

# Children's Rights - Are They a Parent's Nightmare?

1 December 2007

## Event Report





The Children's Rights Alliance is a coalition of over 80 non-governmental organisations (NGOs) working to secure the rights and needs of children in Ireland, by campaigning for the full implementation of the UN Convention on the Rights of the Child. It aims to improve the lives of all children under 18, through securing the necessary changes in Ireland's laws, policies and services.

## **Membership**

The Alliance was formally established in March 1995. Its membership, from which Board Members are elected at the Alliance's AGM, consists of a diverse range of groups, including child welfare agencies and service providers; child protection groups; academics; youth organisations; family support groups; human rights organisations; disability organisations; parent representative organisations; community groups and other organisations interested in children's rights. The Alliance's policies, projects and activities are developed through ongoing collaboration and consultation with its member organisations.

## **Vision**

Ireland will be one of the best places in the world to be a child

## **Mission**

To realise the rights of children in Ireland through securing the full implementation of the UN Convention on the Rights of the Child

## **Strategic Aims**

- Bringing about a shared vision that will realise and protect children's rights in Ireland
- Securing legislative and policy changes to give meaningful effect to the UN Convention on the Rights of the Child
- Securing the effective implementation of Government policies relating to children

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## CHILDREN'S RIGHTS: ARE THEY A PARENT'S NIGHTMARE? Conference Summary Report, 1 December 2007

This report presents the proceedings of the Children's Rights Alliance conference on 1 December 2007, entitled *Children's Rights: Are they a Parent's Nightmare?* The content of the report is a summary of the presentations and question-and-answer sessions and is not an interpretation of the day's proceedings.

The Children's Rights Alliance (the Alliance) was established shortly after Ireland signed and ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1993. The Alliance is a coalition of over 80 organisations across Ireland and works to secure the rights of children in Ireland, as set out in the UNCRC. One of the key aims of the conference, as highlighted in the opening address by Dr. Nóirín Hayes, Chairperson of the Alliance, was to begin engagement and discussion with parents on the important issues of children's rights and the Constitution.

### KEYNOTE SPEAKER – DAVID COLEMAN

The keynote address was given by David Coleman, a clinical psychologist who has worked for many years with children, teenagers and their families who experience emotional and behavioural difficulties. He is the author of a new book entitled *Parenting is Child's Play* and presenter of the television series *Families in Trouble*.

At the beginning of his address, some important questions were posed: if children have rights, does that mean that parents have no rights?; what is the impact of children having rights for how we normally deal with them in everyday life?; and who or what is the child who has rights?

David began by stating that the way in which parents normally deal with children respects all of their rights. Children clearly have rights, and parents get a very clear sense of their **children as being omnipotent** or all-powerful from the very beginning.

However, one of the first challenges that parents face is that they have to teach their young children that the world does not in fact revolve around them. When we think about children having rights and those rights being built into our Constitution, parents may feel threatened by the idea of children having rights (e.g. will children think they have a right to be in charge or do as they wish). However, the core time when children learn that they are not in charge is during toddlerhood – long before children will realise that they have rights in the Constitution. Of course, as children become older, it is natural and appropriate that they take on more responsibility and, as parents, we give them more opportunities to take control of some of the choices that they make.

One of the key tasks for parents is to understand **why children behave badly**: if we can understand this, then it is much easier to stay in charge, manage misbehaviour and encourage the positive behaviour.

#### **Six reasons why children behave badly were suggested:**

**Frustration:** children do not or cannot always tell us what they want or need. Instead, they act out their frustration.

**Attention Seeking:** very often, certain behaviours are just designed to get parents' attention, even if that attention is negative attention.

**Jealousy/Sibling Rivalry:** when there is more than one child, some jealousy and sibling rivalry is likely. While parents might aspire to love all their children equally, the reality is that we do not love all of our children equally rather we love them differently and for different reasons.

**Emotional Stress:** this could arise for a number of different reasons, such as bullying, parents rowing, problems in friendships, moving house etc. Children often act out their own emotions, just like adults do.

**Separation Anxiety:** for notable separations, such as first days at school or at the crèche, children (and indeed parents) can become stressed by the separation, and children may feel abandoned. However, children generally go into survival mode and learn to cope with the separation and settle well after a short period of time.

**Overambitious Parental Expectations:** it is a good thing for parents to have realistic expectations for their children because it provides a motivation for them. However, our expectations can overwhelm our children or be beyond the capacity of our children.

### **How can parents change bad behaviour?**

Two main principles to changing behaviour were explained: **conditioning** (or learning) and **reinforcement**.

Children become conditioned to routines and rhythms in the day. They learn that when A happens (such as putting on pyjamas), B follows (such as having a story read), when B happens, C follows (time to go asleep), and so on. Routines based on conditioning, where children learn to associate one event with another, are very helpful and calming for children.

A second principle of behaviour change is **reinforcement**. Parents can positively reinforce certain behaviours. This can be done in a very structured way, such as star charts, reward systems, and token economies. Each time children show a particular behaviour, they are given a reward.

**Negative reinforcement** is the flip side to positive reinforcement - the theory suggests that if children misbehave and they receive a bad consequence, they are less likely to repeat that bad behaviour again.

Slapping is an example of a classic punishment that some parents use. This, however, has the potential to be quite dangerous. One thing that is known about negative consequences is that they have a shelf life. Eventually punishments run out of steam and children learn that negative consequences are not that bad after all. When parents report that they do not slap their children hard – “I only give my child a tap” – this is nonsense. If parents are following the principle that a slap is a negative reinforcement, a slap has to be hard enough to hurt, because if it is not hard enough to hurt, then it is not a negative consequence for the child. When slapping as a negative consequence does not seem to work any longer, the choice for parents is to either slap harder or to slap more often, because that is the only way to increase the negative consequence for children. This becomes quite dangerous for children because the risk of seriously hurting the child increases, as parents slap harder and/or more often.

Slapping is also ineffective because it is negative role modelling for children. Most parents only slap their children when they think they have no other option left, and they are at the end of their tether. What do children learn from this? They learn that as soon as one gets angry, it is ok to get cross and hit out. So using slapping as a consequence communicates a bad message to children. The most common forms of negative consequences that parents use are the removal of some kind of privilege, such as a favourite toy, TV time or time outside with friends

**Extinction** refers to how behaviours stop. For example, consider the attention-seeking behaviour of a child who has a habit of whining. In order to extinguish this behaviour, the parent may engage in what is called ‘**planned ignoring**’, where behaviour that is designed to get the parent’s attention is ignored in the hope that the child will eventually give up as he/she is not getting the attention that he/she is looking for.

If parents react to their child’s whining behaviour (because they are only human and it is difficult not to react all of the time), the reaction leads to what is called **intermittent reinforcement**. With intermittent reinforcement, children are left with the idea that “you just never know what the reaction is going to be”. Sometimes, parents may ignore the behaviour and not give the attention the child desires; sometimes parents will attend to the child’s behaviour, so children may think, as long as there is a chance that they get the response that they want, it’s always worth a shot. This becomes one of the most significant difficulties that parents face in trying to manage their children’s behaviour and highlights the need for parents to be **consistent** in their response.

When parents want to stay in charge, it is crucial that they remain consistent. Consistency is all important and it is based on those behavioural principles of reinforcement, negative reinforcement, extinction and intermittent reinforcement.

Other helpful tips for parents are focused upon 'role modelling', 'five minute warnings', 'catching your child being good' and 'being heard and going to your child' - details of which can be found in David Coleman's book, *Parenting is Child's Play*.

## AUDIENCE COMMENTS AND QUESTIONS

### **Q: Does communication change as children get older?**

**R:** Eye contact is crucial to how we communicate as humans. When parents go to their child and make eye-contact, there is a fine-balance when this eye contact can become counter-productive and may push the interaction into conflict. Sustained eye contact may make a teenager quite cross. Children often want to tell their parents something when eye contact is not possible (for example, if the parent is driving the car). Sometimes children may not want to see their parents' emotional reaction (such as hurt, disappointment, anger).

### **Q: What happens when two parents have different rules and expectations for their children?**

**R:** When parents are in the luxury of parenting in a relationship, what often happens is that they find the middle ground, taking the best approach from each parent. This will only happen if both parents are "singing from the same hymn sheet". It is important that both parents agree on the approach that will be taken, or the rules that will be enforced. If parents undermine each other (for example if one parent lets the children do what the other parent will not let the children do), the "lenient" parent will be constantly stressed with demands from the children that they feel obliged to go along with. On the other hand, the "stricter" parent will feel completely undermined and there will be tension between the parents. If both parents can get in there early with a consistent approach, the children will not be as challenging. At present, they may challenge the rules of one parent because they know that they can get away with it.

### **Q: What happens when your child has difficulties in school and the teacher does not seem to listen to his point of view, and there is a mismatch between what happens at school and at home?**

**R:** The key issue here is how parents negotiate with their child's teacher. If there is a conflicting relationship with the child's teacher, the teacher will probably act it out on the child. Any indication of guilt or blame is likely to trigger a conflict situation between parent and teacher. Teachers may become defensive, resentful or even resistant to solving a problem if they feel that they are being blamed for the problem. A better approach may be to find a solution whereby both parent and teacher reinforce what the other is doing. Teachers may have their own approach and their flexibility may be constrained by school policies and rules. However, it is important that parents approach the situation with an open attitude to create a partnership approach with their child's teacher.

### **Q: Relating to bowel and bladder control.**

**R:** It is important that parents do not become too anxious about toilet training. Bowel and bladder control happen at very different times and children will always become controlled with their bladder long before they have bowel control. Notice the child's readiness in relation to bowel control (e.g. if child stops asking for nappy) but let her feel confident and good about her bladder control for a couple of months.

### **Q: Relating to middle child acting out behaviour and withdrawal**

**R:** Middle children sometimes have their "nose out of joint" because they do not have a clear role in the family, as eldest and youngest children do. What middle children sometimes get noticed for is their attention seeking behaviour, which may explain the acting out behaviour. The withdrawal behaviour, sitting quietly in the corner for example, should be reinforced. Spending time with the child who is in a quiet zone teaches the

child that she is not abandoned to be quiet alone; rather, she is being noticed for being a nice, helpful and quiet child.

**Q: Why do separated fathers have to ask court permission to see their children, and why is the court experience so difficult for fathers?**

**R:** Many difficulties that parents experience post-separation come back to the conflict between the parents that led to the separation. Fathers often end up in the position where they have to leave the family home, so natural access and contact with their children becomes harder. If the ex-partner chooses to argue that he has been a bad father and denies him access to the children, the father may have to go to court to prove why this should not be the case. Unfortunately the system is such that fathers have to fight for equal rights of access. Historically, many of the statistics would show that many of the reasons for marital breakdown relate to men's violence, aggression and so on. This means that any father that separates has to fight against the assumption that all fathers are responsible for the separation, and has to prove his worthiness as a father. Unfortunately, there is inertia in the system that fathers have to fight, in order to have their voices heard.

**Q: What can be done about an older child who is difficult to control and who can become violent? Where can parents turn to for support?**

**R:** If a child is really out of control, parents may have no skills or strategies left to work with. At this stage, parents need to look beyond the family system, either to extended family or HSE services. In the first instance, the HSE will offer contact with a social worker, who, contrary to what many people believe, will work to put supports in place and keep the family together, rather than remove the child from the family and place the child in care.

**Q: What can be done about two young toddlers, who are very close in age, where the younger child is picking up on the behaviour of the older child?**

**R:** At this young age, it is a perfect time for distraction. Distract the younger child away from whatever the older child is doing, without getting angry with the child.

**Q: What can be done about two toddlers, one of whom bites and throws hard toys at other children and the other who refuses to wear her eye patch or go into her car seat?**

**R:** The issue of children biting is partly a developmental phenomenon – it is almost an instinctual reaction in their early years. The best way to address this is to give one clear consistent verbal message, which is “no biting” or “no throwing toys” followed by action, which is removing your children from the situation in which they are in a position to bite or removing the toys. The verbal message needs to be very clear but backed up with some kind of physical action which shows your child what you mean. Similarly with a car seat situation, children need a clear message that “we do not travel anywhere without seatbelts”. This may mean that for a period of time, the parent has to stop the car every three minutes to re-belt the child.

In terms of the eye patch, one of the things that the parent can do is reinforce approximations to the final desired behaviour (having the patch on her eye). An example would be praising her for holding the patch to her eye. Perhaps playing games with it and even if she covers her eye for a short period, be sure to reinforce that behaviour. The parent may also transmit anxiety about not wearing the patch. The more relaxed and calm the parent can be the better. Take a stage approach where you play games and reinforce any approximations to wearing the patch.

**Q: Is it fair to have an only child, or would being an only child make the child lonely and less sociable?**

**R:** Being an only child is not necessarily going to be problematic. If parents are concerned about their only child's social interaction, arrange regular play dates, with one other child (rather than with two other children). Parents may need to support their only child in social interaction with other children, for example, by inviting their child to suggest to his/her friend a game that they could play together. Only children are not going to be at any great disadvantage, so long as parents provide them with the usual opportunities to interact with other children.

## PANEL DISCUSSIONS CHAIRED BY KATE HOLMQUIST

### Panel Discussion: Dr. Nóirín Hayes

The first panel discussion was presented by Dr. Nóirín Hayes, lecturer in child development and early childhood education at Dublin Institute of Technology, Director of the Centre for Social and Educational Research Centre, DIT, and Chairperson of the Children's Rights Alliance.

Nóirín's presentation was entitled *Children and the Constitution*. She began with a number of key points:

1. Children already have rights under the Constitution: the debate about children and the Constitution is not about whether children have rights at all (they do). The issue is the extent to which their rights are sufficiently explicit to recognise that children have different and additional needs in their own right. The current debate about children's rights in the Constitution is about how their implicit rights in the Constitution can be made more explicit – the debate is about the *visibility* of children in the Constitution.
2. Ireland ratified the UN Convention on the Rights of the Child in 1992, without reservation. Under the UN Convention, the definition of the child is all individuals under the age of 18. Rights in the UN Convention have been grouped under three general themes: basic survival rights (food, shelter etc), protection rights and participation rights (the notion of giving voice to and listening to children).
3. There are a number of principles in the UN Convention that are central to thinking about rights: the **best interests** of the child are paramount; the principle of **non-discrimination** and principle of **participation**.

Since the ratification of the UN Convention, there have been many publications which highlight the issue of children's visibility in the Constitution. For example, the National Children's Strategy published in 2000 is the Government's ten-year strategy for children. The National Children's Strategy has three central goals: children will have a voice, children's lives will be better understood and children will have quality services. There is a long way to go in relation to this third aim.

The Government's commitment to children's rights and the amendment to the Constitution are already impacting on policy. For example, *Towards 2016* is a partnership agreement which is located in the idea of a life cycle approach to planning and policy development in Ireland. There is a specific chapter on children in this agreement. These developments recognise our contemporary understanding of children, an understanding which is so different from the one that was present when the Constitution was drafted in 1937. Now, children are recognised as individuals in their own right, as being embedded in the critical context of family and society, as active participants in their own growth and development, and as deserving of our respect.

Children's rights are not a nightmare for parents, but they are a wonderful asset for parents. Children's rights are a basis on which a lot of pressure can be brought to bear on the Government to support children and support families. In November 2006, the Taoiseach stated that "the fundamental law of our land, our Constitution, should fully reflect our commitment to valuing and protecting children, childhood". He went on to say that constitutional change is "an essential first step in creating a new culture of respect for the child". Reflecting this commitment, a Joint Oireachtas Committee on the Constitutional Amendment on Children, chaired by Mary O'Rourke, TD, has been established. The role of that Committee is to examine the existing wording of the Constitution, and to make suggestions and recommendations about the wording of the amendment.

The Alliance believes that there is huge value to children being explicitly recognised in the Constitution. Making children more visible in the Constitution sends a clear message that Ireland is committed to the rights of children and to creating an environment which respects those rights. Given that the legal system and the courts interpret the legal status of individuals on the basis of their rights within the Constitution, by making children's rights within the Constitution more visible, courts will have an increased power to balance and protect children's rights.

Why is there a belief that children's rights are a nightmare for parents? There is perhaps the sense that the obligation that adults and parents have to care for and protect children is sufficient to secure their protection. Unfortunately, however, in certain cases, we cannot depend upon adults to secure the protection of children. At times, it is necessary for other representatives to speak on behalf of children, or for society to listen to children when they are trying to make their voices heard. The obligation to meet children's needs is not always met, so an explicit statement of their rights is necessary. There is also a belief that giving children explicit rights in the Constitution will undermine the authority of parents and make children difficult to manage. However, it is not about giving children rights at the expense of parents, it is about balancing rights, which is arguably to the benefit of both parents and children.

In conclusion, children's rights are good for parents. Children's rights provide a context for improved support for parents in their parenting and for families in general. As one example, in the area of early childhood and child care, huge money has been invested in recent years in child care in Ireland. However, the policy direction around the development of services for early childhood education and care has been dominated by attention to parents rather than to children. The result is that there has been an investment in developing services, but not essential investment in securing those services as sustainable quality services. Investment has gone towards supporting parents in purchasing childcare, which is very positive. However, there was no parallel level of investment to ensure that what parents purchase is a quality service. If children had been more visible in the policy development, their day-to-day requirements would have been taken into account and a greater balance towards ensuring the availability of quality services for parents and their children would have occurred.

The proposed constitutional amendment is only the beginning. It is a fundamental step in making explicit our respect for, and protection of, children. In order for real change to take place, however, there will be a need for attitudinal change or shift in a variety of systems within society in respect of families and children. The Alliance looks forward to being very actively engaged, on behalf of its member organisations, in the discussion and debate that surrounds the constitutional amendment.

#### **Panel Discussion: Michael McLoughlin**

The second panel discussion was presented by Michael McLoughlin, Board Member of the Children's Rights Alliance and Director of Central Services for Youth Work Ireland (the representative body of 22 local volunteering youth services). He has a particular interest in issues of technology and young people. Youth Work Ireland provides a range of services for young people which includes youth cafes and youth clubs.

Michael's presentation was entitled: *Teenagers – Evolving Responsibilities*. He began with the presentation of contemporary music artists and excerpts of SMS (texting) language that would be familiar to young people. His test of audience knowledge on these issues highlighted a key question: to what extent do we, as adults, know about young people's lives, where they are at, what they are doing and what they are interested in?

It is clear that young people have invented their own language, which adults need to understand and hear. The number one technological device for teenagers is the mobile telephone, but things are changing. There is a huge explosion of developments in communication technology and young people are at the cutting edge of these developments. However, what it does come back to, in many respects, is the **relationships** that young people have with each other. Internet and communication technology have changed the concept of relationships, but relationships are still key.

While the focus on the technology is interesting, the relationships that young people have with their parents and with other young people are what really matters. Social networking (through the use of BEBO or Facebook) is a huge phenomenon among young people. Much of the focus has been on the negative side of social networking, such as issues around anonymity and bullying, rather than on the positive levels of connectedness that it brings. For example, anonymity online means that the internet has become an intercultural space where people's gender, race or disability is not the central focus of who they are. However, because of the way in which young people are using technology, it is undergoing huge change. The relevance of previous methods for ensuring safety (such as the use of software that blocks access to certain websites) needs to be considered and, as the internet becomes increasingly mobile, it is more difficult for parents to monitor their children's internet usage. There are some safe solutions, as evidenced, for example, by the



regulations regarding usage outlined by online networking sites and mobile phone companies. There are, however, some questions over whether they are properly resourced or whether they are accessible.

For these, and other reasons, parents have come to fear technology, perhaps because they do not fully understand it. It is important that parents and individuals who work with young people begin to engage with these technologies that have become part of their world. It is important to remember that, while technology itself is important to young people, what really underlies its importance is the solidarity and connectedness to each other that it brings to young people's lives.

#### **Panel Discussion: David Coleman**

In the final panel discussion, David Coleman focused specifically on communication in parenting. One reality that parents are faced with in their parenting role is that children and young people engage in a form of communication that is different from what adults are used to. As adults, communication involves non-verbal behaviour, para-verbal behaviour (such as tone of voice) and the verbal message that is being given. Research on communication has found that much of the meaning that we draw from our communication relies upon non-verbal and para-verbal behaviour (as much as 90%). Applying this research to parent-child interactions, the actual words that parents use may matter less than what actions parents use and the tone of voice.

In considering the "new" forms of communication through technology, one challenge for parents is to learn about these ways of communicating. As parents, one important task is to support children to connect with their feelings and communicate their emotions. With the newer forms of communication (such as text messaging and instant messaging), much of the cues that we rely on (such as non-verbal and para-verbal behaviour) are missing. It is much harder to communicate about feelings when it is just words that are being used. The earlier in their lives children learn the language of emotions, the better. As mentioned previously, one of the key reasons why children misbehave and act out is because of emotional stress and frustration. They express their feelings through misbehaviour or even self-harm. Parents need to put forward the language of communication from early on, so that children can learn to recognise and express some of their feelings, rather than having to act them out.

### **AUDIENCE QUESTIONS AND COMMENTS FOLLOWING PANEL DISCUSSIONS**

**Q: What can be done to help a child who is being very aggressive and clingy following his parent's separation and departure of the father from the home?**

**DC:** Empathising with the child is very important because, at some level, the child is expressing his sense of loss of his relationship with his dad. Acknowledging that the child's relationship with his father is separate and different from the inter-parental relationship is important.

**NH:** This notion of trying to separate out what is really important to the parent and what may be important to the child is a difficult challenge for many parents. In many instances, it may require support and mediation services to bring in a third party to make that situation less stressful for everyone involved.

**Q: With an amendment to the Constitution, could children's needs and voices be heard in court?**

**NH:** An immediate response is 'yes', but how it happens will be very critical. The court system at present is not a place where children would be comfortable. Any amendment to the Constitution is only the beginning. There will be big changes and if we are really going to engage with children on issues like this then the context in which this happens will have to change. People will need continuing professional development and training in how to relate to children and to hear them in a balanced kind of way.

**MML:** In some instances, teenagers do feel that they need support outside the family, whether that is professional support or support from their friends. What youth clubs etc. try to do is provide a safe space where some young people can come.

**Q: Regarding concern about social networking and children living in a virtual world and children not communicating with their parents**

**MML:** A lot of the technology use and communication is about young people's relationships with each other. They use technology as a communication tool to reflect back on what they have been doing and to make arrangements to meet each other. It is important that parents have a basic conceptual understanding of what

is going on. The specific parameters of that, such as whether parents know their child's password for their BEBO site, is the parent's choice. Where children have televisions in their room, this is also the parent's choice.

**NH:** Parents have a very important role to play in the communication atmosphere that they set for their children. School is also an extremely important environment for children. The transition in the early years of secondary school are critical, and is an important time for parents to re-establish communication patterns and expectations.

**DC:** Ultimately it does come back to parents making choices on behalf of their children. For example, by buying your child a TV and putting it in their bedroom, that tells your child that you value them being away and keeping themselves amused. Parents make clear value statements through their actions. Young children do not have the same level of internal motivation to achieve as adults do. Adults can make choices based on the external motivators that are there, but they also have the benefit of an internal drive or an ambition at times to achieve certain things. Children do not have an internal drive until they develop it, so they rely upon external motivators (such as rewards and punishments). Thus, parents need to put boundaries in place and make decisions on the behalf of their children.

**Q: Regarding the education system and the lack of training that teachers have in relation to specific special needs.**

**NH:** There are moves within the education system to improve teacher-child ratios and provide classroom assistants in primary schools. As we understand child development more, we have become better at identifying the particular needs of individual children. Our education system is a conservative institution, but there is a recognition that it now needs to change, and that schools need to accommodate the individual needs and rights of children. For example, is it fair to expect teachers to be able to identify, diagnose and intervene with specific developmental issues, when their professional role is to teach?

**DC:** Teachers cannot be all things to all people. Some teachers are receptive to working with other professionals (such as psychologists), and will educate themselves about specific developmental difficulties that children in their classroom may have. Links between existing community-based mental health or disability services and schools should be encouraged to support children in school settings.

**MML:** One line in the Constitution, making children's rights explicit, sends a clear message to service providers (such as the education system) that they do not have a choice about providing appropriate services to all children, including those with special needs.

**Q: Regarding discrimination of a child with a visual disability who experienced discrimination at school in relation to a school trip abroad.**

**NH:** We do not have a rights-based approach to children. The reality is that for many children whose childhoods pass very quickly, discrimination has already happened. This reflects a society which is not taking children, and the commitment that has been made by ratifying the UN Convention on the Rights of the Child, seriously enough. It may take years to create a society where this form of discrimination does not happen. Heightening children's visibility in the Constitution will allow us all to share a certain kind of outrage to such a situation in the future.

**Q: Regarding whether parents should be made aware whether their child had been in contact with a known sex offender.**

**MML:** Personally speaking, yes, but it is a complicated issue. Garda vetting ensures that those who have direct unsupervised access to children have no known offences against children. Where an allegation, as opposed to a conviction is made, people have a right to their good name. Some system whereby people are made aware that there is a threat or a danger would be preferable to a system that names individuals and provides names and addresses.

**DC:** From a personal perspective, I certainly would want to know. One bias that occurs when you believe that a potential problem is there is that you look for information that supports the problem. If parents believe that their child has been in contact with a known sex offender, parents may misread and misunderstand some of the signals that their children may be displaying, and automatically attribute them to something that may not have occurred. If parents were to have information about possible contact with a known sex offender, they have to be truly informed, so that they would not jump to rash conclusions and attribute their children's behaviour to the contact with that individual. Having said that of course, for some children it might well be

that some of their behaviours have changed because of the contact they had with a sex offender. It is an incredibly complex situation.

**NH:** We cannot underestimate the complexities of how that information is made available and how parents can use that information, and there have been instances where people's names have been taken and credibility has been damaged.

**Audience Comment from Labour Party Spokesman for Children, Alex White, who is on the Joint Oireachtas Committee to determine the wording for a constitutional amendment in relation to Children's Rights:** The meaning of words in the Constitution have enormous effect. It is not necessarily the case that the more words, the better. If too many words are put into the Constitution, it may result in the confinement of rights, rather than having them opened up.

**NH:** There is a danger that the amendment may try to achieve and address a whole range of issues, which need not necessarily be addressed in the Constitution. Rather a simple and broad focus in the Constitution on children's rights in a broad sense would provide a context within which legislation and other developments could be derived. The simple focus is that we have ratified the UN Convention on the Rights of the Child and much of our policy is located within that commitment to the rights of the child. However, there is some concern that children's rights are not explicitly stated and the implicit nature of children's rights at the moment is not doing parents or children a service.

**Comments by Kate Holmquist:** The theme of many questions raised today is that children are not being listened to and their rights are not being acknowledged. The words that go into the Constitution, while they may be very simple, will require quite deep and far-reaching changes in the departments of Education, Health, Justice, and so on. It will be interesting to see whether there will be resistance on the part of the Government and politicians to the amendment because of the deep changes that they will have to make.

### **CONCLUDING COMMENTS FROM DR. NÓIRÍN HAYES**

There is a general Governmental commitment to the amendment. As a country, we have moved quite extensively to be able to *talk rights*. However, we are still a long way from the realisation of those rights in how we think about policy and the issues that parents have to deal with on a daily basis. One of the messages of today's conference is that the debate is not about setting children's rights against parents' rights. In reality, parents' and children's rights are often closely aligned together. If parents can think about the values of making explicit children's rights in the Constitution, and can engage in discussion with their local politicians about the issues, the more the debate on the Constitutional amendment can be moved forward.

*The Children's Rights Alliance would like to thank Dr. Elizabeth Nixon for compiling this report.*



The Children's Rights Alliance is a coalition of over 80 non-governmental organisations (NGOs) working to secure the rights and needs of children in Ireland, by campaigning for the full implementation of the UN Convention on the Rights of the Child. It aims to improve the lives of all children under 18, through securing the necessary changes in Ireland's laws, policies and services.

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