



Law Society of Ireland

News Release

25th October 2012

Cherishing all children equally – The Constitutional Referendum on the Rights of the Child

The Minister for Children and Youth Affairs, Frances Fitzgerald TD, was the keynote speaker at a seminar yesterday (Wednesday, 24th October 2012), entitled ‘Cherishing all children equally – The Constitutional Referendum on the Rights of the Child’. The event, which was held at Blackhall Place, Dublin, was organised by the Law Society’s Family Law Committee.

The aim of this seminar was to provide an objective and informed analysis of the forthcoming Referendum on the Rights of the Child and its potential impact for children into the future. The minister addressed all four provisions of the referendum, as follows:

- 1) Recognition of natural and imprescriptible rights of all children,
- 2) State intervention where there is exceptional failure by parents and the safety/welfare of the children are affected,
- 3) Adoption in exceptional circumstances, and
- 4) That the best interests and views of children are taken into account in family law proceedings.

Speaking at the event, Carol Anne Coolican, Chair of the Family Law Committee (and Managing Solicitor at the Law Centre, Tralee) said it was an historic development and had the potential to make a real and positive difference to the lives of children in Ireland. She added that it was a new beginning for the children who have been let down by the system in the past.

Article 42A.2.2 allows for the adoption of any child where there has been a failure of parental duty for such a period as prescribed by law, and where the best interest of the child so require. Dr Geoffrey Shannon, Special Rapporteur on Child Protection, said: “This amendment is asking the people to give children a ‘second chance’ to experience stability and security within a caring and loving family. There are hundreds of children who are currently

caught in a twilight zone between a family that cannot fully care for them and a family that cannot fully adopt them.”

The committee welcomes the minister’s commitment to deliver on the resources necessary to fully implement the sentiments expressed in the referendum proposal and to review the necessary legislation to encompass the views and best interests of all children.