



Submission to the Children's Rights Alliance, On "The Constitution and Children"

23rd November 2006

Introduction:

PLANET, is the network of area-based Partnership Companies, and exists to strengthen the contribution Partnerships make individually, and collectively, to local development and social inclusion.

PLANET comprises a number of specific policy groups, and its Children's Policy Group seeks to make this submission to the *Children's Rights Alliance*, on the proposed amendments to the Irish Constitution to enshrine the Rights of the Child.

Recommendations:

We initially accept that without professional constitutional expertise, it is particularly difficult to suggest the phraseology for an amendment to the Constitution, but in the absence of this, we wish to strongly endorse the principles as advocated in the CRA briefing note 'The Constitution and Children' - 22 November 2006.

"A constitutional amendment should include:

- an express statement that the State values and respects childhood, will facilitate children to reach their full potential, and will recognise the specific needs of children to be protected, and receive care and assistance;
- an express requirement that in all actions concerning children, whether by legislative, judicial or administrative authorities, the **best interests** of the child shall be the paramount consideration."

PLANET also agrees with the CRA that any amendment:

- "should include all children living in Ireland (without discrimination of any kind including the marital status of the child's parents)

- should reflect society's belief that childhood is to be valued and protected
- should not undermine the societal position and authority of the parents and the family
- should use the language of rights
- should use the language of the UN Convention on the Rights of the Child and be fully compliant with the Convention
- should use clear language that will be unambiguous within a legal context"

And also that

"The amendment should expressly state the right of every child, from birth up to 18 years:

- to all rights in the Constitution without discrimination of any kind
 - to be protected from all forms of physical or mental abuse or exploitation, including sexual abuse;
 - to know his or her parents, as far as practicable, subject to the proviso that such right should be subject to regulation by law in the interests of the child;
 - to be cared for by his or her parents or family, as far as practicable, or to appropriate alternative care when removed from the family environment;
 - to be heard in matters that affect him or her and to have his or her views given due weight in accordance with age and maturity."
- ◆ As a starting point for discussion, PLANET would accept the All-Party Oireachtas Committee on the Constitution recommended text amendment to Article 41 of the Constitution:

All children, irrespective of birth, gender, race or religion, are equal before the law. In all cases, where the welfare of the child so requires, regard shall be had to the best interests of the child.

- ◆ We also strongly urge that all Principles and Provisions of the UN Convention on the Rights of the Child be fully incorporated into any amendments to the Irish Constitution.

However, this amendment to the Constitution should not be the start and end of the response of the Irish Government to recognising the rights of children. These Principles will require significant investment of finances, resources and services, and need to be fully provided to ensure that all Irish children are happy, secure, educated, and protected.

Finally, we wish to ensure that by reinforcing the rights of children in the Constitution, there will be a real and positive impact on the lives of children, particularly those who have been abandoned, neglected or abused; children in the care of State; those in long-term foster care or subject to adoption proceedings, and finally children in non-marital families.