

***“Hear Our Voices: The Rights and Determination of the Best Interests of the Child in Parental Separation and in Care Proceedings”***

Conference, Farmleigh House, Dublin

*Monday 3<sup>rd</sup> October 2022*

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**Welcome**

Distinguished guests, ladies and gentlemen, good morning and welcome to our conference: ***Hear Our Voices: The Rights and Determination of the Best Interests of the Child in Parental Separation and in Care Proceedings.***

It is a pleasure to be with you here in beautiful Farmleigh House and it is particularly nice to be able to have so many of you join us in person for this conference.

I am aware there are a large number of online attendees also watching and it is wonderful to be able to share the discussions of the day with so many interested parties throughout Ireland and Europe.

I am honoured to be opening this conference today. I would like to start by thanking our MC Tanya Ward from the Children’s Rights Alliance and to thank all of our speakers and participants here today.

We have an exciting day planned with input from some very interesting speakers. Christophe Poirel from the Council of Europe will address you next followed by Lemn Sissay OBE who is delivering our keynote address and who will also moderate a Fireside chat with 4 amazing and eloquent young people with recent experience of being in care in Ireland.

Our ‘Balancing Rights’ session is next with distinguished speakers from all over Europe including Ireland, followed by Plenary 1 - Assessing the rights and best interests of the child in the context of care proceedings chaired by Éimear Fisher of the Irish Human Rights and Equality Commission.

The next session is an international account of incorporating children’s views in developing future standards on child rights in family proceedings followed by a session on the evolution of the ‘best interests of the child’ in Ireland.

This session is followed by Plenary 2 - The rights and best interests of the child in the context of parental separation and in family law' chaired by Niall Muldoon, Ombudsman for Children.

Finally, my colleague Helen McEntee, Minister for Justice will close the conference. And as I have said, it will be a stimulating and informative day.

### **Council of Europe Presidency**

Ireland currently holds the presidency of the Committee of Ministers of the Council of Europe. As Minister with responsibility for Children, I am delighted that one of the three priorities chosen for the Irish Presidency is "Hear our Voices", which has a particular focus on youth engagement.

In May of this year, I opened the first conference of Ireland's Presidency, which was on **Child and Youth Participation for Europe**.

In 2016, the Council named the 'Participation of all children' as a priority in their Strategy for the Rights of the Child. This year, the Council committed to 'giving a voice to every child' as a strategic objective of their revised policy which will run to 2027. Today's conference focusses specifically on hearing the child's voice in both childcare proceedings and in parental separation.

Arguably, no decisions in a child's life are as important as the decisions made during these proceedings. This is where fundamental decisions are made about *who* a child will live with and *where* they will live.

It is only right that the child's voice be heard, and that the child's best interests be at the centre of any decision that will have such a profound impact on their childhood.

We are honoured to have a number of delegates and representatives from the Council of Europe with us here in Ireland for this event, including:

- Christophe Poirel, Director of the Human Rights Directorate;
- Daniele Cangemi, Head of the Department of Human Rights, Justice and Legal Co-operation Standard Setting activities, and
- Regina Jensdottir, Head of the Children's Rights Division and Council of Europe Coordinator for the Rights of the Child.

### **Reform in Ireland**

In Ireland's past, the voices of young people have been silenced far too often, sometimes shamefully so.

The importance of learning from that past, of building a society in which we do not fail our children, as happened in previous decades, means that children and young people's voices must be heard and taken seriously by those in positions of power.

The subject matter of today's conference is very timely. Ireland is currently undertaking a number of major reforms that aim to improve the experience of children and families involved in family court proceedings, to ensure that children's voices are heard and to ensure that the best interests of children are at the heart of any decisions that will affect them.

### **Family Courts**

At present, there is no specialist family court structure in Ireland. My colleague, Helen McEntee, the Minister for Justice, is leading a reform project to rectify this. I look forward to hearing her speak about this later today.

These important reforms are an important opportunity for us to put the voice of the child and the child's best interests at the heart of these proceedings, both in cases of parental separation and in child care proceedings.

I am working closely with Minister McEntee to ensure that children are at the centre of any proposed reforms.

### **GALs**

My own Department recently enacted legislation to extend and regulate the guardian *ad litem* system for children involved in child care proceedings.

Guardians *ad litem* work with children and young people involved in child care proceedings to ensure that their voices are heard and to act as an independent voice to advise the court regarding the child's best interests.

This legislation creates a strong presumption in favour of appointment of a guardian *ad litem* in child care proceedings and clarifies the dual role of a guardian *ad litem*.

This new legislation also places new obligations on the court to hear the voice of every child before making any decisions about their future.

Under this Act, the court is also obliged to regard the best interests of the child as the paramount consideration.

### **Review of the Child Care Act**

My Department is also reaching the end of a lengthy and in-depth review of the Child Care Act, 1991. The Child Care Act is a wide-ranging piece of legislation which, at its core, seeks to promote the welfare of children who may not receive adequate care and protection.

The Act is the key piece of legislation whereby the State, as a last resort, may intervene to take the place of parents.

We have listened carefully to the concerns and suggestions of stakeholders, including children, and researched international best practice.

I plan to bring Heads of Bill to government later this year to revise and update this Act, to ensure that Ireland can uphold the best interests of this very vulnerable cohort of children into the future.

### **Sustainability**

Climate change and sustainability are two issues where children and young people have used their voices to raise awareness to us adults. I am thrilled to let you know that our conference here today and the events on Tuesday and Wednesday are fully sustainable and carbon neutral.

### **Acknowledgements**

I want to thank all who have made this event possible. In particular, officials from my own Department, from the Department of Justice, the Department of Foreign Affairs and of course the Council of Europe. I also would like to thank all our esteemed adult expert speakers whose contributions will be engaging and insightful.

Thank you not only for so generously sharing your time and expertise with us, but for all the work you are doing in this vital area during every other week of the year, continuing to advocate for the rights of children and young people. Finally, I want to thank the young people who will share their experiences with us today. Their input will ensure the focus is kept firmly on children and young people.

### **Conclusion**

I hope today's conference will be not only an enjoyable and informative experience, but will be a point from which practitioners and stakeholders can drive on with renewed vigour - to ensure that children across our shared continent are given every opportunity to participate in the decisions that affect them, to have their voices heard and their best interests upheld. Go raibh míle maith agaibh, thank you.