

This Issue

Are We There Yet?

New Members

Commitments to
Referendum

Member Focus:
National Parents'
Council Post
Primary

Constitutional
Amendment

News in Brief

Report Card

UNCRC Election
Results

Adoption Bill

ECHR and
Children's Rights

Charities Act 2009

Second
Rapporteur Report

Are We There Yet? Thursday 2 April 2009

We are currently organising our high-level symposium that will take place on 2 April 2009, in Dublin Castle, entitled *Children's Rights in Ireland: Are We There Yet? Are We There Yet? Are We There Yet?* The aim of this symposium is to create a learning environment for prominent and influential persons who have a role to play in taking Ireland forward to become one of the best places in the world to be a child.

The symposium is set to be an essential event for any elected representative, public servant, recognised influencer or NGO leader, whose work has a strategic impact on children's lives. As a coalition of over 80 NGOs, working to secure the rights and needs of children in Ireland, our role is to not merely critique the State, but to bring about positive leadership and new thinking that will allow for the full implementation of the UN Convention on the Rights of the Child.

The programme of speakers includes the Minister for Children and Youth Affairs, Barry Andrews TD; Maria Herczog, Member of the UN Committee on the Rights of the Child; Ted Lempert, President of California-based Children Now; and Phil Beadle, Presenter of Channel 4's *The Unteachables* and *Can't Read, Can't Write*. We are particularly delighted that the **President of Ireland, Mary McAleese**, will address delegates in the afternoon. To close, John Bowman, the well-known broadcaster, will host a questions and answers session, consisting of prominent civil servants and notable experts who advocate on behalf of children.

We are confident that this symposium will help foster a shared vision of an Ireland that will realise the rights of each and every child, giving them the best start in life. We will explore ground-breaking concepts and international best practice in relation to children's rights and their implications for Ireland. And we will spotlight the steps that we all need to take to ensure we get to our destination – sooner, rather than later.

We acknowledge much progress has been made in recent years but we feel we can, and should, do more. This symposium will help us do just that.



Jillian van Turnhout, Chief Executive



New poll
on web site

Should junk food
advertising be
banned?

Go online and
voice your
opinion!

www.childrensrights.ie

RESULTS of first
poll: Do children in
Ireland have
sufficient rights?
NO – 78%
YES – 22%

Three New Members Make Over 90



Three new members have joined the Children's Rights Alliance, thereby increasing our membership to 90. The **Saoirse Housing Association** provides short-term, secure, crisis accommodation, practical information, option choices, emotional support and an outreach service to all women and children experiencing domestic violence. **Headstrong**, the National Centre for Youth Mental Health, is a new initiative working with communities in Ireland to ensure that young people aged 12 to 25 are better supported to achieve mental health and wellbeing. **BeLong To** is an organisation for Lesbian, Gay, Bisexual and Transgendered (LGBT) young people, aged between 14 and 23; the organisation provides positive and fun environments for LGBT young people – facilitating them through exploration, development and growth so that they can access all their rights as equal citizens and participate as agents in positive social change.

Member Focus



Vision

NPCpp aims to provide a forum that actively supports parents and guardians in their parenting role and interacts effectively with schools and other education partners on issues that impact on the education, development and general well-being of young people within the post-primary education system.

Mission

The NPCpp is the voice and advocate for parents and guardians of young people in post-primary education. It serves and represents parents and guardians, principally through engagement with parents' associations. In consultation with its constituent bodies, the NPCpp offers co-ordinated training, interaction, and information. The NPCpp aims to:

- have an effective Parents' Association in place in every school;
- communicate with all parents and guardians of young people in post-primary education;
- support parents and guardians in being active partners in education;
- challenge parents and guardians to participate;
- provide a structure through which parents and guardians can inform and influence policy development;
- take an active role in influencing policy at a national level; and
- build strong partnerships with key stakeholders.

A voluntary group, the NPCpp has a board of 20 members who work on behalf of parents and children. In recent years it has become a limited company and is now named in the Education Act 1998. The NPCpp has been put in place to be the umbrella group for parent associations in the secondary education sector.

For more details, contact Rose Tully at:

npcpp@eircom.net

Children's Rights Back on the Political Agenda

Joint Irish Times Letter to Editor, January 2009

We, the undersigned, welcome Deputy Mary O'Rourke's comments that there must be a referendum for the insertion of specific children's rights into the Irish Constitution to ensure children are protected. In her capacity as Chair of the Joint Oireachtas Committee on the Constitutional Amendment on Children, Deputy O'Rourke is in the ideal position to advance this referendum which we and the UN Committee on the Rights of the Child, amongst others, have continuously called for.

Currently, any rights enjoyed by the child under the Constitution or in legislation must be interpreted in line with the rights of the family, based on marriage. Under Article 42.5 of the Constitution, the State can intervene where parents have failed in their physical and moral duty towards their children but only in 'exceptional circumstances'. While we recognise and promote that the family is the best protector of children's rights and welfare in most cases, nevertheless there are children for whom the family home is not always a safe place. Surely the circumstances in the Roscommon case illustrate the need for children to be fully protected and their voices to be heard by all authorities and within the court system.

We eagerly await the final report from this Committee due in April and call again for a referendum to insert specific children's rights into the Constitution – our children deserve no less than the right to be protected and to a childhood free from abuse.

Yours etc.

Fergus Finlay, Chief Executive, Barnardos

Jillian van Turnhout, Chief Executive, Children's Rights Alliance

Ellen O'Malley Dunlop, Chief Executive, Dublin Rape Crisis Centre

Ashley Balbirnie, Chief Executive, ISPCC

Mary Cunningham, Director, National Youth Council of Ireland

Maeve Lewis, Executive Director, One in Four

Fiona Neary, Executive Director, Rape Crisis Network Ireland

Diarmuid Kearney, Chief Executive, Youth Work Ireland

The Joint Committee has extended its deliberations and is due to make its recommendations on 9 April 2009.

News in Brief

On 29 January, the Alliance, in partnership with member organisation, Integrating Ireland, organised a **roundtable entitled 'Children and Families Living in Direct Provision'**. The aim of the Roundtable was to explore the impact of direct provision accommodation on children, families and parenting; to facilitate shared learning; and to create links between NGOs and local groups.

Web site competition Two teams of Drupal developers on 4-5 April 2009 will go head-to-head to build a brand new web site for a charity or NGO. Any organisation can register as long as they are not-for-profit. The deadline for submissions is 17 March 2009; application forms can be found at: <http://short.ie/freesite>

Young carers study David Cairns, of the Child and Family Research Centre at NUIG, is conducting research, committed to in *Towards 2016*, on the impact caring has on child carers aged between 5 and 17 years. The purpose of the research is to recommend suitable policy interventions or supports. David is interested in identifying child carers within the 5-17 age group to help him in his research. If you would like to get in touch with him, please contact: David Cairns at david.cairns@nuigalway.ie or on 091 495731.

In January, the **High Court Judgement in the Izevbehkai Case** dismissed a legal challenge aimed at preventing the deportation of Pamela Izevbehkai and her two young daughters, Naomi and Jemima, who are at risk of female genital mutilation (FGM) if returned to Nigeria. The Alliance joined other organisations, such as the Irish Refugee Council, to call on the Minister for Justice, Equality and Law Reform, Dermot Ahern TD, to use his discretion and grant them the right to stay in Ireland.

World Consumers Rights Day (15 March) The Alliance will once again join forces with the Consumers' Association of Ireland this month, to promote the campaign to ban junk food advertising in Ireland.

50% of Government Commitments Not Met

On 19 January, the Children's Rights Alliance launched its *Report Card 2009*, in Dublin, which found that nearly 50% of Government commitments to children had not been met. On the day dubbed 'Blue Monday', owing to terrible weather, unpaid bills and the recession, the Alliance published its first annual audit of the Government's own commitments to children, awarding the Government grades in four key areas.



Jillian van Turnhout (Alliance CEO), Justice Catherine McGuinness, Professor Nóirín Hayes (Alliance Chairperson)

Within Health and Education, the Government received its worst grade – an 'E' grade – in two sub-sections, namely, Mental Health and Early Childhood Care and Education (ECCE), for an unacceptable performance that takes steps in the wrong direction, with no positive impact on children. The Government received its best grade in the sub-sections of Financial Support to

Families and Play, which were given a 'B-' and 'B' respectively. All commitments can be found in key Government documents, such as *Towards 2016* and the current *Programme for Government*.

Jillian van Turnhout, Alliance Chief Executive, said: "This Report shows that the Government is failing to honour its promises to children, particularly in the areas of Health and Education. On Blue Monday, the day that we are all supposedly at our unhappiest, the inauguration of Barack Obama as the 44th President of the United States of America could not be more timely. We need to believe in the future, and our future is our children. Obama understands this and has emphasised his interest – despite the global recession – in making strategic investments in children's services, such as Early Childhood Care Education (ECCE), stating: 'We'll invest in early childhood education programs so that our kids don't begin the race of life behind the starting line'. Unfortunately, our Government's commitment to ECCE stops at empty promises. Our Government chooses to abandon its promise to roll out ECCE to areas of acute social and economic disadvantage, despite NESF analysis that for every €1 invested in ECCE a return of up to €7.10 can be expected.

Ireland has good policy commitments to children but on the whole they are not being honoured. Failing in 50% of its own commitments is unacceptable. Unfortunately, there is a lack of accountability to commitments and, it appears, a lack of concern when commitments are not honoured. Monitoring and evaluation processes are often lacking and there is a failure among Government departments and agencies to work together to achieve common aims. When you make promises to children, you need to keep them, or you store up more problems down the line – every good parent knows that."

The Alliance will repeat this audit annually: the *Children's Rights Alliance Report Card 2009* provides a snapshot of childhood in today's Ireland, exposing the deepening of a two-tiered society that ignores Ireland's most vulnerable children.

Copies of the report can be found at www.childrensrights.ie



UN Committee on the Rights of the Child Election Results

On 16 December 2008, in New York, six new members were elected to the UN Committee on the Rights of the Child. The key criteria for nominees includes a demonstrated expertise in human/children's rights; independence and impartiality; the ability to devote sufficient time to the work of the Committee; equitable gender and geographic distribution; a variety of professional backgrounds; experience working with civil society; awareness and sensitivity to cultural differences; and fluency in one of the Committee's working languages.

Six new Committee members were elected: Mr. Sanphasit Koompraphant (Thailand); Ms. Marta Murras Perez (Chile); Ms. Hadeel Al-Asmar (Syrian Arab Republic); Mr. Peter Guran (Slovakia); Ms. Susana Villarán de la Puente (Peru); and Mr. Kamla Devi Varmah (Mauritius).

Three Committee members were also re-elected, namely Mr. Zermatten (Switzerland); Ms. Lee (Rep. Korea); and Mr. Pollar (Uganda). The remaining Committee members are not up for re-election until February 2011 and are: Ms. Aidoo (Ghana); Mr. Citarella (Italy); Mr. Filali (Algeria); Ms. Herczog (Hungary); Ms. Khattab (Egypt); Mr. Kotrane (Tunisia); Mr. Krappmann (Germany); Ms. Ortiz (Paraguay); and Mr. Puras (Lithuania).

The new regional breakdown of the 18 members, based on the UN regional groups, is as follows: six members from Africa; three from the 'Western European and others' group; three from Asia; three from Latin America and the Caribbean states; and three from Eastern Europe. Full details can be found at: www.childrightsnet.org

European Court of Human Rights and Children's Rights

CASE OF S. AND MARPER v. THE UNITED KINGDOM (04/12/08)

Violation of Article 8 (right to respect for private and family life) of the ECHR in respect of the retention of the applicants' fingerprint and DNA data.

One of the applicants was a minor and the Court drew on Article 40 of the UN Convention on the Rights of the Child and the special position of minors in the criminal justice system.

Alliance Welcomes Publication of Adoption Bill

On 23 January, we released a statement warmly welcoming the publication of the Adoption Bill 2009 by Minister for Children and Youth Affairs, Barry Andrews TD. The long awaited Bill, which consolidates seven different Adoption Acts, is a critical step in the journey to bring our adoption legislation into line with international best practice and the UN Convention on the Rights of the Child. Article 21 of the UN Convention on the Rights of the Child, which Ireland ratified in 1992, establishes the paramountcy of children's best interests in all adoption arrangements and details minimum requirements for adoption procedures. This new legislation will help us do just that.

The Bill incorporates, into our domestic law, the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption. The Hague Convention is the international standard setter in the area of adoption. Bringing this international instrument into our domestic law is a significant step that will make a real difference to children's lives. It will address the current weakness of our adoption laws whereby inter-country adoptions – of which there are over 400 per year – operate under standards that are lower than those for domestic adoptions, of which there are approximately 50 per year. This will ensure that all children adopted by families in Ireland will benefit from the same set of rigorous standards.

Since then, we have begun examining the details of the Bill and will keep an eye on it as it passes through the Houses of the Oireachtas. We will be watching to ensure that four critical issues are respected:

- Adoption is framed as a right of the child – the right of a child to a second chance of family life. Adults do not have an automatic entitlement to adopt a child.
- All decisions in relation to adoption proceedings must hold the best interests of the child as paramount.
- The voice of the child must be heard in adoption proceedings.
- Adequate services, pre- and post-adoption must be available to support the adopted child.

We will be updating member organisations on a regular basis, via an email policy update service. If you would like a specific individual in your organisation to get a copy, do let us know at ken@childrensrights.ie or call (01) 6629400.

Second Report of Special Rapporteur on Child Protection

Mr Geoffrey Shannon and Professor Finbarr McAuley, special rapporteurs on child protection, act as independent legal experts to review legal developments affecting children, and to submit an annual report to the Oireachtas. Shannon's first rapporteur's report in December 2007 recommended, among other things, that the vetting system in Ireland should allow for the screening of 'soft information' on people who may pose a risk to children.

Shannon's second report, in December 2008, also has a number of positive recommendations, including:

- the establishment of a 24-hour, seven-day a week phone service to enable concerned persons to contact social work services;
- the broadening of laws on child pornography to ensure prosecutions do not fail as a result of technical loopholes; and
- an increased focus on addressing delays for children in the courts system.

The full report is available at www.childrensrights.ie

The Charities Act 2009

The Charities Act 2009 reforms the law in order to ensure greater accountability and transparency; protection against the abuse of charitable status and fraud; and the enhancement of public trust and confidence in charities.

The Wheel has been tirelessly updating the Alliance, since the initiation of the Charities Bill 2007. The Wheel will continue its sterling work in ensuring that the NGO sector remains informed of developments and is supported during its transition to a regulated environment.

The Wheel has conducted an extensive advocacy campaign, which has led to a number of amendments, not least in squashing the real possibility, in the original wording, that organisations promoting a political cause would be excluded from charitable status. Despite some of its shortcomings — and the failure to recognise the promotion of human rights as a charitable purpose is one — the Act is a real milestone for the NGO sector.

If you require a full synopsis, please email info@wheel.ie

If you would like to submit material for future eNewsletters, please contact Carys Thomas (carys@childrensrights.ie)

Children's Rights Alliance
4 Upper Mount Street, Dublin 2

Tel: +353 1 6629400
Fax: +353 1 6629355

Email: info@childrensrights.ie
www.childrensrights.ie

The Alliance newsletter is an in-house publication