

This Issue

Report on Alliance Symposium

The Ryan Report

Member Focus:
GLEN

Joint Committee
Second Report

News in Brief

Monageer Report

Female Genital
Mutilation

New Irish UNESCO
Chair

Separated
Children and
Trafficking

Budget Update

Child Benefit



New poll
on web site

Should School
Books be Free?

www.childrensrights.ie

RESULTS of
previous poll:
Should Junk Food
Advertising be
Banned?

NO – 28%
YES – 72%

The Alliance Symposium – Are We There Yet?



President McAleese signs the Pledge Wall

On 2 April, nearly 200 delegates descended on Dublin Castle to attend the Children's Rights Alliance's first biennial symposium, where they pledged to make Ireland one of the best places in the world to be a child.

Entitled *Children's Rights in Ireland: Are We There Yet? Are We There Yet? Are We There Yet?*, it became clear early on in the day, despite the Minister for Children and Youth Affairs, Barry Andrews TD's attempts to say otherwise, that Ireland's children are still waiting for real change.

Thankfully, however, it is apparent from the feedback received, that the high-level delegates,

including key government officials, social partners and NGO leaders, left the day feeling energised, resolving to each identify at least one action to shorten the journey towards making Ireland one of the best places in the world to be a child.

The President of Ireland, Mary McAleese, had much to do with this, as she gave a stirring speech, calling on those present to continue their work to bring change to children's lives, stating that children 'need to believe that there's someone out there who dares to care about them, strangers though they may be to you'. Other distinguished speakers, including Maria Herczog, Member of the UN Committee on the Rights of the Child; Ted Lempert, President of Children Now, a NGO based in California; and Phil Beadle, best known for his Channel 4 programmes, like *Can't Read, Can't Write*, also captured the mood of the audience. Ted Lempert advised NGOs in Ireland to translate all policy calls into monetary terms, as this is what governments now listen to.

The current economic downturn was a common theme. Jillian van Turnhout, the Alliance's Chief Executive, was the first of many to urge the Government to invest in children, not least because it 'made good economic sense'. The afternoon's Questions and Answers panel, chaired by John Bowman, returned to the theme, where Government officials, including Dermot McCarthy, Secretary General of the Department of the Taoiseach, fielded questions ranging from tackling child poverty and educational disadvantage to the proposed referendum to strengthen children's rights.

An event report, including a synopsis of the key speeches and delegate contributions, will be launched at the Alliance's AGM on 9 June and available at: www.childrensrights.ie



The Ryan Report

Following a nine-year inquiry, the Commission to Inquire into Child Abuse published the report of its findings on 20 May 2009. This Commission, chaired by Mr. Justice Ryan, is the most comprehensive investigation ever conducted into child abuse in Ireland. It examines a horrific legacy of

physical, emotional and sexual abuse suffered by children living in institutions throughout Ireland over half a century. It is telling that almost all of the recommendations of the report relate to child protection in today's Ireland, including a recommendation to uniformly and consistently implement *Children First: The National Guidelines for the Protection and Welfare of Children* throughout the State. The Alliance believes that leadership must be shown, and has called on Government to announce a programme of action to urgently implement these recommendations. In addition, the Alliance has once again reiterated its calls for the strengthening of children's rights in the Constitution. Nothing less is acceptable if we, as a society, are to honour the 30,000 children whose lives have been irreparably damaged by this devastating abuse.

Member Focus

glen

EQUALITY

RESPECT

PARTNERSHIP

Vision

The Gay and Lesbian Equality Network - GLEN is a policy and strategy focused non-governmental organisation which aims to deliver ambitious and positive change for lesbian, gay and bisexual people in Ireland, ensuring full equality, inclusion and protection from all forms of discrimination. GLEN's vision is of a society where being lesbian, gay or bisexual is unremarkable at any stage of a person's life, where LGB people can feel safe, confident and open about their sexual orientation at home, at school, in work and the wider community. Where a young person can come to terms with their sexuality and have all the support from their parents, siblings, friends, school and society at large. Where a child of lesbian or gay parents can enjoy the security and protection of a legal relationship with both their parents.

Mission

GLEN works in partnership and collaboration with a range of government, national and local bodies progressing equality for LGB people. GLEN has specific policy change work programmes in the areas of legal reform, mental and general health, community development and education.

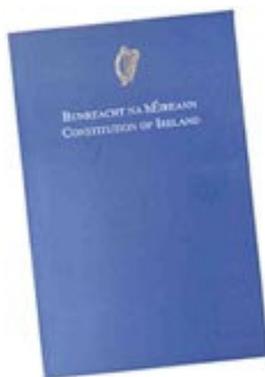
GLEN was on the Government (Colley) Working Group on Domestic Partnership which proposed extensive legal recognition of same-sex couples and their families, in particular including legal recognition of children being parented by same-sex couples.

Education has always been a key focus of GLEN's work. School has consistently been identified as a significant site of homophobic bullying. Many LGB young people are not recognised or supported in school during what are particularly critical times in their lives. GLEN works with all of the partners in education to develop and implement effective school policies and procedures to ensure that schools are safe and inclusive learning environments for LGB young people.

GLEN is a registered charity with a voluntary board and six full-time staff.

www.glen.ie

Joint Committee Second Interim Report



The Joint Committee on the Constitutional Amendment on Children has produced its Second Interim Report on the proposed Article 42(A) 5.2 of the Constitution to provide for offences of absolute and strict liability committed against or in connection with children.

The report is a comprehensive one and is divided into three parts: discussion around the defence of mistake and the need for an amendment arising out of the CC case decision; legislative change in the area of mental guilt and the burden of proof and the need to protect children in the giving of evidence; and recommendations for fixing the age of consent and dealing with peer sexual relations. The report presents the conflicting arguments that have arisen in the course of Committee debates and through its consideration of more than 170 written and oral submissions.

The Committee did not recommend amending the Constitution (in relation to Article 42(A) 5.2). The recommendations included the creation of a specific offence of child sexual abuse, raising the level an accused must reach in proving the existence of a mistake as to age in cases involving sexual offences against children, and that the burden of proof in such cases fall on the accused. Other recommendations, particularly in relation to criminal procedure, included the introduction of comprehensive and ongoing training in child psychology and development for gardai, lawyers and judges involved in child sexual abuse cases and various measures, including the video-recording of evidence, to protect children and enable them to give evidence in a non-threatening environment.

The Alliance looks forward to the immediate implementation of this report and the publication of the Joint Committee on the Constitutional Amendment on Children's final report in October.

News in Brief

The **Alliance** will hold its annual **AGM on 9 Tuesday** June 2009 in European Union House in Dublin, which will include a panel discussion on the Joint Committee on the Constitutional Amendment on Children with Mary O'Rourke TD, Fianna Fáil, Chairperson of Joint Committee; Alan Shatter TD, Fine Gael Front Bench Spokesperson on Children; Ciarán Cuffe TD, Green Party; Senator Alex White, Labour Party Spokesperson on Children; and Caoimhghín Ó Caoláin TD, Sinn Féin (tbc).

The Alliance welcomes the introduction of a **new free pre-school place** for all children starting in January 2010. However, we must examine how the scheme will work in practice. Childcare providers have expressed concern about the difficulty in maintaining a quality service at the current rates (see www.nca.ie for more information). A helpline is being operated by the OMCYA to respond to queries on the Scheme: 1890 30 30 39. The OMCYA has also issued guidelines for the scheme, and a set of FAQs: www.omc.gov.ie

Integration of four education services under the National Education Welfare Board (NEWB) Starting in September, the Home School Community Liaison Scheme, the School Completion Programme and the Visiting Teacher supports for Traveller pupils will all be integrated under the remit of the NEWB. This efficiency move was announced by Minister of State Sean Haughey on 18 May. It aims to see more coordination between the services involved and ensure more effective delivery, as part of the Government's plan to modernise its public services.

Why Violence?, the campaign for violence reduction presents the **Alternative Turner Prize, a cartoon competition** for second-level students. Students are asked to create a cartoon conveying the idea that violent behaviour is unacceptable. The winning entry will be judged by **Martyn Turner of the Irish Times**. The **winner will receive a prize of €500**, and the cartoon will be circulated to the media for publication. Entries in black and white and not exceeding A4 size should be emailed to whyviolence@gmail.com. Closing date for submissions is 21 September.

Monageer Report Published

The events that unfolded in Monageer, Co. Wexford in April 2007 were a tragedy whereby four members of the Dunne Family lost their lives.

On 12 May last, Minister for Children and Youth Affairs, Barry Andrews TD, published the Redacted Report of the Monageer Inquiry. There are a number of lessons to be learnt from this report. We learnt that the absence of an out-of-hours' social work service was identified by the Inquiry Team as 'a fundamental problem'. The Alliance called for the immediate implementation of its recommendations, in particular 'the provision of a national out-of-hours Social Work Service structured and resourced to ensure an appropriate response to all serious child protection and welfare concerns'.

The Alliance was extremely disappointed that almost a quarter of the Inquiry's recommendations were not made public. It is hard to learn when you don't know what the lesson is. If it is not possible for legal reasons for the remaining recommendations to be made public, then they must be communicated to all those with responsibility for implementing them.

This report also taught us that to prevent such tragedies in the future, we need to strengthen social work, health and Gardaí services aimed at children and families. In addition, these



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

services need to be effectively co-ordinated so that problems can be more easily identified to being with. It is this identification and response that will ultimately lessen the risk of preventable child deaths. It is clear that disjointed services must be a thing of the past, if we hope to stop similar tragedies from happening in the future.

Once again, the findings of the Monageer Inquiry highlight the importance of the establishment of an automatic and transparent child death review mechanism – a mechanism that is at present absent from our system. The publication of this report points to the need to review suspicious or preventable child deaths and of making recommendations to prevent such deaths from occurring.

Anyone who is emotionally distressed by the content of the report or media coverage of the report can phone the Samaritans on 1850 60 90 90 to talk in confidence.

Update on Action to Ban Female Genital Mutilation (FGM)



The World Health Organization (WHO) defines Female Genital Mutilation (FGM) as all procedures involving partial or total removal of the external female genitalia or other injury to the female genital

organs for non-medical reasons. FGM is a harmful practice that has been strongly denounced by the WHO, UNFPA and other international medical and health organisations because it violates the human rights of women and girls, and infringes upon children's rights to special protection. While the UN Convention on the Rights of the Child (UNCRC) does not explicitly refer to FGM, Article 19 of the UNCRC places an obligation on the State to protect children from all forms of maltreatment including physical violence, injury or abuse.

WHO estimates that 3 million girls are at risk annually of undergoing the procedure and a 2009 study by AkiDwA estimates that there are over 2,585 women resident in Ireland living with FGM (although this is a probable underestimate).

The Alliance views FGM as a serious children's rights violation and a serious child protection issue with real implications for children living in Ireland. The Alliance is particularly concerned that there is currently no explicit legal protection in Ireland against FGM, nor is there specific legislation to protect a child from being removed from Ireland to have the procedure carried out overseas. Both of these scenarios need to be addressed in legislation; an outcome the Alliance will continue to advocate for through its work on the Steering Committee for Ireland's National Plan of Action to Address Female Genital Mutilation. We will also lobby for the inclusion of the issue in the next State Report to the UN Committee on the Rights of the Child.

Media reports suggest that Mary Harney, Minister for Health and Children, is examining the possibility of introducing legislation. Meanwhile, on 9 May 2009, Jan O'Sullivan, Labour Party Health Spokesperson, introduced a Private Members' Bill, the Prohibition of Female Genital Mutilation Bill, 2009, into the Dáil.

New Irish UNESCO Chair



A UNESCO Chair in Children, Youth and Civic Engagement was inaugurated on 4 March 2009 – the first

UNESCO Chair to be awarded in Ireland. UNESCO is the United Nations Educational, Scientific and Cultural Organization, founded in 1945.

The new chair holder, Professor Pat Dolan, is the director of the Child and Family Research Centre at the National University of Ireland (NUI). He has worked for over 20 years with youth and communities to promote family health and well-being.

The activities of the Chair are to encourage the sharing of community-based teaching materials and practice tools among international university partners and non-governmental

organisations for children and youth working on civic engagement programmes in developing countries and states in transition. Initial partners include Bulgaria, Lithuania and Zambia.

Professor Dolan said much of the work will focus on the benefits of getting children of all backgrounds to become more civically engaged. We wish him every success in his new role and we look forward to cooperating with him in his work.

Separated Children and Trafficking: Meeting with the Minister for Children

On 23 April 2009, Action for Separated Children in Ireland (ASCI)* had a successful meeting with the Minister for Children and Youth Affairs, Barry Andrews TD. A number of different issues had been raised by ASCI, which the group then discussed with the Minister. These issues included:

- **Equity of Care and Aftercare:** ASCI asked the Minister to indicate when the HSE policy of equity of care for separated children will be implemented. It was also recommended that this policy include provision for aftercare services for aged-out minors.
- **Dispersal policy:** Minister Andrews was asked to raise concerns with the HSE in relation to the new HSE policy to disperse separated children and aged-out minors outside Dublin.
- **Missing Children / Trafficking:** ASCI called on the Minister to ensure there is adequate out-of-hour access to social work services, appropriate accommodation, and protocols on missing children.
- **Family Reunification:** The Minister was urged to commission a study into what mechanism would be best suited to carry out a follow-up monitoring and support service for separated children, reunited with family members in Ireland.
- **Immigration, Residence and Protection Bill, 2008:** An update was requested on the work on the Office of the Minister for Children and Youth Affairs (OMCYA) as part of the drafting of amendments to this Bill.
- **Interagency Work:** The Minister was called upon to advocate for the inclusion of NGOs in the development of policy and the delivering of services in relation to separated children and trafficking.

This meeting was a constructive one, but there is still a lot of work to be done. We welcome progress that has been made, including the opening of two new centres for separated children. We look forward to strengthening our working relationship with the OMCYA and the HSE to ensure the vital steps are taken to fully support and protect these children, and to ensure their rights are upheld.

*Members of ASCI include Children's Rights Alliance, Irish Refugee Council, ISPC, Barnardos and the Irish Association of Young People in Care (IAYPIC)



Update on Alliance Supplementary Budget Analysis

Clarification: with reference to the five-year Stability Plan, approved by the EU, the Minister stated that 'there is no provision for extra social spending, other than that dictated by demography and unemployment'. The Department of Finance has since confirmed that social spending includes

all payments administered by the Department of Social and Family Affairs. Therefore this 'freeze' will apply to the five child-focused payments: Child Benefit, Qualified Child Increase, Family Income Supplement, One Parent Family Payment, and the Back to School Clothing and Footwear Allowance.

Addition: After publication of the analysis, the Alliance was made aware of a cut of €2 million to the National Educational Psychological Service. This follows an increase in the NEPS budget

of €3 million in the October budget. However, we understand that this is not a direct cut, but rather an 'administrative economy' (as the hiring of psychologists took longer than anticipated and, therefore, their work was not able to commence as planned). The money saved will not affect current recruitment of NEPS psychologists, and the NEPS is working towards its objective of full recruitment by the end of this calendar year, ensuring every school in the country has access to a NEPS psychologist.

Child Benefit

In the Supplementary Budget, delivered in April 2009, Minister for Finance Brian Lenihan stated his intention to tax or means test Child Benefit next year.

But to tax or means test the Child Benefit would demonstrate a failure by Government to recognise its unique value to families. There are four reasons why the Alliance is against taxing or means-testing Child Benefit:

- Child Benefit is based on the principle of **horizontal equity**: income is distributed from those without children to those with children. Taxing or means-testing the payment undermines this principle.
- Child benefit is **children's money**: this is recognised in law and in practice. It is not money up for grabs for adults.
- In administrative terms, taxing or means testing Child Benefit could generate **more cost than savings**.
- It would be **politically unpopular**; it indicates that Government does not value parents' role in raising children.

A comprehensive analysis of the Budget can be downloaded from www.childrensrights.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