



## **Ministerial Statement**

by

**Senator the Hon. Kathy L. Simmons, JP  
Attorney-General and Minister of Legal Affairs**

### **CHILD SAFEGUARDING**

**Wednesday, August 15, 2018**

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**Madam President,** this Government continues to advance initiatives that will address needs within the community. This includes protecting the public, especially the most vulnerable among us, our children and young people. We are committed to upholding their right to be safe from harm.

**Madam President,** everyone has a responsibility in this regard. Accordingly, the Ministry of Legal Affairs is in the process of finalizing a policy to enhance the effectiveness of the National Child

Safeguarding Committee (the Committee) towards this end. This will also entail a comprehensive campaign to inform and mobilize the public to safeguard children.

The Committee became operational in mid-2016. It evolved from a Bermuda team created for a Foreign Commonwealth Office (FCO) sponsored training for British Overseas Dependent Territories which was held in Miami in April of that year. The team expanded and evolved and is now chaired by the Deputy Solicitor General, Shakira Dill-Francois, with members comprising the Commissioners of Police and Corrections; the Directors of Child and Family Services and Court Services; the Deputy Director of Public Prosecutions and a Crown Prosecutor; the Senior Nursing Officer, Department of Health; representation from the Department of Education; a Policy Analyst from the Ministry of Legal Affairs, and other specialist or designated technical representatives from these noted entities. The former Deputy Governor had a special interest in this subject matter, derived from her previous postings, and she attended several meetings in 2018.

**Madam President,** the overarching aim of the Committee is to coordinate its members' efforts to protect the rights of children. It is indicative of a consolidated approach to being more responsive and deliberate in carrying out this responsibility. Cross-ministerial collaboration allows for streamlining processes for quicker responses to child protection concerns. This also saves resources by being more effective and efficient in conducting joint trainings and resource sharing.

**Madam President,** as one of its functions, the Committee has undertaken to become Bermuda's signatory to Conventions that promote universal measures to safeguard the rights and needs of our children. Accordingly, work is being done in conjunction with other overseas dependent territories, to embrace policies from and with the FCO. This will result in on-going consultation with individuals and stakeholder groups within the community.

**Madam President,** since its inception in 2016, the Committee has developed protocols, goals and objectives and has outlined main areas of focus. This includes required legislative changes and

training, along with a more robust system of offender management, and a community awareness campaign. The aim is to promote recognition that our children are our most valuable resources, and that when one is injured, we all hurt. This work is ongoing.

**Madam President,** the specific aims of the Committee are as follows:

1. To coordinate the Bermuda Government's response to child safeguarding by drawing on cross-department knowledge, skills and expertise through a collaborative approach and in line with constitutional and legislative responsibilities.
2. To develop effective multi-agency working to safeguard children from all forms of abuse through comprehensive policies established from best practice.
3. To foster collaboration with community partners and to strengthen safeguarding and protection systems through a zero tolerance approach to child abuse, inclusive of stringent offender management.

**Madam President**, the vast majority of professionals and practitioners are committed to doing all they can to safeguard and promote the welfare of children, by recognizing children's needs early and taking action so that children receive adequate support in a timely manner. In Bermuda, mandatory reporting is required for all cases of known or suspected neglect and/or abuse of children. In circumstances where individuals or institutions fail to identify or fail to report the signs of abuse and neglect, the consequences can be far-reaching and have a lasting adverse impact on children, their families and the entire community. I state categorically this is not acceptable, and is not an option.

We know, however, **Madam President**, that despite the best efforts of practitioners working with children and families, some abuse and neglect has gone undetected by statutory departments for a variety of reasons. Failure to report or share information, and failure to recognize abuse, or failure to understand the nature and level of the risk of harm faced by our children cannot be allowed to

continue. This Government is clear that we need a robust child safeguarding framework. We are also intent upon having everyone uphold their responsibility to protect children from harm and abuse by exercising their moral duty to report a crime.

**Madam President,** I previously outlined the general objectives of the Committee and will now outline specific legislative and policy objectives developed and being proposed by the Committee as follows:

**Objectives:**

**1. Strengthen the Legislative framework:**

- a) Amend the Criminal Code Special Measures provisions to reduce re-victimization of children during witness testimony in Court.
- b) Allow for uncorroborated testimony of children that provides best evidence to the Court.
- c) Increase sentencing powers in Magistrate's Court to reduce the number of cases that expose child victims to Supreme Court trials.

- d) Amend the Children Act 1998 to strengthen investigative powers and provide a wider scope for child protection applications.
- e) Review legislation to ensure consistency and congruency across different statutory instruments as they relate to child safeguarding.

2. **Strengthen the Collaboration framework:**

- a) Develop information sharing protocols that allow for early interventions and support for child victims and vulnerable children, and create joined-up efforts towards investigation, prosecution, rehabilitation, and management of offenders.
- b) Introduce a multi-agency case management protocol that coordinates the actions of each department for the purpose of safeguarding and promoting the welfare of children, and which reviews the effectiveness of such actions.

- c) Design a multi-agency system of offender management that maximizes efforts of rehabilitation and minimizes the risk of re-offending.
- d) Establish core training and certification standards across government departments that provide child safeguarding practitioners with the appropriate skills for the roles they perform.
- e) Utilize international collaboration channels to share experiences and identify best practices that enhance Bermuda's child safeguarding regime.

**3. Strengthen the Community Protection framework:**

- a) Establish a national commitment to safeguard children from exploitation, abuse and neglect.
- b) Raise awareness of individual responsibilities to recognize and report suspected cases of child abuse and develop systems that enable timely reporting of such cases.

- c) Standardize recruitment and screening processes that minimize the likelihood of hiring persons who are unsuitable to work with young people.
- d) Engage a campaign of public awareness, education and support (buy-in) that encourages a safe, inclusive and supportive environment for the protection of children.
- e) Participate in collaborative efforts with the island's youth helping agencies and other charitable and community organizations to further contribute to child safety.

**Madam President,** in addition to the framework for its operations, the members of the Committee have undertaken training and brainstorming this year with Hilary Ryan, from the FCO, who has responsibility for prosecutors. Further, there has been training conducted with the Bermuda Police Service with members from the UK's Police agencies in February and June 2018. One major area of focus for future training is in the area of forensic interviewing to ensure that children are not further victimized during investigative proceedings. A further goal of the Committee is to have a purpose-

built interviewing section (sexual assault Referral Centre). It is envisioned that this will come to fruition in the near future.

**Madam President**, the Department of ICT Policy and Innovation held its conference entitled, “Digital Leaders Conference” hosted by the Government’s Cybertips Initiative, for youth. It is noteworthy that members from the Committee were panelists. This forum, held on May 7, 2018, highlighted the dilemma of young persons becoming victims of sexual predators or bullies via the internet or social media. There were also sessions held for parents to make them more aware of this phenomenon.

In efforts to keep current in the field, the Committee also plans to engage in an overall training curriculum, in consultation with partners in other overseas territories, and will seek to obtain support from the Foreign Commonwealth Office in this regard. Further, **Madam President**, the Committee has reviewed numerous international conventions and studies related to Child Safeguarding and has also reported on Bermuda’s operations to various international bodies.

**Madam President**, with the full support of the Ministry of Legal Affairs, the Committee is continuing its work to improve the collaboration, training, accreditation, and regulation of practitioners, so that Bermuda can better safeguard and promote the welfare of children. The Committee will be further developed and empowered as a legislated and more coordinated body.

In closing **Madam President**, every child deserves to, and must be protected from abuse, harm and neglect. Their needs and interests are a priority for this Government. We are determined to do all that we can to strengthen our child protection system, legislative and statutory duties, and to enhance offender management regimes in ways which will bring security and an environment that optimizes the development of our most valued resource – our children. Child safeguarding is a necessity and our pledge is to continue to fully embrace and support this initiative. We see a brighter future for our children through these efforts.

Thank you, **Madam President**.