



**A PROTOCOL TO EXPEDITE RAPE AND  
MURDER CASES INVOLVING VICTIMS AND  
DEFENDANTS UNDER 18 YEARS OF AGE**

**BETWEEN:**

THE DEPARTMENT OF JUSTICE,  
THE PRESIDENT OF THE HIGH COURT,  
THE PRESIDENT OF THE DISTRICT COURT,  
AN GARDA SÍOCHÁNA (AGS),  
THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (ODPP),  
THE LAW SOCIETY OF IRELAND,  
THE BAR COUNCIL OF IRELAND,  
TUSLA – CHILD AND FAMILY AGENCY,  
HEALTH SERVICE EXECUTIVE (HSE),  
CHILDREN’S HEALTH IRELAND,  
COURTS SERVICE IRELAND,  
VICTIM SUPPORT AT COURT (V-SAC),  
ACCOMPANIMENT SUPPORT SERVICES FOR  
CHILDREN (ASSC),  
FORENSIC SCIENCE IRELAND (FSI),  
THE PROBATION SERVICE,  
**AND**  
OBERSTOWN CHILDREN DETENTION  
CAMPUS

**October 2024**

### **Proposed Timeline**

AGS statement/16(1)(b) to file to DPP	24 weeks
DPP decision & District Court	12 weeks
Sent forward to list to first listing in Central	1 week
First listing to trial	8 weeks
Trial	1-3 weeks
Verdict to sentence (including Prob Report prep)	4 weeks (child defendant) or 6 weeks (child victim, adult defendant)
<b>Total:</b>	<b>52 weeks approximately (54 weeks if adult defendant)</b>

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## 1. SECTION 1 - Introduction

- 1.1. Children can find the experience of giving evidence a frightening and intimidating one, they can find the criminal justice system daunting and difficult to comprehend. Delay in the criminal justice system can be detrimental to child victims and child defendants.
- 1.2 The signatories to this protocol recognise children's vulnerability, the impact that delay can have on their lives and on the fairness of the court process.

## 2. SECTION 2 – Purpose

- 2.1. The signatories to this protocol are committed to supporting children throughout the criminal justice process, particularly when they attend court and if they give evidence, either within a courtroom or remotely. This protocol details the working arrangements between the signatories of this protocol to expedite cases involving child victims and defendants, and with the support of Barnahus, V-SAC, ASSC, and Youth Support Workers hope to:
  - (a) Promote and protect children's rights in accordance with international best practice as envisaged by the **United Nations Convention of the Rights of the Child**.
  - (b) Promote and protect children's rights in accordance with the **Children Act 2001**.
  - (c) Promote key strategies for **reducing the especially harmful effects** on children of contact with the criminal justice system, in line with increased knowledge about children's development. In particular to minimize the stress and emotional impact of the criminal justice process on children.
  - (d) Promote the strengthening of the criminal justice system through **improved interagency co-operation** in accordance with law, as between the signatories of this

protocol.

(e) **fair treatment** in the criminal justice system and a **fair trial** in accordance with law and international best practice.

(f) Maximize the opportunity for child victims to provide their **best evidence**.

(g) Ensure children can **fully participate** in criminal proceedings.

(h) Promote **prompt and efficient trials** without delay so that the time between the commission of an alleged offence and the conclusion of proceedings should be as short as possible.

2.2. The signatories recognise that, in all cases the interests of the child should be a primary concern, having regard to the child's constitutional and human rights (including but not confined to the child's rights under Article 42A 1 of the Constitution).

### 3. SECTION 3 – Scope

3.1 This protocol only applies to cases where:

**A:**

- i. The victim is under the age of 18 at the time an incident is reported to An Garda Síochána;
- ii. The victim has provided a statement of evidence or section 16 (1)(b) interview in relation to the incident; and
- iii. The senior investigating officer has recommended a prosecution for a charge of rape.

**OR**

**B:**

- i. The defendant is under the age of 18 at the time an incident is reported to An Garda Síochána;
- ii. The senior investigating officer has recommended a prosecution for a charge of rape or murder; and
- iii. If the case is one of rape, the victim has provided a statement of evidence or section 16(1)(b) interview in relation to the incident.

3.2.1. For the purposes of this protocol a **‘victim’** means:

“A natural person who has suffered harm, including physical, mental or emotional harm, or economic loss, which was directly caused by an offence.”

3.2.2 For the purposes of this protocol **“rape”** means:

“A rape contrary to common law and section 2 of the Criminal Law (Rape) Act 1981, or a rape contrary to section 4 of the Criminal Law (Rape) (Amendment) Act 1990.”

#### **4. SECTION 4 - Investigation**

4.1 When a statement of evidence or section 16(1)(b) interview is completed by the victim, the Senior Investigating Officer (SIO) will consider whether the case is one that falls under the scope of this protocol. The Senior Investigating Officer will review this position as the investigation progresses and any further evidence is identified.

4.2 In order to support a child during the investigative and/or trial process, and subject to the provision of informed consent, a referral should be made by An Garda Síochána to Barnahus (if appropriate), or ASSC (if appropriate) or V-SAC (if appropriate), providing the following information:

- (a) The name and address of the victim;
- (b) Any telephone number or e-mail address at which the victim may be contacted;
- (c) The name, address, and relationship of the appropriate adult;
- (d) Any telephone number or email address of the appropriate adult;
- (e) Such other information relating to the victim, or the criminal conduct concerned as it appears to the member of an Garda Síochána to be appropriate to disclose for the purpose of providing support; and
- (f) The Investigating Officer's details including email address and mobile phone number.

4.3 In all cases identified as falling under this protocol, the member of An Garda Síochána overseeing the investigation will ensure that an action plan is produced detailing the actions necessary to expedite the investigation to a charging decision. All stages of the investigation must be expedited.

4.4. An Garda Síochána is fully committed to the purpose behind this protocol and will seek to give effect to it so far as it is reasonably practicable to do so.

4.5 An Garda Síochána will ensure that there is awareness of the Protocol among Senior Investigating Officers and that the responsibilities of investigators are communicated throughout the organisation.

4.6 Senior Investigating Officers and Incident Room Co-ordinators will prioritise all investigative actions in relation to investigations that fall within the Protocol to ensure that investigation files are submitted to the Office of the Chief Prosecution Solicitor (ODPP)/State Solicitor, or the Director of the Garda National Youth Diversion Bureau, as appropriate, within the given timeframes.

It is recognised that the nature and complexity of many investigations, for instance those involving significant electronic media analysis or third-party disclosure, may not be resolved within these timeframes. An Garda Síochána must still make best endeavours to keep the time taken for such investigations to a minimum while observing the requirement for an effective investigation.

- 4.7 A system will be developed in the Garda National Youth Diversion Bureau to expedite directions from the Bureau Director involving child defendants in Protocol cases.
- 4.8 A system to ensure the prompt analysis of forensic and digital evidence in Protocol cases will be developed in conjunction with the Garda National Cyber Crime Bureau.
- 4.9 Forensic Science Ireland is fully committed to the purpose behind this protocol. Where reasonably practicable Forensic Science Ireland will endeavour to keep the time taken to process Protocol cases to a minimum, to assist in ensuring that time frames envisaged in this protocol can be achieved.
- 4.10 In cases where there has been an unavoidable delay in the investigation, for instance where the suspect could not be located, the case should still continue to be considered as falling under this protocol.
- 4.11 In a case where the Senior Investigating Officer had decided that a case did not fall under the scope of this protocol, but the ODPP subsequently determines that the case is one that falls under the scope of this protocol, for instance where the Senior Investigating Officer did not recommend a prosecution, the case will be deemed to be a protocol case at the time of the decision to charge.

## **5. SECTION 5 - Early Consultation**

- 5.1 Investigators should consider the need for early consultation with the ODPP in cases identified as Protocol cases.

## **6. SECTION 6 – File Submission and Decision Making**

- 6.1 An Garda Síochána will complete their investigation and submit a file to the ODPP (or Chief Prosecution Solicitor), where reasonably practicable within 24 weeks of receipt of the statement of evidence or section 16(1)(b) interview of the victim. If a file cannot be submitted within 24 weeks, the file shall be submitted as soon as is reasonably practicable thereafter. It is recognised that the nature and complexity of many investigations, for instance those involving significant electronic media analysis or third-party disclosure, may not be resolved within these timeframes. An Garda Síochána must still make best endeavours to keep the time taken for such investigations to a minimum while observing the requirement for an effective investigation.
- 6.2 An Garda Síochána will utilise existing internal case management processes including PULSE, the Information Management System (IMS) and the Performance and Accountability Framework (PAF) to monitor the progress of Protocol cases throughout the investigative process to ensure compliance with the timeframes set out in the Protocol.
- 6.3 As part of any file submitted to the ODPP the Senior Investigating Officer will submit, as a minimum:
- (a) The recording of any section 16 (1) (b) interviews;
  - (b) A complete transcript of same;
  - (c) The supporting material from the clarification meetings;
  - (d) Special measures assessment under section 15 of the Criminal Justice (Victims of Crime) Act 2017;



- (e) An outline of potential sources of third-party material (through an initial canvass with the victim) and confirmation that the victim has been made aware of their statutory rights;
- (f) A digital device chart setting out the devices seized to include the current analysis status of each device;
- (g) A report on the results of the analysis as well as the data obtained;
- (h) Interview/s of the suspect;
- (i) Any medical or forensic evidence gathered; and
- (j) The key witness statements.

6.4 An Garda Síochána will put in place an additional system of notification to alert the Office of the Chief Prosecution Solicitor (for cases in the Dublin Metropolitan Region) and the local State Solicitor (for all other areas) when submitting an investigation file relating to a Protocol case, which is additional to the standard covering report (CM13) to ensure that the relevant office is alerted to the submission of a Protocol case file.

6.5 As part of any full file the Senior Investigating Officer will prepare a full and detailed special measures assessment in all cases and share this with the ODPP, in accordance with Section 15 of the Victims of Crime Act 2017. The assessment shall include any relevant supporting documentation (including, but not confined to, any relevant medical, psychiatric or, psychological reports) in order to ensure that any requirement for special measures receives early and informed consideration. Tusla will co-operate with An Garda Síochána and provide relevant input and expertise to assist in the preparation of the special measures assessment.

6.6 The ODPP will make a decision in the case as soon as is reasonably practicable upon receipt of the file. The file will only remain a Protocol file if the ODPP directs a charge of rape or murder, to be tried in the Central Criminal Court.

6.7 The ODPP shall endeavour to complete the decision-making stages and the District Court process within 12 weeks of receipt of the file from An Garda Síochána. It is recognised that the nature and complexity of many investigations, for instance those involving significant electronic media analysis or third-party disclosure, may not be resolved within these timescales. The ODPP and An Garda Síochána must still make best endeavours to keep the time taken for such investigations to a minimum.

## **7. SECTION 7 – Court Accompanied Support Worker for Child Offenders**

7.1 Youth Justice Workers provide court accompaniment for child defendants. The statutory Garda Youth Diversion Programme is provided for in the Children Act 2001. The Diversion Programme is supported by a network of Youth Diversion Projects (YDPs) funded by the Department of Justice.

7.2 The service is available throughout the State with the exception of two areas (east Clare and Thurles) where new projects will be established in early 2025. The YDPs work with young people who have been diverted under the statutory Garda Youth Diversion Programme and are under Juvenile Liaison Officer (JLO) supervision, or have been otherwise referred including from Community Gardai, Tusla, schools, or other community-based agencies.

7.3 The Government's Youth Justice Strategy 2021–2027 broadened the mandate of the projects to include early intervention, family support, working with child offenders not suitable for diversion (but not under Probation Service supervision), and working with schools to help retain young people at risk of early schooling leaving due to offending behaviour.

7.4 The Department has extended this mandate to include YDP staff (Youth Justice Workers (YJWs)) providing a court accompaniment service for young defendants by accompanying them and providing informal support and explanations of court procedures as necessary during the trial process.

- 7.5 An Garda Síochána, and the defence solicitor, shall advise the child defendant, and his or her parent or guardian, that he or she may be accompanied by a Youth Justice Worker (YJW) in court, and shall provide the child and his or her parent or guardian with the necessary information to allow the child defendant to access this support service.
- 7.6 An Garda Síochána and the defence solicitor shall advise the child defendant and his or her parent or guardian that the court accompaniment services are funded by the Department of Justice, and that the role of a YJW is to explain in layperson's terms what it is happening at the various stages of the proceedings and to be there as a support for the child defendant. The role does not include advocacy or representation, as that is the role of the defendant's legal representative.

## **8. SECTION 8 – Third-party Material**

- 8.1 Once a charge is preferred An Garda Síochána and ODPP, should be proactive in identifying and seeking access to relevant third-party material where such material may be relevant in that it could either help the defence or damage the prosecution case. Prosecutorial advice can and should be sought on this issue.
- 8.2 Third-party material will include (but is not confined) to material from Tusla, HSE, Children's Health Ireland, signatories to this protocol. Tusla, HSE and Children's Health Ireland will endeavour to comply with third-party material requests within the timelines of this protocol in accordance with their privacy and data protection obligations.
- 8.3 Where the defence seek such material by way of a third-party disclosure this should be done as soon as is reasonably practicable. Both the defence and the ODPP shall engage in communication to seek to resolve any disclosure issues. It is imperative that every effort is made to deal with disclosure issues, with recourse to the Court only where resolution between the parties is not possible. Both the ODPP and the defence must ensure that third-party disclosure applications are made promptly, well in advance of

scheduled trial dates. Applications to vacate trial dates by reason of disclosure issues should be avoided at all costs.

## **9. SECTION 9 – District Court**

- 9.1 If the ODPP directs that a charge of rape or murder is to be preferred, the file will be then deemed for court purposes a Protocol file.
- 9.2 The person appearing for the prosecution will alert the appropriate District Court registrar/District Court Office that a case has a child victim or defendant that falls within the Protocol. The ODPP will e-mail the case details as part of the process of alerting the Courts Service for cases going to the District Court and for onward transmission to the Central Criminal Court.
- 9.3 The Courts Service will separately notify District Court President (or his Judicial Assistant) and the Central Criminal Court registrar, that an eligible case within the Protocol has been received; Courts Service will create the court file (with a purple sheet on the inside cover) and will identify the case as a pilot case. The Courts Service is developing a new ICT system for criminal cases due to be in operation in 2026 and this system will contain the ability to record the fact that a case is a protocol case, enabling this to be flagged to judges at each appearance.
- 9.4 The case record/file with the purple insert should highlight to the presiding District Court judge that it is a case to which this protocol applies and as such, in so far as is reasonably practicable the case should be expedited in the District Court. In all cases, the person appearing for the prosecution should confirm with the District Court presiding judge that the judge is aware that the matter is a Protocol case. Legal aid should be applied for and assigned (subject to statutory criteria) for solicitor and two counsel as soon as is reasonably practicable, to facilitate early consultation and advice. If expert reports are sought by the Defence (including but not confined to psychiatric

and or psychological reports), they should be sought at the earliest possible opportunity. In the event expert reports are provided to the presiding District Court judge, (by either the ODPP or the defence or if sought by the presiding judge), the Courts Services will ensure that copies of these reports are available on any subsequent Central Criminal Court file.

- 9.5 At the point when legal aid is assigned, the assigned defence solicitor in a Protocol case should immediately contact the serious and sexual offences unit of the ODPP. The defence solicitor should indicate that he or she represents the defendant and where possible, should inform that unit of the ODPP of the names of counsel instructed in the matter. The defence solicitor should provide the required relevant undertakings to the ODPP, as soon as is reasonably practicable. As soon as is reasonably practicable thereafter, the ODPP should provide to the defence solicitor, disclosure relevant to the case, particularly (but not confined to) relevant material that would likely be served as part of the Book of Evidence or additional evidence. The service of this documentation on the defence solicitor should facilitate meaningful engagement on the part of the Defence with the case. This in turn, should allow for a focused approach, in a timely manner, in relation to any further material sought from the ODPP by the Defence.
- 9.6 The Court shall confirm that child victims and child defendants have been informed of their statutory rights, support measures, and support services.
- 9.7 At all stages of the District Court the presiding judge should, where necessary take into account any information available that relates to the age, maturity, and development (intellectual, neurodevelopmental, and emotional) of a child victim, and all other circumstances that are relevant. All possible steps should be taken to assist the child victim to understand and participate in proceedings. The ordinary trial process should so far as is necessary be adapted to meet those needs.

9.8 At all stages of the District Court the presiding judge should, where necessary take into account any information available that relates to the age, maturity, and development (intellectual, neurodevelopmental, and emotional) of a child defendant, and all other circumstances that are relevant. All possible steps should be taken to assist the child defendant to understand and participate in proceedings. The ordinary trial process should so far as is necessary be adapted to meet those needs.

**10. SECTION 10 - Provision of Information to Child Defendant (and Parent or Guardian) or to Child Victim (and Parent or Guardian)**

10.1 It will be the responsibility of the ODPP to confirm with An Garda Síochána that the child victim and his/her parent or guardian have been advised of his/her statutory rights, access to special measures/ground rules, and support services available during the Court process.

10.2 It will be responsibility of the solicitor for the child defendant (to inform him/her and his/her parent or guardian) of his/her statutory rights, access to special measures/ground rules hearing and support services available during the court process.

10.3 It will be the responsibility of the Senior Investigating Officer & the ODPP to keep V-SAC (where applicable) or ASSC (where applicable) or Barnahus (where applicable) updated with any developments in the case that might impact on the wellbeing of the child victim, and to update the foregoing of any decisions and arrangements relating to the investigation and court proceedings.

- 10.4 It will be the responsibility of the solicitor for the child defendant to keep the child defendant (and his/her guardian or parent) and any support services informed of any developments in the case that might impact on the wellbeing of the child defendant, and to update the foregoing of any decisions and arrangements relating to the investigation and court proceedings.

## **11. SECTION 11 – Central Criminal Court**

- 11.1 When a file is sent forward for trial from the District Court, the file must be transferred to the Central Criminal Court within 10 days. However, where reasonably practicable that time will be abridged. Where reasonably practicable the file should be furnished to the Central Criminal Court office no more than 7 days after the return for trial. Once a file is transferred to the Central Criminal Court office the fact that a Protocol file has been received must be made known immediately by the Courts Service to the judge with responsibility for managing the Central Criminal Court list.
- 11.2 Protocol cases will be listed in the first available Case Management List for Children Cases, which is ordinarily on a Wednesday in Court 6, Criminal Courts of Justice at 10:00.
- 11.3 The registrar of the Central Criminal Court will inform the ODPP, solicitor for the defendant and where applicable the Prison Service or Oberstown of the first date upon which the Protocol case will appear in the Central Criminal court list.
- 11.4 A trial date will ordinarily be fixed within 8 weeks of the case first appearing in the Central Criminal Court list. Liberty to both sides will be given to relist the case for the purposes of changing the date of trial in the event of insurmountable difficulties arising. It is recognised that the nature and complexity of many cases, for instance those involving significant electronic media analysis or third-party disclosure, may not be resolved within these timescales. Where such timescales cannot be complied with, the ODPP, An Garda Síochána and respective legal teams must still make best endeavours

to progress protocol cases.

11.5 Any pretrial issues involving Protocol cases will be initially managed in the Case Management List for Children Cases.

11.6 Protocol cases will ordinarily be provided with two pre-trial hearing dates prior to trial. Further pre-trial hearing dates will be available if required. It is envisaged that all substantive pre-trial applications and issues will be managed and determined under section 6 of the Criminal Procedure Act 2021, on these pre-trial hearing dates. It is envisaged that where work has been done and where it is appropriate to do so, the Judge presiding over the Case Management List for Children Cases will certify cases as pre-trial hearing dates, for the purposes of legal aid payment.

11.7 The pre-trial hearings will deal with (but are not confined to) the following applications:

- (a) Lodging of the indictment (where reasonably practicable, on the date of the first pre-trial hearing date);
- (b) Disclosure Issues;
- (c) Issues relating to the admissibility of evidence;
- (d) S. 4E application to dismiss a charge;
- (e) Fitness to plead;

All matters referred to in section 6(8) of the Criminal Procedure Act 2021;

- (f) Orders for amendment of indictment, separate trial, and postponement of trial, additional jurors in lengthy trials;
- (g) Section 21 or 22 of the Act of 1984;
- (h) Section 3 of the Criminal Law (Rape) Act 1981 as amended by the Criminal Law (Rape) (Amendment) Act 1990;
- (i) Ground Rules Hearing (GRH) – to deal with applications for both legislative and non-legislative special measures, to include applications pursuant to Section 13, 14, 14A, 14C, 19A or 29 of the Act of 1992 i.e., video link, intermediary, screen,



protection against cross examination by accused, disclosure of third-party counselling records in certain trials, video link for persons outside of the State. It is recommended that a Ground Rules hearing should be held in any case involving a child victim and or a child defendant, (particularly, when a child defendant gives evidence);

- (j) Section 39 of the Criminal Justice Act 1999 - witnesses in fear or subject to intimidation, video link, restriction on dock identification;
- (k) Section 181 of the Criminal Justice Act 2006 - anonymity of certain witnesses;
- (l) Section 67 of the Criminal Justice (Mutual Assistance) Act 2008 – video link for persons outside of the country where it is not desirable or practicable for the witness to give evidence in person;
- (m) Section 34 of the Criminal Procedure Act 2010 – Leave application for expert evidence to be adduced by the defence;
- (n) Section 21 of the Criminal Justice (Victims of Crime) Act 2017 - questioning in respect of private life of victim that is unrelated to the offence;
- (o) Section 25 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 – video link in applications of a type specified in section 23(2) in criminal proceedings or in an application in relevant proceedings to which section 24 applies, a person other than the relevant person may, with leave of the court give evidence, whether from within or outside the State through video link:
  - s. 23 - certain applications to court in criminal proceedings to be heard using live video link.
  - s. 24 - certain applications to court in relevant proceedings to be heard using live video link.

11.8 The ODPP should inform the court, and the defence, in writing of the nature of any application the Director intends to bring and the estimated length of the hearing, within 7 days of the Protocol case first appearing in the Central Criminal Court list.

11.9 The defendant's solicitor should inform the court, the prosecution, and the legal

representatives of any other co-defendant in writing of the nature of any application the defendant intends to bring, and the estimated length of the hearing, within 14 days of the case first appearing in the Central Criminal Court list.

11.10 At the pre-trial hearings the judge shall give all necessary directions to ensure that the parties take any step necessary to ensure that the case proceeds to trial as expeditiously and efficiently as possible.

11.11 The Court, together with the parties, shall case manage the case as fully as possible ensuring that the case management directions and timetabling agreed and/or directed by the Court are adhered to.

11.12 The Court shall confirm that the child victims and child defendants have been informed of their statutory rights, support measures, and support services.

11.13 In the event of a conviction of a child defendant, the Court will adjourn the matter for sentence, where reasonably practicable to within 28 days of the date of verdict. In cases involving child defendants the Probation Service undertake where reasonably practicable to provide a presanction report for the court's assistance within those 28 days, in accordance with Section 100 of the Children Act 2001.

11.14 In the event of a conviction in cases of rape that involve a child victim(s), and if a pre sanction report is ordered for an adult defendant, the Court will adjourn the matter for sentence, where reasonably practicable to within 42 days of the date of verdict. The Probation Service undertake where reasonably practicable to provide such a pre-sanction report for the court's assistance within those 42 days.

11.15 The Law Society's and Bar Council's members are committed to supporting child victims and child defendants throughout the Criminal Justice process. The said members will do all that is necessary, consistent with their professional obligations,

to ensure that they maximise the opportunity for child victims to provide their best evidence. The said members will assist the Court and other partners in this initiative to progress the identified cases through the pilot process. It is envisaged that in order to give effect to this Protocol that both the defendants and the ODPP have early consultation and engagement with counsel instructed in the case. It is recommended, where reasonably practicable, that counsel instructed for either a child defendant or in a case involving a child victim, will remain in that case until its conclusion. In light of this recommendation the judge presiding over the management of the children's list will accommodate legal teams, in so far as it is reasonably practicable to do so, in that if there are number of possible trial dates available within the 8 weeks period from the first listing, the Court will endeavour to fix a date within that time frame that suits the legal teams and the witnesses. Practitioners will bring issues to the attention of the Court at the earliest opportunity and seek consequential directions if necessary.

11.16 At all stages of the Central Criminal Court Process the presiding judge should take into account any information available that relates to the age, maturity, and development (intellectual, neurodevelopmental, and emotional) of a child defendant, and all other circumstances that are relevant. All possible steps should be taken to assist the child defendant to understand and participate in proceedings. The ordinary trial process should so far as necessary be adapted to meet those needs.

11.17 At all stages of the Central Criminal Court Process the presiding judge should, where necessary take into account any information available that relates to the age, maturity, and development (intellectual, neurodevelopmental, and emotional) of a child victim, and all other circumstances that are relevant. All possible steps should be taken to assist the child victim to understand and participate in proceedings. The ordinary trial process should so far as necessary be adapted to meet those needs.

## **12. SECTION 12 – Data Collection and Review**

- 12.1 This protocol will continue on a voluntary basis. Data will be collated by An Garda Síochána, ODPP and Courts Service (Central Criminal Court) to enable the signatories to assess the efficacy of the Protocol. Representatives of the signatories of this protocol will remain on the working group that was established in April 2024. That working group will continue to exist and will meet every 6 months to review data and determine if any further work needs to be done or if changes are required to this protocol.
- 12.2 This protocol is a live document that can and should change when it is deemed by the working group appropriate to do so, in light of all relevant circumstances. This aspect of the process will include reviewing not only the text and efficacy of the protocol but will also involve reviewing and updating the hyperlinked documents.
- 12.3 All the signatories to this protocol agree to ensure that the content and purpose of this protocol is made known to all relevant members of the respective signatories' organisation or agency.
- 12.4 Cases involving both an adult victim and an adult defendant do not fall within the scope of this Protocol. However, an Senior Investigating Officer, may designate as a Protocol case an investigation involving a vulnerable adult upon consideration of all relevant factors, including but not confined to the nature of the alleged offending behaviour and whether the victim has a mental disorder within the meaning of Section 5(6) of the Criminal Justice Act 1993, as inserted by Section 4 of the Criminal Procedure Act 2010, and where it is appropriate to do so in accordance with the spirit of the Protocol.
- 12.5 In the event that this protocol assists in reducing delays in cases involving child victims and child defendants in murder and rape cases, consideration will be given in due course by the working group to expanding the scope of this protocol.

12.6 This protocol is without prejudice to any existing agreements or protocols already in operation between the signatories and does not affect same.

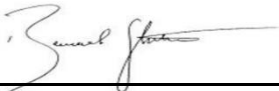
**Signed:**

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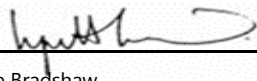
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President of the High Court

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Damien Hernon  
Director Oberstown

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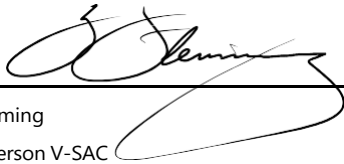
Bernard Gloster  
Chief Executive Officer Health Service Executive

X 


Lynette Bradshaw  
Co-founder, Executive Director A.S.S.C

X 

Kate Duggan  
Chief Executive Officer Tusla

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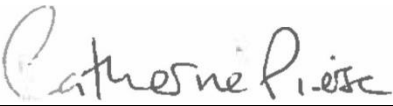
Ian Fleming  
Chairperson V-SAC

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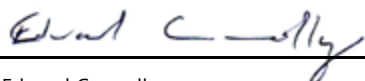
Helen McEntee  
Minister for Justice of Ireland

X 

His Honour Judge Paul Kelly  
President of the District Court

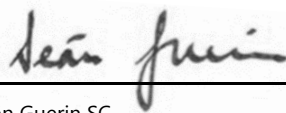
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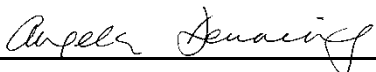
Catherine Pierce  
Director of Public Prosecutions Ireland

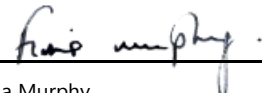
X 

Dr Edward Connolly  
Director of Science and Development Forensic Science Irl


X   
Drew Harris  
Garda Commissioner

X   
Seán Guerin SC  
Chair of The Council of the Bar of Ireland

X   
Angela Denning  
Chief Executive Officer The Courts Service

X   
Fiona Murphy  
Interim Chief Executive Officer Childrens Health Ireland

X   
Olivia Keaveney  
Director of Operations (Courts & Community) The  
Probation Service

X   
Eamon Harrington  
President of the Law Society of Ireland

HYPERLINK TO:

- [List of statutory rights of victims](#)
- [DPP v. VE \[2021\] IECA 122](#)
- [V v. United Kingdom \(Application no 24888/94\)](#)
- [T v. United Kingdom \(Application no 24724/94\)](#)
- Address and contact details of Court support services ([Barnahus](#), [ASSC](#) and [VSAC](#))
- [Children Act 2001](#)
- [Youth justice workers further detail & addresses and contact details](#)
- [Register of Intermediaries \(Ireland\)](#)