harsh, including restriction of movement, isolation from outside communities and humiliating treatment.[[20]](#footnote-21) Girls and young women in the laundries undertook gruelling labour in the form of industrial laundering and the manufacture of clothes and religious adornments,[[21]](#footnote-22) with reported punishments—such as the withholding of food—for refusing to work.[[22]](#footnote-23) Payments were nominal.[[23]](#footnote-24) Given these arrangements sometimes involved the transfer of children for economic benefit,[[24]](#footnote-25) they could amount to sale of children under international law.[[25]](#footnote-26)

17. Some former residents of mother and baby homes recounted to the Special Rapporteur that they were also forced to do domestic and other labour—but for foster families—and that they also missed educational opportunities after being placed with these families as children. Such situations present similar concerns.

18. In July 2011, Ireland established a committee to examine the level of State involvement with the Magdalene laundries, whose report showed that the State played a role in placement of women and girls in the laundries and that it held competitive contracts with the laundries.[[26]](#footnote-27) The government later established an *ex gratia* fund for the benefit of women who had been admitted to and worked in the Magdalene laundries.[[27]](#footnote-28) These developments notwithstanding, the Special Rapporteur agrees with the assessment of the Irish Human Rights and Equality Commission (IHRC), which concluded that proper redress cannot be made without an independent accounting of what took place in the Magdalene laundries and of the human rights implications of these events.[[28]](#footnote-29)

19. The State asserts that it has no evidence of systemic human rights violations in the laundries and that the government has no liability for them; as such, it has no plans to conduct an investigation or to compel religious orders to provide information on laundries’ operations other than for individual criminal or civil actions (See, e.g., CAT/C/IRL/2, paras. 240-256; CEDAW/C/IRL/6-7, paras. 40-46). The Special Rapporteur is concerned that Ireland maintains this position, given it is based on the summary results of an inquiry that was limited in scope and gathered information primarily through voluntary contributions. It also runs contrary to the recommendations of the IHRC[[29]](#footnote-30) and of the treaty bodies (CAT/C/IRL/CO/2, paras. 25-26; CEDAW/C/IRL/CO/6-7, paras. 14-15; CCPR/C/IRL/CO/4, para. 10). The government’s suggestion that survivors of abuses have recourse to litigation and criminal complaints fails to acknowledge the obstacles presented in this regard, including difficulty obtaining justice for historical cases and the apparent precondition that survivors agree to take no legal action against the State in order to benefit from the *ex gratia* scheme.

3. International and commercial surrogacy arrangements

20. Information on the prevalence of surrogacy arrangements, both domestic and international, is not systematically gathered in Ireland. A 2014 Supreme Court case, which ruled that a surrogate should be designated as the mother of twin babies for the purposes of civil registration,[[30]](#footnote-31) is likely to have discouraged domestic surrogacy arrangements. However, the government is aware of citizens making such arrangements in the country and abroad. The decrease in legal avenues for inter-country adoptions may increase the popularity of international surrogacy as an alternative. Thus, regulation of surrogacy arrangements in accordance with human rights standards will be important to ensure that these agreements do not amount to sale of children under international human rights law (see A/HRC/37/60).

B. Sexual abuse and exploitation of children

21. The Special Rapporteur is concerned about the absence of regularly gathered, comprehensive data on the scope and different forms of sexual abuse and exploitation of children in Ireland, a reality all stakeholders acknowledged during the visit. At present, Ireland’s Central Statistics Office relies on data received from the An Garda Síochána (the national police) on sexual offence cases,[[31]](#footnote-32) and the format of the Garda crime database makes it difficult to isolate sexual offences committed against children.[[32]](#footnote-33) Data collection at the court level follows a similar rubric, which is to classify cases according to the type of crime, with no differentiation as to the age group of the victim.[[33]](#footnote-34) Tusla, which is the statutory body for child welfare and protection services, also collects data on reports of sexual abuse, although not broken down by type of abuse. Thus this data alone cannot clarify the number of cases of sexual abuse and exploitation of children that make it to court and their outcomes. Further, stakeholders express doubts whether data that does exist reflects the reality. It is hoped that the upcoming national review of childcare and recovery services, and the scoping study underway on data related to sexual abuse and sexual violence, will consider these concerns.

22. A 2017 study conducted by the Garda Inspectorate, which analysed entries in the police crime database from 2012 to 2014, found that 5,872, or 66 percent, of all sexual offences committed in Ireland during that period involved children.[[34]](#footnote-35) Most of the perpetrators were people known to the victim or their family, with only 14 percent of the crimes perpetrated by strangers.[[35]](#footnote-36) A 2015 survey of victims seeking services from rape crisis centres for offences like rape, sexual assault and other sexual abuse found that 62 percent of victims seeking these services had experienced the abuse as children. Seven percent were victimized during both childhood and adulthood, and 31 percent as adults only.[[36]](#footnote-37) Thus, it is probable that the lack of regular, disaggregated reporting on sexual offences against children obscures the scope of the problem.

23. The majority of cases reported to the Gardaí (59 percent) relate to ‘historical’ incidents, or incidents that occurred at least a year before being reported.[[37]](#footnote-38) This is taken to indicate a level of underreporting at the time of the incident.[[38]](#footnote-39) In the same subset of cases, less than 13 percent of cases were referred for prosecution and then 32 percent of those cases were prosecuted.[[39]](#footnote-40) The Garda report does not reflect conviction rates, but the Special Rapporteur has learned that conviction rates for such cases are usually low. Even in cases that have already reached the childcare courts, accusations of child sexual abuse may not lead to conviction. In a study monitoring complex childcare cases, allegations of sexual abuse were present in eight of the ten cases observed; however, none were followed by a successful criminal prosecution.[[40]](#footnote-41)

24. There are a number of issues impeding the successful prosecution of child sexual abuse, including challenges the police face with evidence gathering, unclear testimony about incidents and difficulty proving the specific legal elements of the crimes. Delays in investigation and court proceedings may mean victims are obliged to testify well after the incident. This can lead to inconsistencies and difficulties in obtaining corroborating evidence. Depending on the length of time between the incident and prosecution, the accused may challenge the constitutionality of certain evidence presented or regarding their right to face their accuser.

1. Child sexual abuse materials

25. The Special Rapporteur welcomes the efforts of the Government, the private sector and civil society to address the issue of child sexual abuse materials (CSAM), including the growing threat of ICT-related abuse. Hotline.ie, which is a national service enabling internet users to report the presence of suspected CSAM on the web, concluded that 524 of the 5,789 reports they received in 2017 constituted child sexual abuse under Irish law.[[41]](#footnote-42)

26. Irish police also receive referrals of suspected CSAM from the U.S.-based National Centre for Missing and Exploited Children (NCMEC). Analysis of data by the Garda Inspectorate shows that, of the 2,184 referrals received by the Gardaí from January 2014 to June 2016, over 80 percent of those came from NCMEC.[[42]](#footnote-43) 540 of the 2,184 referrals received during that period were sent for further investigation as possible CSAM, of which 435 cases have been examined so far.[[43]](#footnote-44)

27. The data produced by Hotline.ie demonstrates how the transnational nature of ICT-related abuse renders it a complex problem to tackle. While Hotlie.ie has seen decreasing incidents of CSAM hosted on Irish sites,[[44]](#footnote-45) there was an increase in reported CSAM hosted on foreign websites. In fact, the 524 confirmed cases of CSAM represented a 44 percent increase in the number of these materials identified in 2016.[[45]](#footnote-46) In addition, Hotline.ie found that the images captured in 2017 depicted more severe levels of abuse than those found before.[[46]](#footnote-47)

28. Hotline.ie plays a liaison role in the fight against CSAM online. A service overseen by the Department of Justice and Equality (DOJE) jointly funded by the Internet Service Providers Association of Ireland and the European Union, it relies on the public to report images and videos suspected to be CSAM. After its analysis, Hotline.ie sends notices of likely CSAM to the Gardaí and the relevant Internet Service Provider or host so that the company can remove the image while preserving evidence for the police to investigate. Internationally hosted materials are reported to counterparts in relevant national jurisdictions.

29. Both law enforcement and Hotline.ie analysts point to structural limitations to their work. For example, current Irish legislation does not criminalize the posing of children in sexually suggestive positions, known as child erotica. Often such images are present in the same places as CSAM and involve the same children. In many cases, law enforcement can better identify the children in these images. In addition, as part of their efforts to evade detection, perpetrators of the abuse are moving CSAM further into the dark web, which requires more time and discernment to detect.

2. Institutional settings

30. Government inquiries over the past 20 years have looked into historical abuses committed against children by clergy and also in education and care institutions, including institutions operated by the Catholic Church. In particular, an inquiry commissioned in 2003 researched the response to allegations of child sexual abuse by priests in the diocese of Ferns.[[47]](#footnote-48) A 2010 report examined the handling of child sexual abuse allegations in the Cloyne Diocese,[[48]](#footnote-49) and a 2009 report covered the same subject matter as regards the Archdiocese of Dublin.[[49]](#footnote-50) The reports generally found that religious and government authorities did not deal with allegations of child sexual abuse expeditiously, including by failing to remove accused priests from ministry and not reporting allegations to the Gardaí and other authorities.

31. In 2009, a Commission to Inquire into Child Abuse published a report that addressed abuses committed against children in reformatory and industrial schools run by religious orders.The report found that molestation and rape were endemic in facilities for boys whereas girls endured physical abuse and humiliation. When confronted with evidence of child sex abuse, religious authorities generally responded by transferring offenders to another location where they were often free to abuse again.[[50]](#footnote-51) The Special Rapporteur is concerned by the lack of reports of criminal prosecutions following these investigations and calls on the Government to ensure accountability for these abuses and to guarantee support to the victims.

32. In terms of data on institutional abuse, an analysis of the cases recorded by the Gardaí in 2014 noted very few reported cases of clerical or institutional abuses. There were only three such cases in the Garda database for the period analysed out of a sample of 170 total child sexual abuse reports.[[51]](#footnote-52) However, this deviates from the hundreds of cases recorded by the National Board for Safeguarding Children in the Catholic Church in Ireland, which recorded 265 allegations against priests and religious from April 2014 to May 2015.[[52]](#footnote-53) The Board has seen steady decreases in the number of allegations each year, with 72 allegations reported to them from April 2016 to May 2017.[[53]](#footnote-54) Nevertheless, it is possible that Garda policy discouraging recording of third party reports results in underreporting of clerical cases by the police.[[54]](#footnote-55)

3. Trafficking

33. The Special Rapporteur welcomes the Government’s recent decision to begin disaggregating data on the trafficking of children from data related to prosecutable offences under section 3(2) of the Child Trafficking and Pornography Act 1998.[[55]](#footnote-56) Past official figures on child trafficking included all offences that could be charged under the Act, including child pornography and child prostitution offences not generally deemed trafficking, making it difficult to visualize the specific scope of child trafficking as it is defined under international law.[[56]](#footnote-57) Newly assessing the more specific data, a 2018 government report lists 20 reported cases of trafficking of children (out of 283 trafficking cases total) in Ireland from 2013 to 2017.[[57]](#footnote-58) Isolated data for 2017 shows three reports of child trafficking that year, with victims originating in Ireland, Europe and Africa.[[58]](#footnote-59) Trafficking for the purpose of labour exploitation, sexual exploitation and forced criminality constituted one case each.[[59]](#footnote-60) Prosecutions in relation to the 2017 child trafficking cases were not initiated in that year.[[60]](#footnote-61)

C. Root causes and risk factors

34. The Special Rapporteur has identified, among a number of root causes and risk factors, a culture ofsilence around issues of childhood sexual abuse and exploitation. Lack of knowledge or reticenceabout the fact that abuses occur against children means systems are not in place to prevent or quickly respond to violations when they happen. In addition, distrust between institutions, or as between institutions and the public, can prevent information sharing in a timely fashion. The deficit that results sends a message that consequences are unlikely to follow the abuse of children. On the issue of institutional and clerical abuse, the Special Rapporteur observes that assumptions that these issues have been resolved deters reporting and prevents full accountability.The jurisdiction of commissions of inquiry that have touched on these issues has been too limited and redress provided so far is unsatisfactory. Further, the societal impulse to defer to the wishes of adults can cause the best interests of the child to be overlooked.

35. Certain groups of children, including children belonging to minority communities, children in social care and children with disabilities, have specific vulnerabilities related to abuse and exploitation because they live in riskier settings or have fewer protective structures around them. Poverty and overcrowded living conditions, which are circumstances that affect Irish Traveller children, for example, may account for higher reports of abuse among this community.[[61]](#footnote-62) Children in care depend largely on the child protection system to identify harmful situations; however, assessment delays or lengthy legal proceedings may mean children are not quickly removed from risky environments. Similar concerns exist for children with disabilities, who children’s advocates have identified as at heightened risk in residential settings, specialized education and foster care.

36. Children whose families are seeking asylum are housed in mostly multi-family commercial facilities contracted by the State to provide no cost accommodation for asylum seekers. Families in this system, called Direct Provision, often share dining and common spaces with others in arrangements that can last from a few months to several years.[[62]](#footnote-63) This presents risks for children if they are sharing spaces with adults or older children unsupervised, particularly as half the residents of Direct Provision centres are adults who arrived in Ireland alone.[[63]](#footnote-64) Because Direct Provision residences are intended to be temporary in nature, the national monitoring agency for health and social services does not have authority to conduct inspections of them. This means a layer of supervision is missing that would help identify risks for children. State efforts to develop uniform standards for Direct Provision are welcomed and should be fast-tracked.

37. As in many countries, the accessibility of the Internet and children’s increased activity on social media pose new risks in terms of abuse and exploitation. Citing civil society figures, a 2018 parliamentary study reported that the percentage of children in Ireland ages eight to thirteen who spent two to four hours on the Internet daily increased from 17 to 24 percent from 2016 to 2017.[[64]](#footnote-65) Nearly half of children aged nine to sixteen accessed the Internet in a bedroom, often an unsupervised environment, every day.[[65]](#footnote-66) Moreover, the growing trend of children producing sexualized images of themselves online increases the avenues of exploitation through this medium.

III. Measures to combat and prevent the sale of children, child prostitution and child pornography

38. Ireland has taken numerous steps in recent years to strengthen the legal and institutional framework for protecting children from sexual exploitation and abuse. A new amendment recognizes children as rights holders under the Constitution, and a series of initiatives were launched to incorporate the voices of children in policymaking. Legislative changes have closed loopholes or expanded the protective capacity of the State with respect to child and forced marriage, child sexual abuse and the involvement of children in criminal proceedings. At the same time, however, more remains to be done in terms of developing a comprehensive national strategy to prevent and respond to the sale and sexual exploitation of children, as well as to monitor and efficiently distribute resources to pressure points in the child protection system.

A. Legal framework

39. Ireland has ratified most of the core international human rights treaties, including the Convention on the Rights of the Child and its Optional Protocol enabling the submission of complaints to the Committee on the Rights of the Child. However, the State has yet to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It is likewise not a party to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). In 2010, Ireland ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption.

40. The Special Rapporteur welcomes the 2015 signing into law of the Thirty-First Amendment to the Constitution, which expressly recognizes children as rights holders and paved the way for further legal and institutional developments responding to the needs and interests of children. For example, enactment of the Children First Act in the same year provided that, as of December 2017, certain classes of professionals who provide services to children or who work closely with them are required to share information they have about any sexual abuse—and about non-sexual abuse that also threatens a child’s health, development or welfare. This complements legislation from 2012, which provided that withholding information about a serious offence—including a sexual offence—against a child is a crime.

41. At the national level, the enactment of the Criminal Law (Sexual Offences) Act 2017 defined a range of violent and coercive acts against children, such as online grooming, forced touching and acts related to inducing child prostitution, as criminal offences. It criminalized not only the possession of child sexual abuse material but also the “access[ing]” (or streaming) of those materials and it outlawed the organization, production and distribution of CSAM depicting simulated children in addition to those where real children were depicted. The 2017 Act further removed the dual criminality requirement for the exercise of extraterritorial jurisdiction, which had, in the past, limited the State’s ability to prosecute Irish citizens committing sexual offences against children abroad.

42. In the week before the Special Rapporteur’s visit, Ireland enacted the Domestic Violence Act 2018, which criminalized forced marriage and completely outlawed child marriage for the first time. Before its enactment, children could be married in Ireland with the consent of their parents or a legal guardian and the offence of forced marriage had not been defined as a crime. The Special Rapporteur welcomes this development and is encouraged by the Government’s intention to protect children from parental or other pressure to marry before age 18.

43. Procedural protections that existed for child victims and witnesses have also been strengthened. Legislation that was in place before the Criminal Law (Sexual Offence) Act 2017 and the Criminal Justice (Victims of Crime) Act 2017 provided that children could give testimony by video-link or behind screens that shield them from seeing the accused in court proceedings related to sexual offences. However, the new legislation also enables these measures to be taken in any other cases where not doing so could serve to revictimize, intimidate or retaliate against child victim or witness. The Domestic Violence Act enables similar special measures to protect child witnesses in civil proceedings.

44. In addition, the 2017 legislation expands the types of crime for which child witnesses may submit pre-recorded interviews as evidence in lieu of in-person testimony to all those offences where there is risk of revicitimization, intimidation or retaliation against the child. It puts measures in place to prevent children from being personally cross-examined by the accused in sexual offence cases and enables children to be accompanied to court by a close friend, family member or support professional. Importantly, it enables the assessment of children’s protection needs before the initiation of court proceedings and outside of the court setting, an innovation the Special Rapporteur welcomes.

45. The Special Rapporteur notes that the Criminal Evidence Act of 1992 allows for an intermediary to reformulate questions put to child witnesses in sexual offence cases so that they are appropriate to the child’s age and mental capacity. However, the Special Rapporteur is concerned that neither this legislation nor the Criminal Justice (Victims of Crime) Act 2017—which allows the application of these measures in all cases where there is risk of re-harming the child—expressly provide that children may *respond* through the intermediary as well.

46. The Special Rapporteur encourages Ireland to enact legislation that would regulate surrogacy arrangements in order to protect against demand-driven practices that endanger children’s rights. Recently, the State has started drafting a bill that would regulate all areas of assisted reproduction, including by prohibiting commercial surrogacy arrangements in Ireland.[[66]](#footnote-67) The General Scheme for the bill recognizes that the interests of the child should be paramount in any surrogacy arrangement,[[67]](#footnote-68) which the Special Rapporteur welcomes. She also encourages the Government to ensure safeguards are in place so that the best interests of the child are ensured in practice.

47. The Special Rapporteur encourages Ireland to enact legislation that facilitates more open adoption processes, including by protecting the rights of adoptees to information about their origins and identities. A bill has been proposed that would require all individuals who have information about past adoptions to provide that information to the Adoption Authority of Ireland for centralized safekeeping.[[68]](#footnote-69) This is a welcome development given the thousands of cases of falsely registered adoptions reported in Ireland, which have left many adopted children and adults without access to their personal, family and health histories. The bill would also enable Tusla to keep a register of preferences of natural parents to be contacted, as well as of inquiries made by adopted people or their relativesfor information. However, the Special Rapporteur is concerned that those who were adopted as children may be precluded from receiving essential identity information, like birth certificates, in cases where: 1) the natural parents have indicated a preference not to be contacted and 2) the adopted person does not sign a pledge whereby he or she commits never to contact the natural parents when there is no preference registered by the natural parents.

48. In recognizing the right to an identity under article 8 of the Convention on the Rights of the Child, the Special Rapporteur encourages Ireland to address the rights of children to essential information about their identities as separate from, and not contingent upon, the desire of any party to be contacted. Adopted children should be entitled to seek this information, in addition to adults who were adopted as children. The Special Rapporteur is further concerned that the bill does not expressly cover individuals who were adopted through an illegal process, who were adopted to families overseas and Irish persons adopted from abroad, especially considering the history of such cases in Ireland.

B. Institutional framework

49. Ireland has a relatively robust institutional framework related to combating the sale and sexual exploitation of children. Among other bodies, the Department of Children and Youth Affairs (DCYA) has overseen policy and service provision concerning children and youth since 2011, when it began to centralize functions carried out by predecessor agencies. Established in 2014 under DCYA, Tusla, the child and family agency, is an independent entity that provides child protection and welfare, alternative care, family support, educational welfare and domestic violence services. The Health Service Executive (HSE), from which Tusla emerged and was expanded, is the Irish public health service provider. The HSE is responsible for providing mental health services such asrehabilitation for child victims.

50. The Ombudsman for Children, who reports to the Oireachtas, is mandated to receive complaints on issues affecting children. In addition to investigating complaints and formulating recommendations for their resolution, the Ombudsman reviews policy and provides public education on these issues. Complementary is the work of an independent national expert who serves as Special Rapporteur on Child Protection, advising the government on national and international law and policy developments affecting children.

51. The IHRC has reported on issues related to children’s rights with particular attention to the issue of institutional abuses.Further, in the realm of adoption, the Adoption Authority of Ireland, an independent successor to the Adoption Board of 1953, was created in 2010 to ensure that international and domestic standards are upheld in adoption processes. It has sole authority over granting adoption orders.

52. Within the DOJE, the Office for Internet Safety develops strategies for protecting children online and provides oversight over Hotline.ie, the collaborative service enabling internet users to report suspected CSAM on the web. The DOJE’s Anti-Human Trafficking Unit coordinates the policy response to trafficking under Irish law.

53. Within the An Garda Síochána, the Garda National Protective Services Bureau provides guidance on sexual crime and child protection, in addition to working on domestic violence, missing persons and victim support. It leads investigations into related complex cases. Moreover, a specialist anti-trafficking unit under the Special Crime Operation Section combats human trafficking, including the trafficking of children.

C. National policies, strategies and programmes

1. Policies on child protection

54. In addition to legislative reform, Ireland has put in place several policies to respond to sexual violence against children. Tusla is implementing its Child Protection and Welfare Strategy, which addresses interagency cooperation, process and standardisation, policy and practice, governance, data and performance. A Child First Implementation Group, comprised of representatives from all government departments, as well as from Tusla, the HSE and the police, is tasked with monitoring how public sector actors are implementing Children First legislation. In tandem with the mandatory Children First reporting requirements, national guidelines were revised and published in 2017 on how to identify and report more general suspicions of child abuse and neglect.[[69]](#footnote-70)

55. Shortly after the Special Rapporteur’s visit, the Government finalized a national action plan addressing online safety, which will enable the convening of a National Advisory Council and the rollout of a nationwide public awareness campaign targeting children and youth, their parents, guardians and teachers.[[70]](#footnote-71) In 2016, the State also updated its national anti-trafficking policy, which highlights the identification of potential victims, the joint interviewing of those victims and the risk factor of missing children as priority strategic areas for combating child trafficking.[[71]](#footnote-72)

56. While the aforementioned policies are timely, the Special Rapporteur is concerned about the fragmented nature of the Government’s approach to the issue of sexual violence against children. As it stands, Ireland does not yet have a uniform methodology on how sexual offences against children are defined, and the fact that no single government department has ownership of the issue hinders coordination. Further, there does not appear to be an evaluative component assessing the impact of government-wide efforts to prevent and respond to child sexual abuse and exploitation.

2. Investigation and prosecution

57. Nearly all of the interlocutors who met with the Special Rapporteur mentioned that child sexual abuse and exploitation are likely to be underreported in Ireland. Indeed, a 2015 survey of victims seeking services from rape crisis centres indicated that only 30 percent of those who sought services had disclosed the abuse they experienced to a formal authority.[[72]](#footnote-73)

58. A protocol is in place providing that social workers and police can jointly interview child victims of abuse and sexual exploitation to prevent re-traumatization of children recounting their experiences for both evidence gathering and care assessments. The Special Rapporteur welcomes ongoing review of the protocol given joint interviewing does not always happen in practice. For example, a study of 10 complex childcare cases in district courts observed that, despite child sexual abuse allegations emerging in eight of the cases, no case included joint interviewing of the child victims by Gardaí and social workers.[[73]](#footnote-74) It is possible that, in some cases, the different types of information sought by the police and social workers discourages joint interviewing. Difficulties also arise with coordinating schedules among a limited number of specialized personnel. The researchers studying complex childcare cases, for example, point out that Ireland has only 16 trained specialist social workers available to join the police for these interviews nationwide.[[74]](#footnote-75)

59. Repeat interviews with children are not only harmful but can have negative consequences for accountability. As an example, some interlocutors directed the Special Rapporteur to the case of a child who had been interviewed nearly a dozen times and began losing track of her testimony, which they gather contributed to the case being dropped. In this respect, the Government-proposed ‘one house’ model, which co-locates specialist police and social services, could help overcome coordination challenges while ensuring child victims receive specialized attention. The Special Rapporteur welcomes the expected opening of the first such centre in 2019 and encourages the State to ensure that this new initiative is well resourced and incorporates on-site therapeutic services for children.

60. There are slowdowns at various points in the investigation and prosecution process that impact case outcomes, such as at the point when police record reported incidents of abuse and interview witnesses, in the time between investigation and referral for prosecution, when cases await the availability of a judge, and when procedural challenges arise. Moreover, the adversarial nature of the proceedings means significant weight is placed on victim testimony, which some victims do not wish to give, or which is difficult to sustain under challenging cross-examination. Interviews taken by non-trained personnel can also raise evidentiary concerns. Thus, nearly all stakeholders recognized the need for routine, specialized training for all professionals handling child sexual abuse and exploitation cases, both for reasons related to child protection and to successful prosecutions.

61. In addition to the above issues, the Special Rapporteur is concerned about the fact that the Child and Adolescent Sexual Assault Treatment Services unit (CASATS) is the only specialized forensic examination unit for victims of sexual abuse under age 14 while there are six such centres for older children and adults. Even if child victims over 14 may access other units, this imbalance is worrying given recent analysis from the Garda Inspectorate raises the possibility that two-thirds of sexual assault victims in Ireland are in fact children[[75]](#footnote-76) and indications from the Inspectorate and Hotline.ie that a significant percentage of child sexual abuse reports concern those aged 15 and below.[[76]](#footnote-77)

62. In practical terms, the result of this limitation is that many children would be required to travel for hours for examination and treatment after experiencing abuse. The additional burden on young victims could compound the harm they experience while also increasing the chance that forensic evidence of crimes against them is compromised. In addition, some victims living far from the specialized unit may be fully deterred from accessing the service. A recent inter-agency report of the activities of all of Ireland’s forensic examination units showed 82 percent of the cases examined by CASATS related to incidents that took place only in Galway and Mayo counties, that is, the county where the unit is located and another one immediately adjacent to it.[[77]](#footnote-78)

3. Care, recovery and reintegration

63. In his 2016 annual report, the Ombudsman for Children identified the management of child protection concerns as one of the main categories of complaints received by his Office,[[78]](#footnote-79) and indeed, the child protection system is under strain.An important piece of the puzzle is a shortage of social workers available to identify and respond to child protection concerns. Government officials informed the Special Rapporteur that around 250 social workers graduate each year, which does not meet the nationwide, multi-sectoral demand for their services. In addition to recruitment limitations, retention of social workers remains challenging given heavy workloads and the difficulties inherent in their work.

64. Victims of child sexual abuse face lengthy waitlists before they can receive social services. As a snapshot of what this looks like, figures from Tusla in the year 2016 showed 25,034 total open social work cases, including children in the care of the State. Twenty-two percent of such cases (5,413) were awaiting allocation of a social worker.[[79]](#footnote-80) It is likely that this backlog restricts access to timely care for recent victims of child sexual abuse, not to mention the care sought by adults reflecting on past harms. It also presents the risk that, due to limited resources, social workers will feel pressure to settle cases quickly, ultimately lowering their standards when considering care placements. On the other hand, the Special Rapporteur has learned that limited resources also means there are gaps in the protection system for post-adoption review, for individuals leaving residential care and forchildren with complex needs.

65. The Special Rapporteur is concerned that there is no national therapeutic service for child victims of abuse, meaning child victims are not guaranteed counselling that is appropriately specialized and nearby after they experience abuse. In practice, non-governmental organizations are heavily relied on to provide specialized therapeutic services to child sexual abuse victims. However, they, too, lack the resources to meet the present demand and to ensure care is continuous. On the other hand, waitlists are extensive for the public mental health services provided by the HSE, which risks leaving abused children in crisis.

66. The limited number of judges available to hear childcare cases means there are delays in care proceedings that affect the timeliness of decisions on care and recovery services, as well as their evaluation. The capacity of the court system should be reviewed to ensure it is equipped with the human and financial resources necessary to reduce delays. Court infrastructure should also be enhanced to accommodate personnel supporting child victims and justice sector officials further trained to effectively handle childcare cases.

67. One challenge faced by the child protection system is the necessity to balance the rehabilitation needs of children exhibiting sexually harmful behaviour and the rights of children they encounter to be protected from harm. Currently, the National Inter-Agency Prevention Programme by Tusla provides services to children and young people who display sexually harmful behaviour. Another initiative in this regard is the Garda Youth Diversion Programme, which seeks to ‘divert’ child offenders from the criminal justice process and into a supervisory scheme overseen by youth liaison officers. The programme has the potential to prevent criminalization of children who commit minor offences, who may themselves have been victims in the past and for whom rehabilitation needs are to be prioritized. However, the Special Rapporteur cautions that the programme should involve appropriate therapeutic and social support and that offences like rape should nonetheless be routinely prosecuted.

4. Child participation and empowerment

68. The Special Rapporteur commends the efforts of Ireland to incorporate the perspective of children into policies that affect them. For example, Ireland has outlined a National Strategy on the Participation of children and young people in decision making 2015-2020. DCYA funds and oversees the activities of Comhairle na nÓg, an affiliation of 31 youth councils nationwide, which identifies topics important to young people and works with scholars to conduct research on these topics, sharing the results with policy makers. Constituted of children aged 12 to 18, its National Executive is comprised of representatives elected from each of the councils. A national youth parliament, Dáil na nÓg, is held biennially. In addition to the work of Comhairle na nÓg, the Ombudsman for Children, DCYA, Tusla and other government bodies have held consultations with young people addressing children in the care system, school curricula, the criminal justice system and mental health.

69. These achievements notwithstanding, children confront obstacles in having their views taken into account, especially on sensitive topics like sexual violence. At times, young leaders face stereotypes and dismissive attitudes from adults about their agency and desire to effect change. Efforts to convey views on issues like sexual harassment have not been successful. The Special Rapporteur encourages the Government to empower young people to address debates on any topic that interests them—including issues related to sexual health and safety—and to ensure their contributions are reflected in policies. The Government should also consider how to overcome social and practical impediments that affect the representation of children from marginalized backgrounds.

5. Prevention

70. The Special Rapporteur welcomes initiatives of the Government and civil society aimed at preventing the sexual exploitation and abuse of children. In line with its 2018-2019 Action Plan for Online Safety, the Government created a central online hub for internet safety information called ‘Be Safe Online’. Tusla organizes trainings for its staff and has supported the training of Gardaí to look for potential trafficking cases. In addition, by aiming to increase school performance and student retention—including for Roma and Traveller students—the Ministry of Education’s Delivering Equality of Opportunity in Schools programme has the potential to reduce the vulnerability of socioeconomically disadvantaged students by keeping them in school.

71. Several interlocutors informed the Special Rapporteur about increases they are seeing in reports of sexually harmful behaviour and that such behaviour is likely to be a precursor to peer-to-peer sexual violence. The national, secondary school-required Relationship and Sexuality Education (RSE) programmes can play a role in countering incorrect messages about sexuality that are reaching children, while educating them on violence prevention.

72. However, the Special Rapporteur is concerned that individual schools, or even individual teachers, can adjust the content of HSE-designed programmes, possibly reducing the programmes’ effectiveness. In line with the recommendations of the CRC (CRC/C/IRL/CO/3-4, para. 58; CRC/C/GC/20, para. 61), the Special Rapporteur encourages the Government to guarantee sexual education that is compulsory, comprehensive and grounded in scientific evidence. It should address the diversities of sexual orientation and gender identity and target all children, including those with disabilities. The Special Rapporteur also advises Ireland to review the settings in which sexual education courses are taught, given some courses are presented where students do not feel comfortable raising legitimate questions, such as in a course led by a religious teacher or primarily connecting sexuality with religion. She supports the efforts of Tusla, children’s rights advocates and Comhairle na nÓgto identify gaps in sexual education related to the concept of consent.

73. The National Board for Safeguarding Children in the Catholic Church in Ireland sets internal guidelines and advises church bodies on how to prevent and respond to sexual abuse in church communities, including through strengthened recruitment policies, communication of behavioural expectations and education on mandatory reporting obligations. Guidelines published by the Board make reference to international human rights standards, Children First legislation and national reporting procedures.

74. Not being a statutory body, the National Board is not entitled to receive information from the authorities about allegations made against church personnel. On the other hand, law enforcement policy discourages Gardaí from recording incidents and proceeding with investigations for victims who are referred by a third party, like a church, but who are initially unwilling to make a complaint.[[80]](#footnote-81) This would affect many victims of clerical abuse, since most choose not to make statements to police,[[81]](#footnote-82) and could lead to clerical abuses being underrepresented in official reports. Together, these policies create a protection gap in which church communities may not be notified despite an incident of abuse being revealed and clerical offenders benefitting from impunity.

IV. Conclusions and recommendations

A. Conclusions

**75. Legislative and institutional measures put in place by Ireland in recent years have the potential to better protect children from sexual abuse and exploitation. However, the impact of these advancements is hindered by the lack of a dedicated and integrated strategy to respond to sexual violence against children. The absence of regularly gathered data prevents the full scope of different forms of sexual abuse and exploitation of children to be known. Gaps remain in the criminal justice system, and there is a need for care and recovery services to be bolstered around the country so that the services available to child victims are timely and continuous. Further, past systemic abuses, such as those committed in institutions and in the area of adoption, are yet to be fully examined, with accountability and redress remaining elusive for victims.**

B. Recommendations

**76. In order for Ireland to ensure the effective protection of all children, the Special Rapporteur recommends that the Government adopt the following measures.**

**77. As regards its legal framework, the Special Rapporteur calls on Ireland to:**

(a**) Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;**

(b) **Ratify the Lanzarote Convention;**

(c) **Enact legislation that would regulate surrogacy arrangements to ensure the best interests of the child are protected;**

(d) **Enact legislation that would facilitate transparent adoption processes and guarantee adopted people’s right to an identity, including access to their birth certificates and health records;**

(e) **Consider legislation that would expand protection for ICT-related abuse and address the connection between the production of CSAM and child erotica.**

**78. In terms of mapping the scope of sale and exploitation of children, the Special Rapporteur recommends that Ireland:**

**(**a) **Develop a methodology for collecting uniform and reliable data on the scale and different forms of sexual abuse and exploitation of children, including data on the outcomes of efforts to combat them, thereby furthering efforts to achieve the SDGs, in particular 5.3, 8.7 and 16.2;**

(b) **Analyse vulnerabilities of children belonging to minority, Roma and Traveller communities, children in social care, children with disabilities and children in the Direct Provision system and strategize ways to reduce factors that may put them at risk of sexual exploitation and abuse;**

(c) **Carry out a comprehensive national examination of forced and illegal adoptions, including audits of records in the hands of the State, while ensuring that individuals whose birth records were falsified have access to information and redress;**

(d) **Undertake a full investigation into the human rights violations and abuses connected with Magdalene laundries and ensure that any transaction leading to forced labour of children amounting to sale of children, is accounted for and redressed;**

(e) **Promote transparency within the Church hierarchy on child abuse issues;**

(f) **Ensure the removal of any obstacle for anyone who has knowledge of or who suspects child abuse from reporting it to the competent authorities irrespective of the source of information or the identity of the offender;**

(g) **Raise awareness of the impropriety of silence and institutional opacity in the face of abusive practices, while providing support for transparency at the highest political level.**

**79. With regard to policies, plans and strategies, the Special Rapporteur recommends that Ireland:**

(a) **Adopt a national strategy to protect children from sexual violence after evaluating the availability, accessibility and quality of existing programmes, services and mechanisms;**

(b) **Maintain a centralized information system, which enables better analysis of emerging and long-term trends;**

(c) **Develop mechanisms for improved information-sharing between all entities at the national and local levels.**

**80. To enhance efforts to detect, investigate and prosecute sale and sexual exploitation of children, the Special Rapporteur recommends that Ireland:**

(a) **Create and maintain child-friendly reporting and complaint mechanisms, including free, dedicated helplines managed by qualified professionals, to report abuse and exploitation of children;**

(b) **Survey and rectify challenges faced by Gardaí and social workers that prevent joint interviewing of child victims for evidence gathering and care assessments;**

(c) **Dedicate sufficient technical, human and financial resources in the design of the ‘one house’ model or any co-located specialist response centres established for child victims, while ensuring therapeutic services for children are incorporated into the model;**

(d) **Provide routine, specialized training for all professionals handling child sexual abuse and exploitation cases, with instructions on effective investigation and prosecution strategies and on preventing re-traumatization of children during criminal justice proceedings;**

**(**e) **Educate judges, prosecutors, lawyers and law enforcement on international child right norms and standards, so that they adopt a child-friendly and gender-sensitive approach when dealing with child victims of sale and exploitation;**

(f) **Enhance the capacity of CASATS and scale-up specialized forensic examination and treatment services for children so that they are available nationwide;**

(g) **Revise the Garda policy that discourages Gardaí from recording incidents and proceeding with investigations for victims who are referred by a third party, like a church, but who are initially unwilling to make a complaint;**

(h) **Prosecute cases of clerical and institutional child sexual abuse.**

**81. In terms of care, recovery and reintegration, the Special Rapporteur recommends that Ireland:**

(a) **Strengthen Tulsa with sustained technical, human and financial resources so that it can effectively fulfil its role as the primary provider of child protection and child welfare services;**

**(b) Provide incentives to increase recruitment and retention of qualified, specialized social workers, ensuring adequate geographic coverage and allocation of necessary resources for their work; maintain standards for social workers to ensure the delivery of quality and child rights compliant services;**

(c) **Invest human and financial resources into aspects of the childcare system that are under strain, including by recruiting and training additional specialist Gardaí, medical professionals, judges and aftercare providers;**

(d) **Conduct need assessment of the child protection system, including as regards long-term support for adoptees, children with complex needs and care leavers; as appropriate, continue to provide accommodation and counselling to facilitate their social reintegration;**

(e) **Identify resources for a national therapeutic service that guarantees child victims of sexual abuse and exploitation have access to specialized crisis workers and counselling that is timely, continuous and available throughout the country;**

(f) **Review the court system’s capacity to handle childcare cases effectively and in a timely manner; adapt court infrastructure so it is fit-for-purpose and establish a nationwide case management system to reduce delays and pressure on the judiciary;**

(g) **Provide routine, specialized training for all professionals in the child protection system and childcare courts, including on international child right norms and standards and on best practices for preventing harm;**

(h) **Integrate therapeutic and social support inputs into the Garda Youth Diversion Programme;**

(i) **Provide medical care and counselling for survivors of institutional abuse.**

**82. In order to better incorporate the interests of children into efforts to prevent and respond to child sexual exploitation and abuse, the Special Rapporteur encourages Ireland to:**

(a) **Facilitate child-led initiatives aimed at influencing policy and assist children in gaining knowledge of their rights; seek out children’s perspectives when designing and implementing child protection policies;**

(b) **Empower children to contribute to sensitive debates related to violence, exploitation, sexual health and safety and ensure their contributions are given due regard;**

(c) **Incorporate the views of children from marginalized backgrounds in discussions about policies that impact them, including by addressing practical and societal impediments—like transportation challenges and social stigma—that can affect their representation;**

(d) **Carry out public education campaigns targeting all stakeholders—including communities in rural and remote areas—on children’s rights, sexual and reproductive health , online safety and other topics related to preventing sale and sexual exploitation of children;**

(e) **Guarantee all children have access to comprehensive sexual education that is compulsory and based in scientific evidence to dispel incorrect and harmful messages about sexuality received by children online and elsewhere; advise schools on appropriate settings for sexual education courses, especially delinking such courses from religion; and**

(f) **Ensure the diversities of sexual orientation and gender identity and the concept of consent are incorporated into sexual education programmes and target them to all children, including those with disabilities.**

1. \* The present report was submitted after the deadline so as to include the most recent information. [↑](#footnote-ref-2)
2. \*\* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only. [↑](#footnote-ref-3)
3. European Anti poverty network: http://www.eapn.ie/eapn/training/consistent-poverty-rates. [↑](#footnote-ref-4)
4. Central Statistics Office of Ireland, 2016 Census Summary Results—Part 1 [‘2016 Census’], “Population Change and Political Perspective”, pg. 8. [↑](#footnote-ref-5)
5. ECPAT International, ECPAT Country Overview: Ireland, 2018, Pg. 4. [↑](#footnote-ref-6)
6. 2016 Census, “Religion”, pg. 72. [↑](#footnote-ref-7)
7. Ibid. [↑](#footnote-ref-8)
8. 2016 Census, “Ethnicity and Irish Travellers”, pg. 60. [↑](#footnote-ref-9)
9. Ibid. [↑](#footnote-ref-10)
10. DCYA, Report of the Inter-Departmental Group on Mother and Baby Homes (July 2014) [‘Inter-Departmental Group report’], pg. 6. [↑](#footnote-ref-11)
11. Ibid., 6-9, 15. [↑](#footnote-ref-12)
12. Ibid., 15-16. [↑](#footnote-ref-13)
13. See Ibid.,15-16. [↑](#footnote-ref-14)
14. Ireland has had the second highest per capita adoption rate worldwide. Nigel Cantwell, Adoption and Children: A Human Rights Perspective, Council of Europe Commissioner for Human Rights Issue Paper (28 April 2011), pg. 9. [↑](#footnote-ref-15)
15. See Claire McGettrick, Adoption Rights Alliance, Regulating Intercountry Adoption: In Whose Interest? (April 2015) pgs. 7-11. [↑](#footnote-ref-16)
16. See Inter-Departmental Group report, pgs. 11-12. [↑](#footnote-ref-17)
17. See Adoption Rights Alliance, Follow-Up Submission to the UN Committee on the Elimination of Discrimination against women in respect of Ireland (January 2017), paras. 3.6-3.9.6. [↑](#footnote-ref-18)
18. DCYA, Press Release on Incorrect Registrations of Birth: New Evidence in St Patrick Guild Records (29 May 2018), *available at* https://www.dcya.gov.ie/docs/EN/Press-Releases-copy-dcya-gov-ie-2018/81/5034.htm. [↑](#footnote-ref-19)
19. Report of the Inter-departmental Committee to establish the facts of State involvement with the Magdalene laundries, Ch. 3 [‘McAleese report’]; See also Report of the Commission to Inquire into Child Abuse, (May 2009) [‘Ryan report’], Vol. III, Ch.18, para.18.14; Reformatory and Industrial School Systems Report (2017), para. 6.18. [↑](#footnote-ref-20)
20. See Ibid., Ch. 19, paras. 35, 37-38, 42-43. [↑](#footnote-ref-21)
21. Survivors describe it as “very hard work” and the “hardest work ever.” See Ibid., Ch. 19, paras. 35, 39. [↑](#footnote-ref-22)
22. See Ibid., Ch. 19, paras. 35, 38. [↑](#footnote-ref-23)
23. See Ibid., Ch. 12, para. 184 (legislation prohibited any pay over “the coin of the realm”), Ch. 15 paras. 88-107 (a salary of less than the threshold insurable amount of six pounds per week); Ch. 19, para. 39 (“a pound a month”); Ch. 20, para. 43 (no wages paid). [↑](#footnote-ref-24)
24. See Ibid., Ch. 11, paras. 22, Ch. 13, paras. 24, 50 (indicating the cost effectiveness of keeping disadvantaged girls and women in laundries as opposed to in health and social institutions). [↑](#footnote-ref-25)
25. See Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, art. 2. [↑](#footnote-ref-26)
26. See McAleese report, Ch. 2, para. 1, Ch. 8, paras. 16-27 & Ch. 14. [↑](#footnote-ref-27)
27. Report of Mr. Justice John Quirke on the establishment of an ex gratia Scheme and related matters for the benefit of those women who were admitted to and worked in the Magdalen laundries (May 2013), para. 1.01. [↑](#footnote-ref-28)
28. IHRC, IHRC Follow-Up Report on State Involvement with Magdalene Laundries (June 2013) [‘IHRC report’], pg. 4. [↑](#footnote-ref-29)
29. See Ibid. 126-127. [↑](#footnote-ref-30)
30. *MR & Anor v An tArd Chláraitheoir & Ors* [2014]. [↑](#footnote-ref-31)
31. See Garda Inspectorate, Responding to Child Sexual Abuse: a follow up Review from the Garda Inspectorate (December 2017) [‘Garda Inspectorate report’], pg. 125. [↑](#footnote-ref-32)
32. Ibid.,123. [↑](#footnote-ref-33)
33. By definition, some offences, such as ‘defilement of a child,’ only involve children, while others may involve adult or child victims. See, e.g., Office of the Director of Public Prosecutions, Annual Report 2017 (2018), pg. 24-30. [↑](#footnote-ref-34)
34. Garda Inspectorate report, pg. 18. [↑](#footnote-ref-35)
35. Ibid. [↑](#footnote-ref-36)
36. Rape Crisis Network Ireland, Rape Crisis Statistics and Annual Report 2015 [‘Rape Crisis Network report’], pg. 13. [↑](#footnote-ref-37)
37. Garda Inspectorate report, pg. 128-129. [↑](#footnote-ref-38)
38. Ibid, 129. [↑](#footnote-ref-39)
39. Ibid., 22. [↑](#footnote-ref-40)
40. Carol Coulter, CCLRP, An Examination of Lengthy, Contested And Complex Child Protection Cases In the District Court (March 2018) [‘CCLRP report’], pg. 75. [↑](#footnote-ref-41)
41. Hotline.ie, Annual Report 2017 [‘Hotline.ie report’], pg. 16. [↑](#footnote-ref-42)
42. See Garda Inspectorate report, pg. 218. [↑](#footnote-ref-43)
43. Ibid.,217. [↑](#footnote-ref-44)
44. 2017 constituted the first time in eight years that no CSAM was detected as being hosted in Ireland. Hotline.ie report, pg. 20. [↑](#footnote-ref-45)
45. Ibid, 17. [↑](#footnote-ref-46)
46. Internet Service Providers Association of Ireland, Press Release: 79% Child Sexual Abuse Imagery found to feature children aged 0 to 12, 4 October 2018. [↑](#footnote-ref-47)
47. The Ferns Report presented to the Minister for Health and Children (October 2005). [↑](#footnote-ref-48)
48. Commission of Investigation, Report into the Catholic Diocese of Cloyne (December 2010). [↑](#footnote-ref-49)
49. Commission of Investigation, Report into the Catholic Archdiocese of Dublin (July 2009). [↑](#footnote-ref-50)
50. Ryan report, Ch. 6, paras. 6.09-6.30. [↑](#footnote-ref-51)
51. Garda Inspectorate report, pgs. 18, 129. [↑](#footnote-ref-52)
52. The National Board for Safeguarding Children in the Catholic Church in Ireland Annual Report 2016 (2017) [‘National Board report’], pg. 10. [↑](#footnote-ref-53)
53. Ibid. [↑](#footnote-ref-54)
54. See para. 79. [↑](#footnote-ref-55)
55. As amended by the Criminal Law (Human Trafficking) Act 2008. [↑](#footnote-ref-56)
56. See, e.g., DOJE, Trafficking in Human Beings in Ireland Annual Report 2016 [‘Trafficking report’], pg. 15. [↑](#footnote-ref-57)
57. Ibid, 5. [↑](#footnote-ref-58)
58. Ibid.,23. [↑](#footnote-ref-59)
59. Ibid. [↑](#footnote-ref-60)
60. See Ibid., 12. [↑](#footnote-ref-61)
61. See, e.g., CCLRP report, pg. 16 (allegations of sexual abuse featured disproportionately in observed childcare proceedings involving Traveller families). [↑](#footnote-ref-62)
62. DOJE, Reception and Integration Agency, Annual Report 2016, pg. 15. [↑](#footnote-ref-63)
63. Ibid.,22, 24. [↑](#footnote-ref-64)
64. House of Oireachtas Joint Committee on Children and Youth Affairs, Report of on Cyber-security for Children and Young Adults (March 2018), pg. 9. [↑](#footnote-ref-65)
65. Ibid., 8-9. [↑](#footnote-ref-66)
66. General Scheme of the Assisted Human Reproduction Bill 2017, pg. 91. [↑](#footnote-ref-67)
67. Ibid., 36. [↑](#footnote-ref-68)
68. Adoption (Information and Tracing) Draft Bill 2016. [↑](#footnote-ref-69)
69. DCYA, Children First: National Guidance for the Protection and Welfare of Children (2017). [↑](#footnote-ref-70)
70. Government of Ireland, Action Plan for Online Safety 2018-2019. [↑](#footnote-ref-71)
71. DOJE, Second National Action Plan to Prevent and Combat Human Trafficking in Ireland (October 2016), pgs. 72-79. [↑](#footnote-ref-72)
72. Rape Crisis Network report, pg. 21. [↑](#footnote-ref-73)
73. CCLRP report, pgs. 40, 59-60. [↑](#footnote-ref-74)
74. Ibid., 61. [↑](#footnote-ref-75)
75. See para. 23. [↑](#footnote-ref-76)
76. See Garda Inspectorate report, pg. 18; Hotline.ie report, pg. 3. [↑](#footnote-ref-77)
77. National Sexual Assault Treatment Unit Annual Report 2016 (June 2017), pg. 49. [↑](#footnote-ref-78)
78. Ombudsman for Children, Annual Report 2016, pgs. 23-24, 28 – 29. [↑](#footnote-ref-79)
79. DCYA, An Indicator Set for Better Outcomes, Brighter Futures, the national policy framework for children and young people 2014-2020 (2017), pgs. 26, 67. [↑](#footnote-ref-80)
80. Garda Inspectorate report, pg. 141. [↑](#footnote-ref-81)
81. See National Board report, pg. 12. [↑](#footnote-ref-82)