

Ireland Lawmakers Fight for Children's Rights

Ireland's leaders issued last-minute appeals Friday for voters to amend the constitution to include stronger rights for children, making it easier for state agencies to protect children from abuse and for neglected kids to be adopted.

But the campaign to secure a "yes" vote in Saturday's referendum took a surprise hit from the Irish Supreme Court.

The five-judge court ruled that the government's information booklet backing the amendment, mailed to every household in the country of 4.6 million, was not fully accurate and violated laws requiring the government not to fund only one side of a referendum argument.

The government apologized, resisted calls to postpone the vote, and urged voters to approve the measure regardless of the strong possibility that the amendment would face legal challenge if passed.

The court ordered the government to take down the bulk of material from its campaign website, which had a similar presentation of facts and arguments, but said it would be impossible to recall the booklets. The court had no power to order a postponement of the vote.

"If we've made a mistake, we accept that, but don't take it out on the children," said Leo Varadkar, a government minister leading the campaign for approval.

"This amendment is 20 years overdue. There are children in long-term foster care relying on us to vote yes. There are also thousands of people who are victims of abuse whose voices aren't being heard," he said.

Ireland's 1937 constitution can be amended only through national referendums. Such votes typically involve polarized debates, with opposition parties often attacking the government on divisive issues such as divorce, abortion and Ireland's neutrality.

Not this time. Every party and every child-welfare charity supports the proposed amendment, while only one of parliament's 166 members says he will vote no. All opinion polls indicate voter approval for the measure, in part because of Ireland's scandal-plagued record on child protection to date.

Opposition has been confined to fringe pressure groups and a few iconoclasts, notably Irish Times columnist John Waters, who argues that state agencies are so incompetent in intervening in family matters that they should be given no new powers.

Waters seized on the Supreme Court ruling, which faulted the government for spending €1.1 million (\$ million) to produce and distribute the booklet summarizing why the amendment is needed.

Waters said the government had been found guilty of "misappropriating public funds in order to sell propaganda."

Some on the "no" side have gone much further, asserting that the new Article 42 of the constitution would allow social workers to seize children from happy families. The vast majority on the other side decry such claims as paranoid nonsense.

Reform-minded judges and social workers for decades have called for changes to Ireland's legal framework for protecting the welfare of children. A series of incest and abuse cases have highlighted how care workers and agencies have identified children in wretched conditions and yet failed for years to extract them from horrific situations, partly because judges

found that the law favored the rights of their parents.

The Irish Times called for a “yes” vote in Friday’s lead editorial. It argued that rejection “would mark a step backwards towards a more rigid, forbidding society where children were frequently treated as legal ‘chattels’ within sometimes dysfunctional families.”

Typically in Ireland’s secretive divorce courts, with no spectators permitted and no transcripts kept, the views of children are recorded only sometimes and second-hand via court-appointed experts, and the rights of the mother are paramount.

The proposed amendment commits the courts to hear direct testimony from children and ensure their views are “given due weight having regard to the age and maturity of the child.”

Adoption laws are stranger. Children in long-term foster care cannot be adopted at all if their abusive Irish parents are married. It’s incredibly difficult to adopt an Irish child at all, spurring thousands of couples to adopt children from Asia, Africa or Central America instead, sometimes illegally.

The government plans to pass a trove of legislation if the amendment passes, chiefly to make it easier for many of the 6,250 children in care homes to be adopted. Some 2,000 of those kids have lived with the same foster family for the past five years.

One bill would explicitly make it a crime to hide information on a suspected child abuser. That measure appears particularly designed to combat the kind of systematic cover-up of child rape in Ireland’s Catholic Church, the subject of several fact-finding inquiries over the past decade.

Those investigations have determined that Irish bishops often shielded pedophiles in the priesthood from prosecution, but such acts of concealment are not yet defined as a crime.

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