

NI Network of Contact Centres

11 June 2015

*** PLEASE CHECK AGAINST DELIVERY ***

Introduce NICCY

I have now been in my job since March 2015 and generally the role of the Commissioner is to safeguard and promote the rights and best interests of children and young people which means anyone under the age of 18 unless they have been in care or have a disability when it extends to 21.

To achieve this I am required by law to

- have regard to the wishes, views and feelings of the child or young person
- Promote awareness and understanding of children's rights particularly amongst children and young people themselves.
- Review adequacy and effectiveness of law, practice and services
- Issue guidance on any issue to government and their agencies

And

- Undertake investigations and support children in individual cases as appropriate

Alongside all of the above I have identified the following key priorities:

- Education Inequalities
- Child Poverty
- Adolescent mental health and well-being
- Implementation of children's rights –getting the framework right

For the sake of clarity, issues of contact, residence and parental responsibility fall outside NICCY's legal remit, however, our legal team frequently receive calls from parents, carers, young people and other professionals wishing to discuss such issues as they relate to the 'best interests' principle of the UN Convention.

In the early part of my career I was a probation officer in England which meant that I would also have to act as a court welfare officer having to make recommendations to the family court with regards to residency and contact which meant that I often witnessed the hurt and trauma that parents and children go through during family breakup, whatever the cause. I saw firsthand that the role of being a parent and the focus on the child is sometimes lost albeit temporarily which is why Contact Centres are so important. You ensure the child is at the centre of the process whilst adults regroup or refocus.

Never has this been more relevant than the case of Rebecca Minnock and her son Ethan in the news today.

A child psychiatrist social worker and a guardian had recommended that Ethan should live with his father and have supervised contact with his mother. But clearly she didn't agree.

The Judge in the case (Judge Wildblood) stressed "the seriousness with which the court takes in approaching the task of ensuring that both parents, if at all possible, maintain an effective relationship with the child."

Clearly there is a contact centre in the background of this very sad situation.

It has been estimated that 100,000 children per year in the UK lose contact with a parent during a family break-up. In 2013 in Northern Ireland, over half (55 per cent) of all couples who divorced had at least one child under the age of 18 at the time the divorce petition was lodged. That's about 2400 children. This figure only relates to divorcing couples and not partnerships which subsequently separate or married couples who separate but their marriages are not dissolved by divorce which means this figure rises quite a lot.

I shall be using UNCRC to demonstrate how Contact Centres protect and indeed promote the rights of children and young people.

I was listening to a Radio 4 programme and they talked about the Family Justice system and it reminded me that this is the core of your endeavours to ensure that there is justice for the family and the child in particular by creating the "child-centred environment that puts the needs of the children first".

The work of contact centres throughout NI recognises the best interests of the child as being a primary consideration as set out in Article 3 of the UNCRC. Article 3 further recognises the State Parties requirement to:

“..ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, and, to this end, shall take all appropriate legislative and administrative measures.”

Moving on

Both the UNCRC and the NICCY legislation clearly acknowledge the importance of the role of parents in the upbringing, development, care and protection of their children.

The Convention in Article 18 also specifically states that governments shall make every effort to keep families intact and shall provide support and assistance to both parents in fulfilling their responsibilities with regard to the upbringing and development of their children whether they live together or not.

Clearly this is where child contact centres are ensuring that our government fulfils its responsibility to the UNCRC. And of course I do believe that the State should be providing appropriate support including resourcing to you.

But contact centres come into their own with article 9.

You (the Network) describe a **Child Contact Centre** as a safe, friendly and neutral place where children of separated families can spend time with one or both parents, and sometimes other family members.

Article 9 of the UNCRC gives the clear direction to State parties regarding children who are separated from their parents as follows:

“1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine,

In paragraphs 2 and 3 of the article goes on to say

..... all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

And that

States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.”

Often it is CCCs who provide the venue whereby contact can be attempted, (re)established and/or built upon and relationships/trust developed in a safe and neutral environment to allow contact to progress to a more “natural” environment.

So the UNCRC is clear that children have the right to maintain a relationship, including via direct contact, with a non-resident parent on a regular basis, except where it is not in the child's best interests to do so. Reflecting this through the prism of **Article 12**, which enshrines the right of children to express their views freely on all matters affecting them, it is clear that children must be consulted, and have their views given due weight, when decisions are being made about whether they are to have contact and following this, the practical arrangements regarding such contact.

Azka Courbouzier from Indonesia became a You Tube sensation this week when he posted a video about his experiences of the break-up of his parent's relationship. He said:

"It's not a broken home when you still have the same love from your parents"
Which is clearly what you are working to restore for the children you work with.

Children's rights are not solely protected and implemented in Stormont or in the NICCY offices but on a daily basis by the families, workers and volunteers such as those of you working in Contact Centres. There is nothing more precious than someone freely giving of their time to protect a child's right to family life, to have their voice heard and their best interests met.

So for that and as NI's Champion for Children and Young People I would like to thank all of you particularly volunteers who are involved with Child Contact Centres for the work you do on behalf of children and their families during what is a very difficult time in their life.