

# VOICES OF CHILDREN

Proceedings of the conference  
held on Wednesday, September 8, 2010  
9:00am – 4.15pm

Wood Quay Venue,  
Dublin City Council,  
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Dublin 2



## MARRIAGE EQUALITY 2010

Civil Marriage for Gay and Lesbian People



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Speakers' biographies	4
Foreword	
Gráinne Healy	5
Welcome	
Moninne Griffith	6
Opening address	
Gráinne Healy	7
Fergus Finlay	9
Introduction of the research	
Iris Elliott	12
Conor Pendergrast & Christine Irwin Murphy	14
The children of same-sex parents	
<i>What do we know about their outcomes and experiences?</i>	
Professor Sheila Greene	19
My family – children and young adults talking about their lives with lesbian and gay parents	
Helen Statham	24
Cherishing all the children of the nation equally	
Geoffrey Shannon	29
The legal position of children in same-sex families – a European perspective	
Dr Machteld Vonk	33
Launch of the research	
Minister Ciaran Cuffe, TD	37
Rapporteur feedback	
Niall Crowley	40
Closing remarks	
Moninne Griffith	43

## Niall Crowley

Niall Crowley is an independent equality expert. He was Chief Executive Officer of the Equality Authority in Ireland from its establishment in 1999 until 2009. The Equality Authority was established to promote equality and combat discrimination in the areas covered by Irish equality legislation. Prior to this, he worked in the community sector with the Travellers' rights organisation Pavee Point for twelve years. He was a member of the National Economic and Social Forum and the National and Economic Social Council. He is the author of *An Ambition for Equality*, published by the Irish Academic Press in 2006, and *Empty Promises: Bringing the Equality Authority to Heel*, published by A&A Farmar in 2010.



## Iris Elliott

Iris Elliott is completing her doctorate on women's human rights activism in Ireland in the Global Women's Studies Programme at the National University of Ireland Galway. She has an MA in Public Culture Studies and an MSc in Science in Health Promotion. Her previous work includes national and all-island policy advice with the National Disability Authority and Institute of Public Health in Ireland, health promotion (school, mental health) and social work (adult mental health).

## Fergus Finlay

Since June 2005, Fergus Finlay has been Chief Executive of Barnardos, Ireland's largest children's charity. For twenty years prior to that, he was employed as Senior Advisor to the Labour Party, serving in three Governments and working for the Party in Opposition. He is the author of three best-selling books, and has served as Chairperson of Special Olympics Ireland. He is currently Chair of Volunteering Ireland, and broadcasts regularly on radio and television.



## Professor Sheila Greene

Sheila Greene is the Director of the Children's Research Centre, Trinity College Dublin, and the holder of the AIB Chair of Childhood Research. Her publications include *The psychological development of girls and women: Rethinking change in time* (Routledge, 2003) and *Researching children's experience: Approaches and methods*, which she co-edited with Dr Diane Hogan (Sage, 2005). She is the Co-Director of the National Longitudinal Study of Children in Ireland, Growing Up in Ireland, which is being conducted on behalf of the Irish government by the Economic and Social Research Institute and Trinity College Dublin.



## Gráinne Healy

Gráinne Healy, Chairwoman of Marriage Equality, is a long-time feminist and social activist. Former Chairwoman of the National Women's Council of Ireland and President of the European Women's Lobby Observatory on Violence Against Women, she has worked with many organisations focusing on social change issues, and provides evaluation, project management and strategic guidance and support in her work as an independent consultant.



## Geoffrey Shannon

Geoffrey Shannon is a solicitor and senior lecturer in family and child law at the Law Society of Ireland. In June 2006, he was appointed to the independent position of Special Rapporteur for Child Protection. He has been selected by the European Expert Organising Committee as the Irish expert member of the Commission on European Family Law. In September 2007, he was appointed by the Government as Chairman of the Adoption Board, and more recently has taken up the position of Chairman of the new Adoption Authority.



## Helen Statham

Helen Statham is a Senior Research Associate and the Deputy Director at the Centre for Family Research in Cambridge. A graduate of the University of Durham and the University of Liverpool, she was a Research Fellow in the Jerry Lewis Muscle Research Centre at Hammersmith Hospital.



Helen joined the Centre for Family Research in 1989, exploring psychological, social and ethical aspects of life in non-traditional families. As part of this research, she undertook a series of interviews with children and young adults who have lesbian and/or gay parents. The findings of this study – *Different Families: The experiences of children with lesbian and gay parents* (2010) – have been published by Stonewall UK.

## Dr Machteld Vonk

Dr Machteld Vonk defended her comparative legal PhD thesis in 2007: *Children and their parents: a comparative study of the legal position of children with regard to their intentional and biological parents in English and Dutch law*. She is currently assistant professor at the Molengraaff Institute for Private Law at Utrecht University, where she teaches comparative law, methodology and family law. Her research interests include the legal recognition of non-biological parenthood in all its guises, such as surrogate motherhood, same-sex parenting, adoption and reconstituted families.





## *Gráinne Healy (Chairwoman, Marriage Equality)*

It is with great pleasure that Marriage Equality publishes the Conference Proceedings of our ground-breaking event on Voices of Children. The conference emphasised that progress on the issue of the legal rights of children to their same sex parents is urgent – many spoke of how such progress will depend on the work and leadership of groups like Marriage Equality. It is our belief that together with other children's rights and lesbian and gay advocacy groups this change will happen if we can show solidarity and a commitment to cherishing all the children equally.

Significant activity in the field of children's rights are taking place in Ireland in 2010; the forthcoming publication of the Law Reform Commission Report Legal Aspects of Family Relationships; the holding of the proposed Children's Referendum and the re-organisation of the Adoption Board in its new form as the new Adoption Authority, these are all significant events, coupled with the learning from recent awful events regarding clerical sexual abuse of children. This abuse tells us that it is only by listening to the children's voices, only by putting the welfare and good of children as a priority in all matters pertaining to them, will we be able to ensure that children's human rights are vindicated. The matter of providing such children with legal rights to their parents is central to such vindication.

The emergence of a new voice, a new champion for equality, Believe in Equality is a most welcome and significant development. These children/young people who come from same-sex parented families are now organised and speaking of their needs and prioritising of children/young people needs. This development opens up a potential for action, a new potential for new ways of progressing equality and new potential for building new alliances around this equality issue – a new development that will be a key driving force in making progress on this issue.

The Conference provided a space to hear the stories of the failure of the State to hear the voices and provide for the rights of Children – the Civil Partnership Act that fails to address the rights of children in same-sex parented families; the failure of the equality and human rights infrastructure which allows a Government to legislate in a manner that discriminates against same sex couples and their children. We also heard the hard, sad stories of how the legal lacuna in which these children live their lives has consequences in their daily life, disturbing consequences that reinforces their invisibility, the invisibility of their families and makes us more aware of the valiant individual efforts made by their parents to protect their families.

Key messages emerging from the day include: the importance of recognising diversity of family form and shape. As Geoffrey Shannon reminds us 'being normal is not a key point', the key point is that society seems obsessed with the form of relationships as opposed to the substance of relationships; secondly, and worryingly, the lack of capacity of schools to deal with homophobic bullying and the health system to deal with the diversity of family type in Ireland. These testimonies are disturbing and raise issues that require attention in a systematic fashion by the Government and health and educational authorities to adequately protect the children in their services and care.

The conference and the report are starter points not end points. Further research is needed, to build the evidence base and convince the legislators and judiciary that the children of same sex parented families have human rights and the State has an obligation to vindicate them.

*Thanks to Siobhan Twomey for her wonderful illustrations and Rosa Devine for photography.*

# WELCOME AND OVERVIEW



*Moninne Griffith (Director, Marriage Equality, Dublin)*

As the Director of Marriage Equality I'm delighted to welcome you all here this morning, to take part in our Voices of Children Conference, the first conference of its kind in Ireland.

The whole day is packed full of interesting presentations and workshops. This morning we will hear from speakers outlining why Marriage Equality undertook this project; we will discuss children's rights in Ireland in general; we will introduce you to the experiences of some young people growing up in Ireland with lesbian parents and look at the research carried out to date in relation to children with lesbian and gay parents internationally; we will also outline the legal gaps for children with lesbian and gay parents in Ireland and compare that with the situation elsewhere in the EU. Finally, we will formally launch the report.



### *Gráinne Healy (Chairwoman, Marriage Equality)*

We're delighted to welcome you to our conference today to share the Voices of Children with you. Marriage Equality has been working to achieve access to civil marriage for same-sex couples for a number of years now. We formed initially to support the brave case taken by Katherine Zappone and Ann-Louise Gilligan to have their Canadian marriage recognised for tax purposes by the Irish Revenue Commissioners. As you know, the High Court, while acknowledging that as a same-sex couple these two women were experiencing discrimination, rejected their request to have their Canadian marriage recognised for taxation purposes in Ireland. This case is now on appeal to the Supreme Court and we hope to have a listed date for that decision early in 2011.

The four strategies which Marriage Equality has been pursuing to achieve access to civil marriage includes a legal strategy; part of which is our work supporting Katherine and Ann-Louise's case. We also have three other strategies. First is our communications strategy, where we give visibility to, and create spaces for, the voices of gays and lesbians to articulate our reasons for wanting access to marriage and also to share how public opinion polls and independent polls that we and others have carried out show that wider society really does support our call for marriage access. Our recent "We Are Family" poster and postcard campaign has communicated the diversity of lesbian and gay families who deserve the right to have the option to marry the person they love and have their family recognised.

The political strategy, which is aimed at our public representatives including our TDs and Senators, is linked very much to our mobilisation strategy, where gay and straight people have been telling their TDs that it's time for marriage equality now. It was during our meetings and strategy discussions in Marriage Equality that we began to focus our attention on how the failure of the State to provide legal status for our relationships is leading to great hardship and is discriminatory. We began to see clearly, by listening to our own lived experiences and talking to other lesbians and gays around Ireland and internationally, that only access to civil marriage would lay the foundation required for full recognition of the human rights of LGBT families.

It was during one of these meetings with the sons and daughters of lesbian and gay couples that we began to realise how the children of LGBT parents have forcefully experienced the backlash of being denied equality in Ireland. One of the children - a young man with great eloquence and clarity - said at that meeting: "Look, everyone talks about us but no-one asks us"

and so the idea for the Voices of Children was born. Marriage Equality has worked with the authors and the children for almost two years to produce the report before you today.

The details of the report will be shared by the author and the young people - the children who will give you their views on their experiences of being part of a same-sex parented family later this morning. For my part, as Chairwoman of Marriage Equality, I want to express gratitude and admiration for the innovative but robust methodological approach taken in the development of this report and commend it to you for detailed study. I also want to express my disappointment at the fact that the government has chosen to deny some children their rights by failing to provide them with legal recognition to their parents. This has happened despite Ireland being a signatory to the UN Convention on the Rights of the Child. This has happened contrary to the advice of our Ombudsman for Children. The rights of the non-biological parent to be considered to apply for and, on successful application, allowed to adopt their de facto son or daughter does not exist in Ireland yet. Dozens of gay and lesbian people foster children all around the country for the State. Good enough to foster but not good enough to adopt? The adoption legislation requires urgent amendment to effect this change. I'm disappointed that, patently and purposely, the rights of children were ignored in the recently adopted Civil Partnership Act.

Children living in same-sex headed families in Ireland have been consciously ignored, isolated and consigned to a legal vacuum, thus heightening their vulnerability, lessening their right to family security and, frankly, insulting them and their loving parents by passing an act which is silent about them and their real lives and ignores their rights. An act to which speaker after speaker in the Oireachtas stood up and repeated the phrase "I know this Bill is not equality but..." Accepting less-than-equality makes it a harder task for us now to establish legal rights and entitlements for LGBT families. Accepting less-than-equality now means that politicians, advocates, pressure groups and all of those who want to see the human rights and equality for all children established in Ireland with urgency must come together and use all forthcoming opportunities to end the legal vacuum in which these families are suffering.

For our part, Marriage Equality has welcomed a representative from the newly formed group Believe in Equality (BE) onto our board to help us devise and work towards establishing the rights of these children. We see this work as an integral part of our work to achieve access to civil marriage and to achieve full

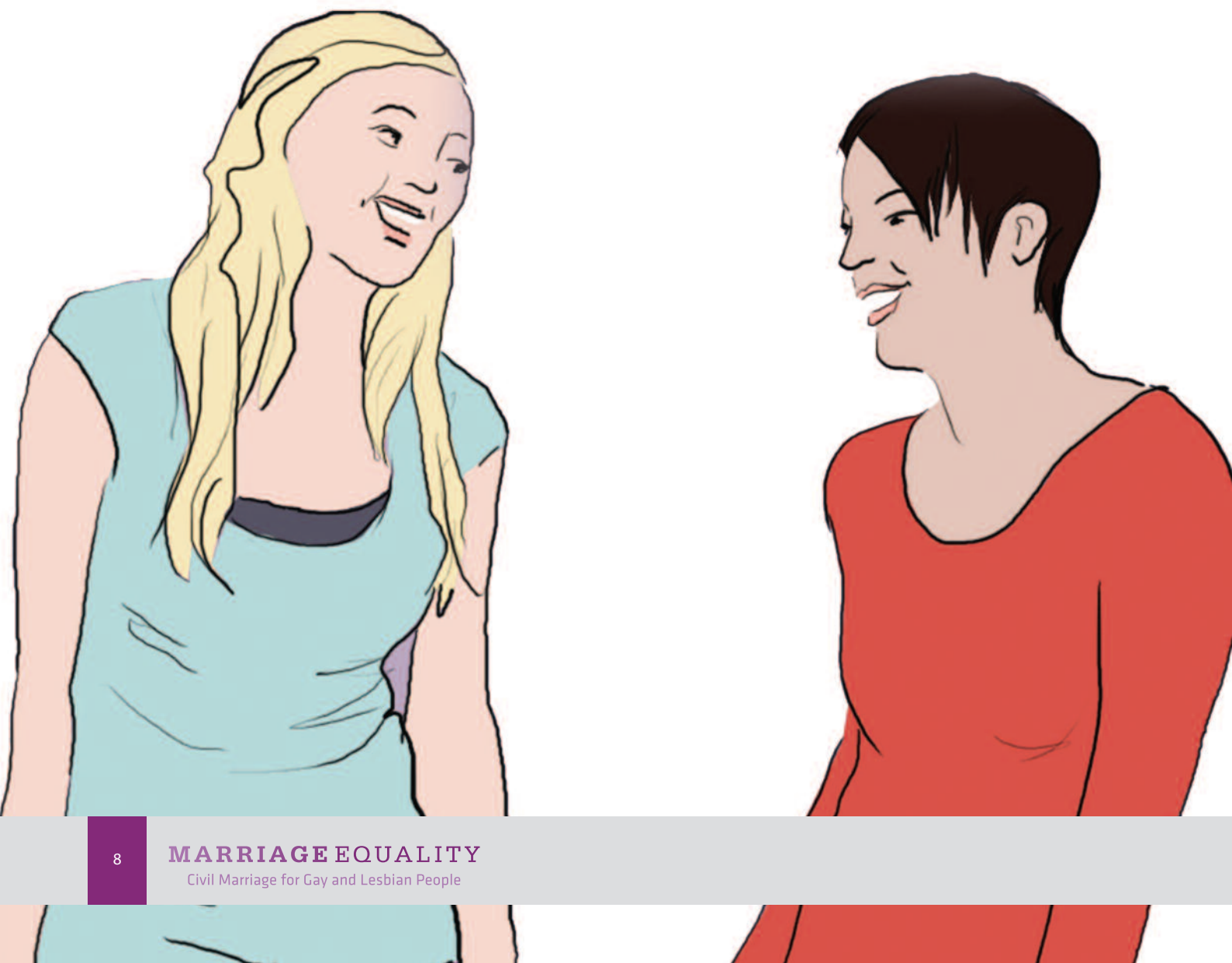
*Gráinne Healy (Chairwoman, Marriage Equality)*

legal equality for our families. The challenges for the policy makers and the politicians and other advocacy and social change groups are evident in the report. The conference today and the workshops this afternoon are a part of scoping out what must be done to meet these challenges and why we must do it.

We welcome you here today to join with us in informing and engaging on the issues, and we look forward to sourcing the support and resources that are needed to see more substantive evidence based research on the Irish experience of children of LGBT families which can lead the policy direction and drive the urgency for action that the voices of children in this report call for. As Moninne has said, we are joined by many eminent Irish and international thinkers, researchers, social commentators and legal minds here today. We have many policy makers, child welfare, children's rights and equality organisations represented - professionals and advocates amongst us. We also have LGBT

parents and their children. This is a rich mix that is needed to help us plan our route for this vital task of achieving equality of treatment, opportunity and outcome for all families.

On behalf of the board of Marriage Equality, I wish to thank the independent researchers for their excellent work. I want to thank the staff, volunteers and board of Marriage Equality who work so hard and remain fully committed to achieving access to civil marriage for gay and lesbian people in Ireland. A special thank you must go to the young people whose voices speak clearly and ring with such truth. Surely those who believe in justice and seek to cherish all the children equally can only be moved to protect them and future generations. Through this report they are dissolving prejudice and hatred, and by their own actions are building the paths to justice and equality. We salute you in solidarity with admiration, respect and with love. Thank you.







*Fergus Finlay (CEO, Barnardos, Dublin)*

I was really impressed, I must say, at the fact that at exactly three minutes after 9.30am a respectful silence fell over the hall, even before anyone had stood up. So I'm presuming that respectful silence will last for another couple of minutes!

I'm not going to speak to you from a position of legal or sociological expertise. You have some of the best minds in Ireland – people like Geoffrey Shannon and Sheila Greene – here this morning to speak to you. I'm going to speak to you on the basis of five years' learned and lived experience of the lives children lead in general. Also, perhaps it mightn't be impertinent or too impertinent anyway to say a word of encouragement about this struggle for greater equality that you're engaged in. Because every struggle for greater equality comes to an end eventually. It has its ups and its downs, its two steps forward and one step back, but this is a struggle that has to succeed. There's no possibility of failure at the end of the day where this issue is concerned.

As Gráinne said, over many years I've been involved in campaigns for the rights of people with disabilities, the rights of children, and the rights of Travellers in terms of some of the work we do, and the one thing I've learned is that you can't ever give up. Every time you think you see a light at the end of the tunnel you have to wait and see if it is welcome daylight or whether it's the oncoming headlights of another recalcitrant government minister who is afraid to make the final decision, but who nevertheless revels in the headlights.

I suppose one of the things I reflected on, when I was asked to speak this morning, was my own failure to keep a date. I was written to - I think their mother actually put them up to it – by two young boys who live down the country, back at the end of May. I'm dying to go and meet them and I just haven't managed to get there. But I thought I would start by reading the letter that they sent me. I don't know if there are media people here, but I would be grateful if the media people wouldn't use any of the names. The letter simply says:

***Dear Fergus,***

***My name is <name><sup>1</sup> and I'm twelve years old. I'm writing to you about how I feel about having lesbian parents, which I don't think about very often because they are mostly my mums. I really like having lesbian parents and so does my brother <name> who is seven and a half. I get along great with my friends in school and have no trouble***

***whatsoever academically. My dad lives just down the road, under a kilometre away, and he's gay. I will be going into secondary school next September, which I'm looking forward to a lot. Currently I play the piano and also play rugby for my local club.***

***I think many laws should be passed to do with lesbian and gay people. For example, I think there should be a law passed that would recognise Margaret as my mum, even though she isn't my birth mother. She cooks, usually very well, she works hard, and she calls me in the mornings, the same as my other mother, Maria. I would like us as a family to be recognised by the law so that we have the same rights as everyone else. Maybe you could help us to get the government to change the laws. If you would ever like to meet us to talk more about this let me know.***

And it's signed <name>. I do hope to meet them and I do hope to get there and I'm ashamed to say that I haven't managed to do it yet. But the letter actually says, in its own way, what the report says. It's the voice of ordinary children who don't feel they have suffered discrimination yet, but will.

In Barnardos we work with about five thousand children every year all around Ireland. In that work we have two objectives and we try to reach those objectives. Sometimes it takes a lot longer than other times, in respect of every child we work with. Those two objectives are to try to achieve a significant increase in their capacity to get the most from their education, and to try to achieve a significant increase in their emotional well-being.

Now, emotional well-being in our terms means happiness, but it means a lot more than happiness. It means the skills to make friends. It means the skills to socialise. It means the skills to deal with the adversity that life throws up. All of the kids we work with have lives that have been affected, in one or another, by poverty, by exclusion, by economic disadvantage and we operate on the basis that the only way to overcome that disadvantage is by giving those children the best possible start they can be given.

I've learned two things from the work that we do. The first is that I have yet to meet a parent of any stripe or kind who doesn't love their children, although I do meet parents who can't manifest that love as effectively as it ought to be manifested. I meet parents whose own lives are so out of control in a variety of different ways that the proper manifestation of a parent's love is

often impossible for them. The second thing I've discovered, and we've asked children this and surveys have asked children this and I think it is an incontrovertible fact, is that it doesn't matter what the circumstances at home are, the most important thing in any child's life is his or her family. The most important thing for them is to be loved in a family setting.

The children that we work with are very often consciously and unconsciously discriminated against in a whole variety of ways. They are frequently discriminated against as they grow up, particularly because of the address in which they live, because they look and feel different in a school yard, because their parents haven't been able to afford the full school uniform, the right array of schoolbooks or the designer label school bag. Children who look and feel different are frequently bullied, and about a quarter of our children report bullying on a regular and systematic basis, but in fact a quarter of children in Ireland generally report the experience of bullying.

What I think that teaches you is first of all, all children are the same. There is no difference in terms of what they want, what they need and what they are entitled to. What they are primarily entitled to is the love, affection and constancy that a strong family relationship gives them. It doesn't matter to the child what the nature of that family is and therefore it shouldn't matter to anybody else.

The work that we do has put us in the forefront of campaigning for a referendum on the rights of children. That referendum has been campaigned for now, and the current signs are that it will happen in the spring of next year, although there have been so many shifts and changes that it is impossible to be absolutely certain. The thinking behind the referendum is based on the UN Convention on the Rights of the Child. A lot of work that was done in the Oireachtas - and it was done on the basis of legal advice - is done on the basis of the UN Convention, and Geoffrey - who is probably Ireland's leading authority on the Convention and on the legal rights of children - will say more about that.

I think it's worth remembering just what a couple of the articles of the UN Convention say. The Convention in Article 2 applies to every child, whatever their race, religion or abilities, whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, whether they are gay or straight, what their culture is, whether they have

a disability, whether they are rich or poor: no child should be treated unfairly on any basis. That's what the UN Convention says.

***Article 3 of the Convention says that the best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children and this particularly applies to budget makers, policy makers and law makers.***

***Article 4 says very clearly, very simply: "Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled". When countries ratify the Convention they agree to review their laws relating to children. We ratified this Convention - in fact it was ratified by the father of the current Minister for Children when he was Minister for Foreign Affairs, David Andrews, back in 1993 - but we haven't really seriously begun to review the laws as they relate to children.***

Last year Ireland saw the publication of the Ryan Report. The Ryan Report documented decades of abuse of children whose voices were never heard, and it was the only thing that all those children have in common. They came from an extraordinary variety of backgrounds and circumstances, but the one thing they all had in common was that their voices were never heard. They were never represented in a court, though some of them were effectively sentenced to life imprisonment. They were never represented in a court and they were never listened to. So now I think we've begun to listen to children as a country.

The Taoiseach, when he was speaking in the Dáil on the publication of the Ryan Report, said that there was only one response possible and that response was to make Ireland a model of how children should be treated. You can't make Ireland a model of how children should be treated without recognising their right to love, care and constancy with the family they know and the family they love. If you put laws in place or fail to enact laws that remove the difference between children and their families, you are continuing to discriminate against children.

The Oireachtas seems, at one level, to agree with this proposition. I know they behaved in a very peculiar way - a shameful way in some ways - in relation to the Civil Partnership

Bill, but when it came to the rights of children they established a degree of unanimity and they put forward a set of words which we hope to have a right to vote on in the spring of next year. Now, you can't be absolutely certain that this will be the finished product. I heard, rather disquietly, some voices recently suggesting that we couldn't possibly pass a referendum that might limit in any way the right of the State to deport children from Ireland whose skin is a different colour. Presuming that that argument doesn't hold sway, the basic provisions that have already been put forward by the Oireachtas are the provisions that will be put in front of the people.

This is what the first two paragraphs will say, and this is what we will be asking people to write into the Constitution: the first line of Article 42, which is called "Children", will say: "The State shall cherish all the children of the State equally". It goes on to say: "The State recognises and acknowledges the natural and imprescriptible rights of all children including the right to have their welfare regarded as a primary consideration and shall, as far as practicable, protect and vindicate those rights". That might actually sound like a reasonably familiar form of wording. It's the form of wording adopted by the Oireachtas and it's the form of words that already applies in our Constitution to children who haven't been born yet. So in one sense, what is proposed here is to extend the rights and duties of the State towards children who haven't been born to children who are born. 1.3 will go on to say: "In the resolution of all disputes concerning the guardianship, adoption, custody, care or upbringing of a child, the welfare and best interest of the child shall be the first and paramount consideration."

It goes on then to say: "The State guarantees in its laws to recognise and vindicate the rights of all children as individuals, including 1) The right of the child to such protection and care as is necessary for his or her safety and welfare, 2) The right of the child to an education, 3) The right of the child's voice to be heard in any judicial or administrative proceedings affecting the child having regard to the child's age and maturity". I hope that if there are ever any judicial or administrative proceedings concerning that little boy in the letter or his brother and their future and well-being that the first voice listened to in that case will be theirs, because they are clear, cogent, honest and direct.

We cannot afford to lose this referendum. Ireland owes a debt to the children of the past and the children of the future to ensure that never, ever again will the voices of children not be listened to. When we're listening to the voices of children we have to listen to the voices of children and young people in this report.

We have to listen to what their lives mean, to the latent and sometimes very explicit discrimination that they encounter, and we have to end it.

As I said at the start, this campaign has to win, it will win - we cannot turn the clock back on equality. We might move forward in fits and starts, we encounter setbacks, and God knows we've encountered a lot of them over the years. I can remember the first arguments about equal pay for women in Ireland - the first notion that women couldn't be discriminated against in the workplace. When we began debating things like anti-discrimination legislation in the workplace - that was only in the nineties - employers put up arguments about the awful, horrendous costs of adding female toilets into male-only workplaces in order to allow women not to be discriminated against.

When I was 27, and the marriage bar against women was removed, it was seen as the end of civilisation. It was seen as the beginning of an era when men would be hounded out of the workplace. We now know that the Celtic Tiger was built on the participation of women. We know that without the introduction of thousands and thousands of women on an equal basis - at least a more equal basis - into the workforce, the Celtic Tiger simply wouldn't have happened. It is probably arguable that if we put women in charge of running the banks, the disaster we had wouldn't have happened either! So what was controversial twenty or thirty years ago, what was strenuously argued against, the things we sought derogations from in Europe to try and delay introducing equality are commonplace now. The same thing has happened in relation to disability, although we have a huge way to go in terms of removing legal discriminations there, but at least we have begun to put a legal framework in place.

This struggle has to win and this struggle will win no matter how many bumps in the road there are. Equality for the children of lesbian, gay, bisexual and transgender parents will happen and so will equality for their parents. It has to happen and it will happen, so don't give up the fight. Thank you very much.

*Iris Elliott, report author*

Before I start, I really want to thank Marriage Equality for the opportunity to be a researcher and author on this report. It has been an amazing experience, and the staff and board of Marriage Equality have been fantastic to work with. I particularly want to thank the young people who took part in the research. It's been an honour, it's been fun and certainly for me it has redefined pride in the LGBT community in Ireland. So thank you very much for that.

I'm going to start by talking about our approach to the research, and then I'm going to speak about some of the findings, particularly with regard to legal recognition and the experience of homophobia that the young people spoke about. The quotes that I'm going to be presenting are from the Voices of Children participants, and then I'm going to hand over to Conor and Christine and they are going to speak about their positive experiences of their families and the people who have made a difference in their lives and that includes their friends, their teachers, members of the lesbian, gay, bisexual and transgender community that we'll refer to as LGBT from now on. They are also going to talk about the Believe in Equality organisation which they've established.

Voices of Children is based on a very simple idea: to bring together adult children of LGBT parents to talk about their experiences and then to hear and report those experiences. The group of eleven participants – seven female and four male – aged between eighteen and twenty-four, came from their homes around Ireland in November last year to meet together for a one-day workshop in the UNICEF offices in Dublin. We were very aware of the innovative character of the research and so we've written about the study's rigorous methodological approach and also included its ethical protocol within the report. As it has been said, the study doesn't claim to be representative of the experiences of all children of LGBT parents in Ireland, but we do feel it has generated very rich and deep information about these children's lives in contemporary Ireland, and it has also outlined a thematic agenda to be addressed in future research, policy, services and wider society.

The themes that have been identified are the considerable diversity of their family constellations but very much feeling loved and protected within those families. Also the children's experiences of public homophobia within churches, the media, schools and health services and their experiences of private homophobia as well, within extended family and social circles. Thirdly, their own experiences of coming out as children of LGBT parents and the significant support that they have had from

family, friends, the LGBT community and progressive schools and finally their sense of solidarity with future generations of children.

The research is child-centred and it's grounded in the international human rights commitments which the Irish State has made in Europe and at the United Nations - particularly the rights to family life, to privacy and also to participation. This orientation of our research is an important shift from the four decades of international research which has been undertaken that has evidenced that LGBT people are fit parents. In the past, children have been mainly reached through research with their parents, and their lives have been framed and interpreted with regard to societal and parental concerns; for example, to do with custody arrangements.

So to talk a bit about legal recognition, referring to the Voices of Children research, the Ombudsman for Children has stated that "lack of recognition and adequate legal protection is very keenly felt and a source of concern and frustration to children of lesbian and gay parents". They experience in common place and every day ways, as well as at times of crisis within their lives, that their central family relationships with parents, siblings, grandparents, aunts and uncles are unrecognised and pathologised, and this leads to vulnerability, social stigma and discrimination. The choices of the government to deny these children legal protection within adoption and civil partnership legislation during the past year has, in the advice of the Ombudsman for Children, risked the Irish State violating both the European Convention on Human Rights Act and the UN Convention on the Rights of the Child, and this quote illustrates very clearly how children of LGBT parents understand the government's denial of their human rights.

To speak about public homophobia, there was a strong awareness within the group that they are used within homophobic public debate as a reason to argue against the legal recognition of same-sex relationships. The Voices of Children group spoke of living in a society in which the parenting that they receive is presented as flawed, second rate, risky or inherently damaging, and the children found such commentary to be irritating, distressing and disempowering. Such homophobic public debate speaks of children of LGBT parents speculatively – "What if they had children?" – thus denying that these children are a generational reality in Ireland.

The Ombudsman for Children has stressed that legal recognition is not a hypothetical problem but a very real issue. This assertion speaks to the importance of shifting the research policy and public agenda from defending LGBT people's right to parent because international research has created that evidence base, to finding out what supports and celebrates these children's lives.

The study reports a wide range of encounters with public homophobia, from an unforeseen and shocking experience when a child went to a wedding in religious services, both Protestant and Catholic; to homophobic journalism; and also to invisibility and collusion in every day settings such as schools and health services.

Reflecting on their schooling, the Voices of Children group spoke of a number of different issues. Firstly, the absence of any form of representation of families who deviate from the kind of normal that's described in this quote; for example, the absence of representation in books or pictures around their schools. Also the lack of recognition for their family relationships; some of the group spoke about their non-biological parent not being able to bring them home from school when they were sick. Also principals' and class teachers' failures to address the homophobia of other children and their parents. In one example a child felt unable to talk about her mother's death because her teacher had repeatedly failed to challenge the homophobia of other students, and school felt like an unsafe place for her to be out about that experience in her family. A final issue was teaching a non-inclusive curriculum, or only teaching about LGBT issues in subject ghettos like Social, Personal and Health Education.

The examples that we have from liberal, progressive, supportive schools which Christine and Conor are going to talk about really demonstrate that these kind of homophobic practices are choices that schools make regarding their ethos, their policies, their curriculum and their staff training because it isn't a uniform

experience, and I think it is important to say that. In particular, the group considered that the Catholic Church's continued control of the education sector was a direct cause of the discrimination that they experienced.

To move on to the health sector, the group had no positive experiences of health services. They described experiencing homophobia at each stage of the life course, from birth, through serious illness, to death, and this homophobia included who was recognised as their own next of kin when they themselves were ill, but also the lack of recognition for their family relationships during health crises. I have already said we only had a group of eleven, and yet within that very small group they had experienced being denied access to a dying parent, health care professionals privileging the preferences of homophobic members of extended biological families over the wishes of the immediate LGBT family, and also services failing to have adequate placement policies for when a child's biological parent was unwell.

I'm going to conclude by returning to one of the first quotes that I used to see how it continues. What I would like to conclude with is that legal recognition for children of lesbian, gay, bisexual and transgender parents is essential. It is a human right and the children know it is their human right. Now I've got the pleasure of handing over to Conor and Christine.



*Conor Pendergrast (Member, Believe in Equality)*

I would really like to thank everyone for attending today, and I would especially like to thank Marriage Equality for all their support over the last year and for their support for this research. It's really interesting to be asked in that kind of setting what life is all about for you, and we're going to talk a bit about that.

My name is Conor, and I was born in London and my brother was born there too. I was born to two lesbian women, Ann and Bernadette, and they have been my parents for the last twenty-four years. About fifteen years ago we moved from London to Ireland, to a small town called Clane in County Kildare. I grew up there and since then I've been in Dublin as well.

When we talk about the experiences of being the children of lesbian and gay parents, I think one of the things that we do is we tend to emphasise the negatives because that's what, at the moment, is really important, and Iris touched on that in her outline of the report. The issues of institutionalised and policy-based homophobia and discrimination, and the challenges of framing children of lesbian and gay families in a legal context will, I think, be addressed later on. We'll have a wonderful European aspect on it as well and we will be able to see how we can actually get things done and how we can move on.

I think it is extremely important to note the positive experiences that came out of this report, and the amount that people were able to say "Look, living in an LGBT family is pretty much the same as living in a normal family." Everyone always asks me what it's like living in a different family. There's no such thing as a different family. Every single family is different, and I think people need to recognise that and then also legislate for that. Without a doubt, having a lesbian and gay parent has made us, the participants of the group, who we are today and the themes of support, protection, solidarity and being wanted, they all ran true in this research and it was incredible to see that.

I have found it really interesting examining and learning more and more about our family throughout the last couple of years. Daragh and I have been doing this for about three or four years – talking a lot in the media and talking to a lot of different people about it, and we have found a lot about our family in that time, just sort of sitting down and thinking about it and discovering and discussing it with our family. I think the more I look into it, the scarier it kind of got, because we realised how little protection there was for our family and how much luck we had to get through essentially what now is twenty-four years of life without having too many problems. The challenges that we

could have faced would have been quite extraordinary and I think what is specifically important to note is that we got to eighteen, and eighteen seems to be one of the big milestones, once you get to that point it's plain sailing because you are no longer a child, you're an adult.

Ultimately, what that inspection led me to do was to think more and more about how my parents have protected and supported me throughout my entire life. I think one of the things they definitely did was that they kind of sheltered me from homophobia a little bit, until I was able to be mature enough to stand up and say "Okay, I understand what your issue is now and I'm able to deal with that in a mature manner". When I was in school in London, I had a friend, and he was my best friend at the time, and it was interesting because we spent a lot of time together, both in school and outside of school. I'd go up to his house a lot, and a couple of years ago we were talking about this and my parents pointed out that he never went to our house and I said "Well, why did he never go to our house?" and they said it was because you have lesbian parents and I thought "That's ridiculous". I mean he wasn't able to come to my house because of the sexuality of my parents, but I was able to go to his house so clearly – and this is a good point to note – homosexuality isn't contagious through kids, just through adults. So if you're thinking about kids yourself that's something to learn, thank you very much!

It's a really weird logic and in that case I think it was based on religious homophobia. I think that that is becoming less and less prevalent, and people are basing their opinions less on what they're told and what they've experienced and I think reports like this go a long way to show that kids of LGBT families are pretty normal. Looking back, I did not know about it all, they sheltered me from it and they protected me from that. I was too young to understand, definitely too young to understand the logic behind it, or the lack of logic behind it and the reasons behind it but now looking back it's pretty shocking really. So that's one way in which they acted to protect me. Based on that I sort of started thinking "God, I wonder what else they've done."

Back here in County Kildare, I had the choice of which secondary school to go to, and for some strange reason my parents left this up to me. Obviously by that stage I was mature enough to choose what school I was going to, or so they assumed. I had the choice between a local school, which was where all my friends were going and it was a small enough school, it was a Catholic school, and a further away school which was, in their opinion, a better school, probably better suited for me, and of course I

chose the local one because that's where all my friends were going. When you're that age you don't think "Oh, what's best for later on in life?" you're thinking "Well, where are my mates going?" Looking back on it you think "Lesbian parents, born in London, don't go to the small Catholic school, it's a terrible idea!" But hindsight is 20/20. You look back and you think "Oh, probably not the best place for me to go" but I didn't really enjoy myself there, I was a quiet kid and I had a British accent and it wasn't the best for me.

So I switched schools and then, funnily enough, I still got a bit of bullying in the new school but it was never... this is probably the point at which you ask "Well what did they say about your mums?" I have never experienced bullying about my parents. I never once had someone turn around and say "Hey, you're that weirdo with the lesbian parents." It's always been "Hey, you're that guy from London and you've got an accent and I vaguely remember some kind of history where we don't like the English!" At this stage I was in a private Protestant school and you sort of turn around to them and you say "Do you see that big portrait of King Charles II? He was from England too, and he founded this school!"

So it's that illogical idea and I think opponents of, as Iris mentioned, lesbian and gay parenting and the idea of lesbians and gays having children, they scream "Well think of the children, think of the children!" That's a Simpsons quote in case you didn't get it! Fergus Finlay, I think, pointed this out as well, that kids get bullied over the most stupid things and to be honest, I think the kids just didn't really understand and focus on the lesbian parents because it is a more difficult issue than being from Britain. If you're going to choose between the two I know I would pick the English thing. It's a much easier thing to pick on.

A few years ago I was talking in a gay and lesbian parent adoption debate in UCD. It was a very small debate, but a friend of mine was standing up there and he was obviously on my side and he was making this point and he said "Kids pick on whatever is easy. My surname is Pigeon, think about how much fun they had with that! You can't stop people from having kids just because there is a potential for bullying. You should stop people from having kids if they are not going to raise effective families and we've seen that time and time again in the research lesbian and gay people make perfectly good parents, make really good parents."

Protection and support, that's what my family provided for me and it's something that came a lot from the lesbian and gay community in Ireland, specifically when we moved from London to Dublin. My mum, Bern, joined Gloria, Ireland's gay and lesbian choir and what they've done is that they've provided incredible support for us and also excellent role models. I think role models are one of the things that people go "Oh, where do you get your male role models from?" My parents have always been very particular about providing us with both male and female role models. So Gloria was able to provide that, and I think that's an important thing to note and it's something that Chris is going to expand on and talk about: support and protection.



*Christine Irwin Murphy (Member, Believe in Equality)*

My name is Christine, but everybody can call me Chris or Chrissy, it's easier. I'd like to say another great thanks to Marriage Equality for all their fantastic support, for actually making this report and giving us the chance to have our voices be heard.

Being the child of a lesbian mother, and with the current issues and everything that has been going on in the past year, there has been a lot of focus, as has been brought up already, on the negatives of that and I'm going to explain here how there are no real negatives other than the prejudice that people seem to force on ourselves. Through this report I have had a great chance to... it's really helped me to take a step back and look at my family and see who I've come from and the amazing supports that were put in place for me without me even knowing they'd been put in place.

Having come from a straight family originally, and progressed into a gay one, I've learned how one family is compared to the other. I have the added bonus of being able to turn around and say there is actually... well I thought there was no difference between having a dad and a mam and between having a mam and a mam. There is, but it's not the difference people think. I used to tell people there was no difference. I had the mam/dad combo and now I have a mam/mam combo. But the more I looked at it the more I realised that that wasn't true. My family isn't the same. It's for one become ridiculously large! I didn't grow up in a gay family; I grew up in a gay community. I had more lesbian aunties than can fit in this room! I know more organisations and more fantastic people who strive to fight for our rights even before I knew that my rights weren't even being heard or being looked at.

As for growing up in the gay community, that in itself has been one of the largest and strongest supports that I had. It's only in the past year that I've really realised this. During the research I was asked what supports I had to help cope and come to terms with my new family, and I was a bit stumped. I wasn't convinced I had any – sure, why would I need any supports? I had a fantastic family, a great group of friends from secondary school who didn't care that my mam was gay. All they saw was that I had a loving mam who, quite frankly, they all loved more than I think I did at the time. Angsty teenager and all. My friends from secondary school pretty much became another family for me, so I was lucky in that I didn't have to deal with the prejudices of being in a Catholic school, because before anybody could say anything I had a group of young ones jumping down their throat for me. So it was great.

Every summer I spent in women's camp with other children from lesbian families, and I can't say now how amazing that that was growing up. I'm going to get teary and everything, because I realise now that not everybody had that opportunity. Not everybody had two weeks of their year, two weeks of their summer where it didn't matter that your mam was gay, that that didn't come into play because you were just sitting there with your family and that's all you were. It was a space where you could all be just your family, there was no sexual orientation, there was just me getting kids to beat the crap out of Lolly and just us having fun and being ourselves without having to think about what our parents were. To us they were just parents.

Over the years I've worked for many gay and lesbian organisations, from Dublin Pride to the Lesbian Art Festival. My mam would always introduce me to loads of lovely people, like Michael Barron from Belong To. Even though that's an LGBT community for gay kids, they seem to have fostered the children of gay people as well until we can get off our arses and do something about it! That's how my mam protected us, without even realising it. Instead of shielding us from homophobia, she taught us that this is what it is, this is what it does and this is how you can change it and these are the people and the supports you have to change it. So by protecting us, she brought us into the community. She let us make friends and learn how different families and people in Ireland are, and when we were comfortable and settled in this community, in our new found family, that's when we found out that she was gay! Only then did we realise that we were already part of it, we were already in the gay community when my mam turned around and said "Oh yeah, this is my girlfriend." It's not really a shock when you've spent two weeks selling Pride Party tickets in our house! So I had it easier being the child of a lesbian than a lot of people because I was always taught where my supports were.

There are a lot of children in Ireland who have gay and lesbian parents who don't know this, so this why this report is so important to me and why it's so important that the voices of children be heard.



*Conor Pendergrast (Member, Believe in Equality)*

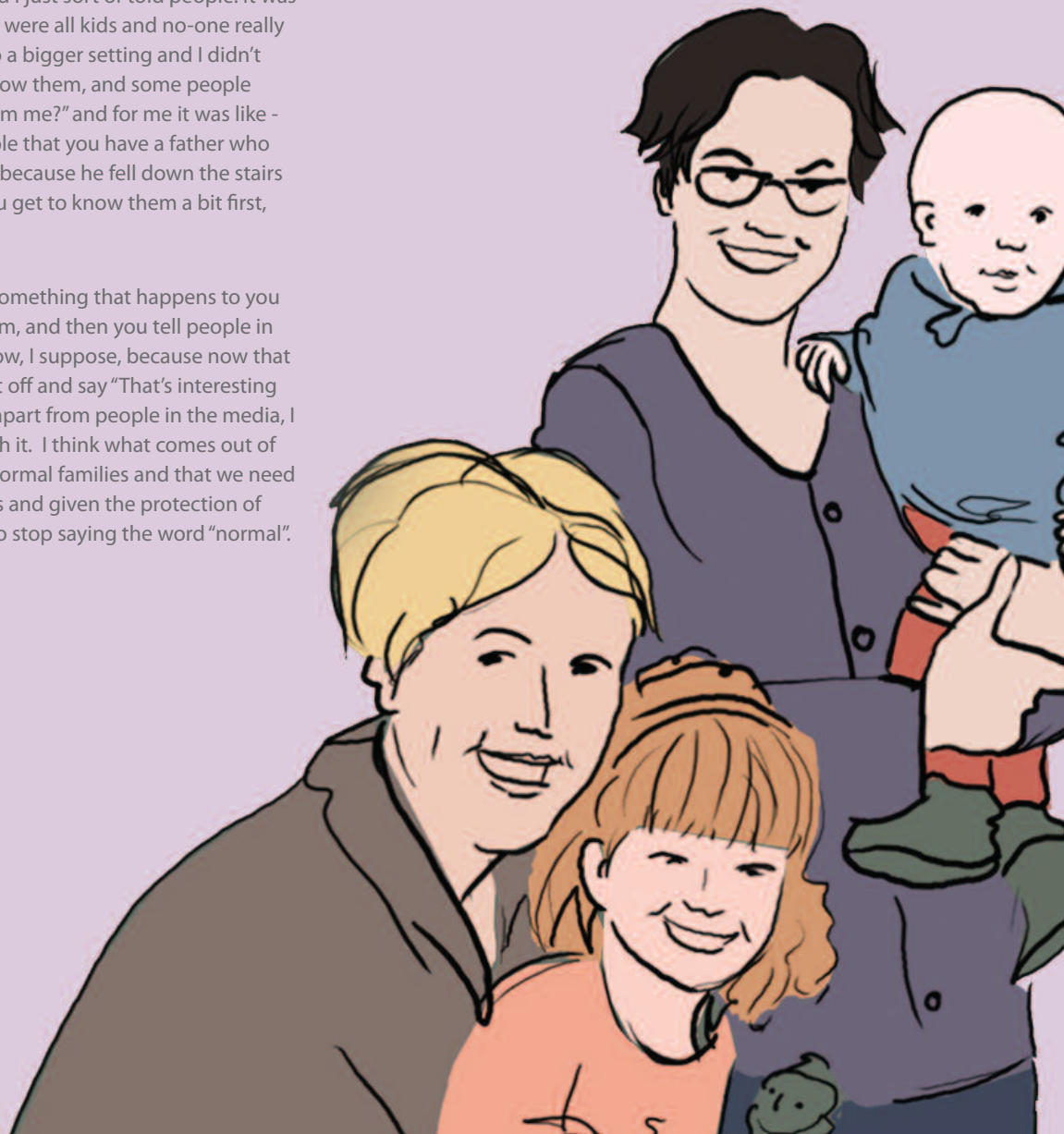
The idea of coming out is something I've never really thought of framing like that until yesterday when we were talking about it. Coming out for us, I suppose, is telling people the fact that our parents are lesbian or gay. The question that people in newspapers and on the radio often ask is "What's it like having lesbian parents?" It's the most frustrating question because it's only people in the media who ask that question. Kids don't ask that question. They go "Oh wow, that's cool!" but my response to people when they ask that question is "Well don't ask me. I don't really know any differently. They're just my family, and it's exactly what's regular for me."

Earlier I was talking about school, and for me there is a change in how I told people. When I first came back from London we were in a small school, and Daragh and I just sort of told people. It was never really an issue because we were all kids and no-one really understood it. Then I moved into a bigger setting and I didn't really tell people until I got to know them, and some people asked "Why did you hide that from me?" and for me it was like - it's my family. You don't tell people that you have a father who has a broken leg at the moment because he fell down the stairs the first time you meet them. You get to know them a bit first, and it's the same with us.

Having a different family is just something that happens to you and you live with it. You love them, and then you tell people in your own pace. It's a lot easier now, I suppose, because now that I'm 24 people just sort of shrug it off and say "That's interesting but not that interesting." Again, apart from people in the media, I think there is this fascination with it. I think what comes out of this research is that we are just normal families and that we need to be treated like normal families and given the protection of normal families and for people to stop saying the word "normal".

It's such a silly word. It doesn't even make sense.

What helps with coming out is recognising that - that all families are different and that our family just happened to be different in this way. I think that's one thing that would help kids - providing information and support and knowing that there are other kids like us out there. I think that's one of the reasons why, on the basis of this research, we've formed Believe in Equality, and Chris is going to talk a bit more about that.



## Christine Irwin Murphy (Member, Believe in Equality)

**Believe in Equality** is the organisation we're starting at the moment. We're going to refer to it as **BE** from now on as Believe in Equality is a mouthful. It's like trying to say LGBT ten times fast.

The group was formed by the young people from the Voices of Children. It's a group for children of LGBT parents who would like to have the same recognition for their families as for straight families, and aims to provide a supportive and social network for children and young people of LGBT families throughout Ireland.

When we agreed to do the report I don't think any member of BE really knew what we were getting ourselves into. All of a sudden we had this opportunity to do something amazing. We've been given a chance to make sure our voices are heard. With the Civil Partnership Bill coming out, there are a lot of things in the media questioning whether or not gay people could make good parents, and what about the children, to coin the Simpsons again, with no one actually asking the children themselves.

Here's the thing: LGBT parents already do make great parents, and have been doing it for a long time. These children have finally been given the chance to let policy makers hear what we thought. We all sat in a room telling other children from gay families about our experiences growing up; how we and our families dealt with everyday life and the hardships we faced. There was an overwhelming sense of solidarity in the group. Everyone's experiences were different, and yet we still bonded

over a simple fact: our families, in essence, were the same. Not all of us had met so many from LGBT families, and I got to thinking just how amazing it would be for other children and young people to be able to get together and share their experiences and support each other.

Believe in Equality has its goals. Not only will we affect how the government views our families, but we would also be able to affect young people out there already suffering because of policy makers' ignorance. Believe in Equality is still only starting out and we are trying to iron out the kinks of our little fledgling group. We've already received so much support from the likes of Marriage Equality, Belong To, and the fact that you are here in the room is also a fantastic support. I don't think last November we would have even thought it was possible.

So hopefully in a few years BE won't be necessary. It will have run its course and helped to redefine the social norms in Ireland. Hopefully there will be a time in Ireland when a child is not judged by the sexuality of his or her parents, where a loving, caring home is the norm and all children and their families will be protected by the law.

If anybody here would like to be involved with BE or knows anybody else who would like to get involved, feel free to come and have a chat with me and Conor. There are several other members of the crew floating around, or you can email us at [believeinequality@gmail.com](mailto:believeinequality@gmail.com). Thank you very much.

# THE CHILDREN OF SAME SEX PARENTS

*The children of same-sex parents: what do we know about their outcomes and experiences?*

*Professor Sheila Greene,  
(Director, Children's Research Centre,  
Trinity College, Dublin)*



It's a pleasure to be here at what I think is a very significant event and one which people will look back on as being a time when everybody came together and publicly started to listen to, and recognise the experience of, LGBT families and their very precious children. I want to congratulate Marriage Equality, not only for organising this event today, but also for sponsoring the work leading to the report to be launched today, *Voices of Children*.

I just want to make a few points about the whole area of research around outcomes and experiences for children being raised by LGBT families. I think that although today we are focussing on their experiences, it is important to realise that research on outcomes, and discussion of outcomes is likely to remain important in this area because we have unfinished business in relation to legal change, and arguments in the courts and debates in the media often focus on outcomes. If we look at outcomes as objective indicators of how well the children are doing (contrasting with experiences, which is what we are looking at today, which involves children's and other people's subjective reports on their lives, their thoughts, their feelings, their points of view), both forms of research, I think, are very important.

Gráinne mentioned the *Growing Up in Ireland* study, and in that study we have both quantitative research on children's outcomes and some qualitative research on children's experiences. We have an embedded qualitative study on the experiences of the children and their parents. All these sources of data are important to us if we want to get a very rounded picture of what is going on. It is the case that most research to date has focused on outcomes and, as I have said, I still think that is important because the arguments about outcomes continue - particularly in the legal arena - and we know that several credible reviews show very good outcomes for children of same-sex parents.

In a way you could say "Well, the case has been made" and in a sense, because we now have a large amount of research, it has been made, but the arguments about the quality of that data and what they imply still continue, so we still need to engage with that kind of research. It is a fact and it is a problematic reality that when you look at social science research it is open, in a way that maybe traditional 'hard' science research may not be, to interpretation. So people can look at studies and say "Well I don't value that, it's not representative enough, it's not longitudinal". All sorts of standards can be applied and people can pick and choose studies to suit their cases. People who are making arguments from different ideological positions can pick

their research, very often to suit their agenda, and this is why I think what is very important is that we have some agreed standards about what is good research and what isn't, and that people don't just cherry pick what suits them.

The quality of research in this area, even though many of us know that it is, as social science goes, quite good research, is often dismissed - even thrashed - on the grounds that, for example, studies in this area have very small sample sizes, that they are one-off studies, that they are unrepresentative, etc. If I may quote from my own experience: last year after I gave one of the papers in the National Lesbian and Gay Federation Conference in May, one letter in the paper (and there were several other kinds of responses of this ilk) said: "You quote Professor Sheila Greene to the effect that children raised by same-sex parents do just as well" - and it goes on - "with all due respect" (there's always something disrespectful when you get "all due respect"!) "there is simply not enough evidence to support such a bold claim. These studies are bedevilled by serious methodological flaws." That is a particular argument that is being pushed for some years now, and in that particular case it was from Tom O'Connor in the Iona Institute.

So what is the nature of the evidence on outcomes? I'm not going to go into it in detail. Some of this research has been reviewed by Iris, and Helen is an expert on this research and will be talking to you later. Helen works with Susan Golombok, who is a pioneering researcher in this area and who has talked in Ireland a couple of times before. So there are a number of academic reviews, and I mention a few of those on the slide (Tasker & Golombok, 1997; Tasker, 2005; Patterson, 2006). There are also quite significant reviews and policy statements from professional societies, which by their nature tend to be rather cautious. So in the USA, for example, we have the American Psychological Association - probably the most powerful association for psychologists in the world, very influential here as well as elsewhere - and the American Academy of Paediatrics, both of whom assert that the literature and the research to date show very good outcomes for children growing up in LGBT families.

There is no evidence of poorer outcomes than in children in heterosexual families. I know there is an issue about this constant comparison and I think there will be a point where this constant comparison is not necessary. It is not necessary to assume that the norm is the child that grows up in the heterosexual family. I don't think that should be seen as the norm. I think there are far more interesting questions to ask. However, we have to deal with

where we are at the moment, in terms of making arguments and making cases and I think that still, unfortunately, needs to be done.

Just to touch on some more recent research, which has got quite a lot of attention: the National Longitudinal Lesbian Family Study a very interesting study which has been going on for twenty-odd years in the US. It's run by Nanette Gattrell and colleagues and it's quite often cited. It's interesting that it has information on both outcomes and experiences, and the latest journal report in the very reputable Journal of Paediatrics came out in June this year. This reports on the seventeen year olds - they're now quite a bit older than that - but the data from the seventeen year olds were analysed and reported in this paper and in this case showing significantly higher social competence than in the normative sample. Not just equal to but higher than the children raised in heterosexual families. The study states that the children raised by lesbian mothers showed significantly lower levels of problem behaviour, although fifty per cent of the young people did report homophobic incidents that had been quite troubling to them.

It's important in every piece of research, even if the results are ones where you think "Now that's quite nice", that you look at the limitations, and there are limitations of this study. It has strength in its longitudinal design; it was a reasonably large sample but it focuses on families formed by lesbian mothers, all of whose children were conceived through donor insemination, so it was a very particular group. The results of the behaviour and the well-being of the young people were only derived from reports from the mothers and that would concern me as a researcher. I would like to see more triangulation. I would like to see data from the children, and I would like to see data from the kids' teachers. So this study had its limitations. I'm just mentioning it because most studies have their limitations, and it's very important to be aware of what they are.

Turning now to the experiences of children, I think this is a very important area in many different ways. As a researcher I'm very interested in accessing children's experience, and I have published on this quite a lot. I think it is very important that the experience of children is added to our picture in terms of understanding just about any aspect of children's lives or children's issues. It's important to ask children, to look at children, to look at children's experience, even the experience of very young children, to deal with children directly, not to deal with gatekeepers or to deal with their parents only or to deal with teachers only. We need information from those key people as well, but we need to look at the lives of children.

As one researcher says in relation to experience, we need to look at "how children with lesbian and gay parents themselves name and understand their experiences". I haven't done work directly of this kind. I've done a lot of work looking at the experience of many other groups of children, and a lot of direct work with children starting with one-day-old babies to young people eighteen years old and over. Today we are fortunate to have Iris and Helen here, both of whom have researched the experience of children of LGBT parents.

When researching children's experience, there are certain issues that one has to bear in mind in terms of doing good work. Qualitative research, which is one of the main forms of accessing children's experience, has been undervalued in the past by researchers and academics and by policy makers but this is changing. It is now a growing field of rigorous and respected research. The growth in methods of qualitative research has in part prompted this interest in the direct experience of children, their voice, what matters to them, the diversity of children's experiences. It is also in part prompted by the United Nations Convention on Rights of the Child, Article 12, which suggests that children should have a voice in matters which are of concern to them.

There are also academic reasons why we need to listen to children. If we don't, we don't have a full picture of their lives, and if we want to understand their lives these are very important factors that we need to take into account. I want to make a distinction, though, between listening to the voices of children with a goal in relation to prompting children's participation and advocacy and doing it in relation to research. These are all very important processes.

It is extremely important, I think, that young people participate in matters of concern to them; that they are involved in organisations which are about children, and also it is very important that they have a voice in relation to advocacy. You can't think of anything much more powerful in terms of advocacy than the voice of children and Fergus knows that; he quoted directly the voice of that little boy who had written to him. We have also heard from Conor and Christine, and there is nothing more direct and more powerful than hearing from people themselves about their own experience.

Doing research is a different kind of process, and when we look at research we are systematically, closely and rigorously examining the experience of young people. We have quite a lot

of research of this kind now – qualitative research on the experience of children and young adults who have grown up in LGBT families. We know, for example, about the positives such as more evenly shared parenting. We know that there is homophobia even within families from grandparents, uncles, aunts, etc. We know that most experiences of homophobia are outside the family. We know that most of the kids growing up have no sense of being troubled by a parent's sexuality. They don't themselves feel damaged or disadvantaged; in fact, there are many pluses as Conor and Christine have pointed out. The experience of family life sometimes isn't positive, but then you know it's not that positive all the time for all of us. Let's not pretend that everything in the garden is always rosy in relation to family life.

For children growing up in LGBT or same-sex families there is that sense of invisibility, particularly in schools, in the curriculum and the need very often – and this was a term used by Pector in 2000 and was used again today – for “coming out” as a concept for children in this situation. There are very mixed results on bullying, the research will tell us. For example, River's study found no difference between a group of kids growing up in heterosexual families and the kids growing up in lesbian and gay families. On the other hand, rates in some studies seem high, like in the Gattrell study, but bullying in general is very widespread and kids will pick on whatever's most salient and we have known this for a long while. It was depressingly confirmed in Growing Up in Ireland, where we found 40% of nine-year-olds reporting recent experiences of bullying. So it's a big, big issue for us in this country, and we need to understand more about it, the different forms of bullying, the different ways they have an impact on kids and how kids themselves deal with it. We really need to know more about that.

The young people researched are very conscious of homophobia and of institutional homophobia - homophobia on the part of the State - and its consequences for themselves and their parents. They are aware of the need for societal and legislative change, and while there are many commonalities of experience, there is also diversity. The research that has been launched today really echoes a lot of those international findings in a very interesting way, but it also is important that we find out more about Ireland. We really do not know enough.

What we've got today very importantly in the Irish situation is the beginning of a research agenda - as Iris and Celia recognise - and this is a very important beginning. We now have an opening to listen to these young adults and children, and I hope there will

be research on younger children, because we can do that kind of research on very young children as other studies have shown. We know there are other studies planned and that what we need is more on Ireland and our particular context. Helen's research, which she will be describing to you shortly, shows the importance of social context: the school, the society, the State, the general atmosphere, the ethos, the attitudes that children have to deal with.

I really would endorse the importance of continued advocacy by the young people themselves. A phrase I've always been struck with in terms of inclusion is “Nothing about us without us.” That in any area you need to include the people who are discriminated against in campaigning for their rights. There are huge issues about the rights of hidden groups to visibility and voice and their role in the correction of discrimination and I think Believe in Equality (that lovely short BE is a great acronym) is a very important initiative and I wish you all the best. It's a fantastic new step and one that came directly out of the Voices of Children research.

So finally, I just want to say that when we use this phrase “listening to children's voices” it can mean a lot of different things and it's not simple to listen to children. Who are the children and how do we listen, how do we hear? There are so many contexts in which we think children are telling us what is on their minds but they don't, because a lot of the time they are not used to adults actually asking them meaningful questions. When they do they ask questions like “What is the capital of Finland?” – questions that the adult already knows the answer to. There is a lot of stupid asking of kids questions in a formulaic way and kids are past masters at not answering adult questions, so there are big issues about listening to the voice of children: who is listening, how are we listening and are the children telling? Do they know how to tell? Have they got the voices to tell? Have they got the vocabulary to tell? Do you just listen to the children with the loudest voices or who are most articulate? Do you listen to the children who don't like to talk? Can we find another way of listening to those children?

So when listening to children's voices we must not think of it as a straightforward matter. It isn't. It is a complex process. Not to make it so over-complex that we don't start doing it, but I think we just need to think about it. We need to think about it from the point of view of going beyond listening to children to enabling their participation in important decision-making in organisations that matter. We need to think about it in terms of advocacy and we need to think about it in terms of research. When we think

about it in terms of research we need high quality research. We need to apply high standards that confer credibility on the findings, because there are people who are very willing to pick holes and who will pick holes.

The research agenda needs to be a very broad one; it needs to be one that is not hung up on issues about comparing different types of families, but which explores all aspects of families and parenting and all their rich diversity, whether they are single parent families, families formed through adoption or fostering or children who are dealing with parental separation. All of these

aspects of family life deserve deep research and we need more of it in Ireland because, as Fergus and others have pointed out, we have failed our children and we have failed our families all too often. When it comes to research in this area I would just end with a warning note that it's a tough world where there is ensconced opposition and where the goal is legislative change and, in terms of evidence, we need to have very firm ground. Thank you very much.

## MY FAMILY



### *My Family – children and young adults talking about their lives with lesbian and gay parents*

*Helen Statham  
(Senior Research Associate and Deputy Director,  
Centre for Family Research, Cambridge  
University, UK)*



I first want to say what a tremendous privilege it is to be here, where it all feels really exciting and positive as though you are on the verge of really, really good things happening. It's also a real pleasure to be able to talk about this research study, as this is the first time I have spoken about it.

The study is actually the nicest research I have ever done. I have generally gone around talking to people when babies have died, or when they've got genetic disorders, or when they are caring for somebody who is dying, or when relationships have broken down. This was really, really different, and I hope by the end of the talk you will see quite why. It was work I undertook with Sarah Jennings and Susan Golombok, and also with Stonewall. Stonewall commissioned the study but were not part of it; they had no input into how we did it or what we asked. Although they have written the initial report, which is downloadable on the internet, again they were completely open to any suggestions we made about content, slant and in particular about anonymising participants. People's names mentioned here can be used in the media because actually they are all made up ones. They commissioned the study in the context of recent changes in UK law on lesbian and gay parenting.

The amendment to the Human Fertilisation and Embryology Act removed the need for clinics to consider the need for a father, and actually said that clinics providing IVF needed to consider the child's need for supportive parenting and that - combined with the ability for both members of a lesbian and gay couple to be named as parents on a birth certificate - has really made a lot of difference to families in the UK. So there are going to be more families around like this who expect to be able to be open about their family circumstances, and Stonewall knows that schools can be very anxious about how to treat children with gay and lesbian parents. They are often very unclear about issues of parental responsibility - who can sign permission for the child to go on a school trip. They are not very often able to help children talk about their parents openly, and they're not often very good at protecting children from bullying - from bullying full stop as well as homophobic bullying.

Right from the start they wanted to try and give children and young people the opportunity to have their voices heard, and once again we have this use of the words "children's voices". We talked to children and young people mostly one-to-one, but we did a small number of discussion groups. We talked in an age



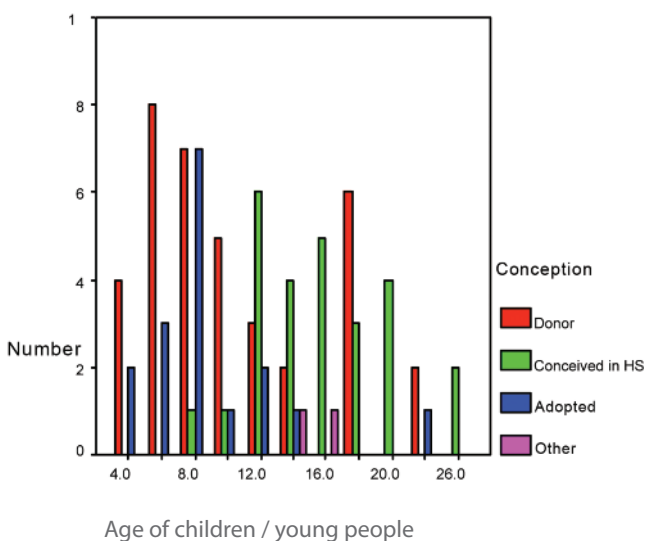
appropriate way about families, family life, their relationships, their friends, their school, college or work experiences, depending on the age of the person talking, and anything else that the kids wanted to talk about. I played trains with people when they didn't want to talk about anything else. We captured their views about their world, and all of the pictures in the top right hand corner of these slides from now on are either photographs that the families themselves sent us or drawings that some of the younger kids did of their families.

We spoke with 82 children and young people, aged between 4 and 27, 51 girls and 31 boys. About a third of them had been born into heterosexual relationships prior to their parent coming out, but all of the rest were de novo same-sex parent families. The majority lived with lesbian mothers, and that is the situation in the UK for children this age, but I think there are increasing numbers of gay fathers, especially via adoption. We didn't go into this study with any particular theory in mind and it wasn't a comparative study. I purposely didn't read many of the experiential studies that had been done in this area because I wanted to go in as open as possible to hearing what the children said. Obviously I knew the research outcomes well. I knew that most of the research was saying that these kids are doing absolutely fine. So as I say, we tried to be open but I'm not a lesbian so that obviously gives me a particular perspective, but I hope it also means that I don't have any particular axe to grind to promote kids brought up by lesbian mums, and gay dads. Maybe people will accept what I say perhaps more than they might from other people, I don't know.

Just to give you a brief idea of what the participants' structure looked like – the red lines there are children who were conceived by donor conception and they are generally younger than those in the green families who were conceived within heterosexual relationships. I'm around all day if anybody wants to talk any more about aspects of methodology.

What I'm going to do today is focus almost entirely on what the younger children said, because I felt, seeing what was in the Voices of Children report, that was looking at what 18 year olds and upwards were saying. I'm mainly drawing on the comments made by 7 to 15 year olds. The children that we spoke to mostly liked their families. We said "Tell us something about your family" and they said things like "It's nicer and more better. We love each other, we get along well over dinner and stuff, we get on all the time". This comment from Chris in the corner [of the slide], who is a 12 year old lad, wasn't supposed to be on this slide about "Why I like my family"; it was on a slide about "What I don't like about my family" that I got rid of. Him saying "My mum makes me tidy my room" I think sets the scene for what is going to emerge in the rest of this talk – that these families are pretty indistinguishable from any other family that you come across. They're as varied, they're as different, they have their ups and downs and life's life, that's their families.

We did want to explore the extent to which children perceived their families as different, but obviously we didn't want to go in and say "Do you think your family is different because you've got two mums or two dads?" So when they talked about their family we said "Right. Thinking about your friend's families, do you think your family is like theirs, or do you think it's different, or what?" A lot said, "No different" and others said "Yeah, ours is different because my mum makes us sit at the table when we have our dinner and my friends can watch TV", and others said "We've all got brown hair, and my friend's family have got blonde hair" and sort of longer comments. Eleanor said "It's different. First of all they don't have Charlie, my little brother, running around the place spoiling everything, dribbling over your homework, I don't know how to explain it but there's some difference between other families and us. We work together we link up like a puzzle." Maheen said "One of my best friends, her and her dad argue all the time. For me that's really shocking what she does, but her and her dad argue, it's different here." So comments were made that talk about difference but that don't relate at all to either the gender or the sexuality of their parents, that really wasn't much of an issue for a lot of the children.



Other kids did answer the question in relation to their family structure and Alice said "I think I'm the only person in my class who's got two gay mums." Lauren said that she has two gay dads and says "I'm the only person with that situation, it makes me special. I'm different, and everyone's like 'She's got the gay dad how cool, like gay best friend,' all girl school I'm the one with the gay dad." Apparently there's a TV programme on in the UK called Glee where somebody has gay dads and she is everybody's heroine because she's like the girl from Glee. Another little girl, Toni, a 7 year old, did talk about her family structure but actually compared it with her friend who only lives with his dad, because his mum's in a different house. "I've got two people, two mums. He's only got one dad at the moment." So they are aware of what's going on but it's just how it is. There are different families, but so what?

Not all of the children we spoke to felt quite as comfortable. This little lass, Sian, had got an 11 year old sister that we also spoke to separately, who was completely cool about her two mothers. They lived in an area of North London where it wasn't an unusual situation to be in, both in the neighbourhood and in their particular school. But Sian said "Sometimes I feel different from other people's families and I try not to think about it. I try to push it out of my head a bit because sometimes I prefer to think that I am just like everyone but I know I'm not because most people have sort of straight parents." This lass has got a tremendous amount of support from her best friend Jess, who'd also got two mums and Sian said she understands it and was especially able to support her when people were being mean about gays.

I think some of the less confident children struggled when people were being rude, and it was nice to have some support from another one who really knew what life was like for her. One of the big issues that a lot of the younger children, and some of the older ones, raised with us was that when they were open about their family lives they did actually get a lot of questions about it. Not necessarily malicious ones but just people like Mark saying "Sometimes they say you know everybody's got a dad, he must be dead or something, tell us about it, how come you haven't got a dad?" A lot of the children found it quite a struggle to explain this, and I think their parents would be very surprised at how much of a struggle it was. The parents often felt that they'd really given their kids all the information that they might need and the kids often struggled with it.

It was something that Ann raised very frequently in her interview, and there are four different comments where it came up. This was a child who'd got her book about donor conception.

She knew how it worked. She could talk about it biologically to me but when it came to explaining it to her friends she said she'd say things like "I have to say I don't actually know because I don't" and she said "Sometimes I'd say because I have or sometimes I say I don't know" and other times she'd say to somebody "Oh mind your own business. I was so bored with her asking me". Then quite recently she said she'd made a friend and she asked her mum to phone the friend's mum and explain the situation to her so that the friend's mum could talk to her and they explained it to everybody and then just got on with it. So dealing with the questions - I don't know whether that resonates with the young people in this room - it certainly came up a lot for a lot of the younger children.

Lots of the young children were very open about their family circumstances, so I asked Alice "You know when you meet somebody new, how do you introduce your family? What do you say?" She said "Well first of all I say 'My name's Alice' and then I tell them about my sister, I've got some gay mums and nice chickens and cats!" My guess is sometimes she didn't put the gay mums first; she probably talked more about the chickens. But sometimes even the littlest children didn't always talk about it. May said "I don't actually tell them I've got two mums."

As children get older they do become more reserved, but I think that's just part of growing up. For teenagers one of the most embarrassing things is actually having parents and having to talk about them. I know when my kids were little I always felt that once they were teenagers if we were collecting them from anywhere we should turn up with a paper bag over our heads just because we are parents. So I think this reticence to talk about your families is just a developmental thing that everybody goes through.

This young man who'd been very open when he was at primary school calmed down about what he said when he got older. He said he didn't mention things that would be embarrassing for them or him. I think embarrassment is again something that comes with being a teenager. He said "I go through half the process and then just say it's complicated and leave the rest out and then say sort of random and true things." What he found was that when they asked him to explain, they would be the ones who'd say "Oh, it's complicated" and just didn't want to hear any more about it.

Something else that the young people said was that they developed a sense of who they could trust as they got older. They talked of it as a “radar” or a “gay-dar” and it’s “I developed trust with my friends, it takes a long time.” I said “How do you work out how you can do that?” and he said “When they tell me one of their biggest secrets or they are just really, really good friends with me, I don’t know, I just know they won’t be horrid about it.” So there is this sense that it is something that people can be horrid about but mostly they’re not, and the children learn ways to protect themselves from this.

Some young adults become very secretive. One lad had been very open in primary school. He said “I’d been there from the age of 5, everyone knew about it, no-one cared about it, no-one used it against me, and it was a normal sort of thing.” Then he moved to a secondary school in a completely new area. He said: “That was different. I came into year 7, and I haven’t told anyone really. I’ve had friends round my house and no-one’s even questioned it or anything. I say it’s my aunty (that’s his biological mum’s partner), if she’s here. She’s totally fine with it because I thought, ‘Hang on, she said I can say she’s my aunty’, and I thought ‘I don’t really want to do that.’ But she said ‘No, if it would make it easier for you as well,’ she was very, very cool about it.” We talked about whether that caused him any difficulties and he said that sometimes he felt bad about not being able to be open, because he had no problems with his two mums; he just felt he needed to protect himself within this new school.

One lassie who was also in the situation where she had been open in primary school and more secretive in secondary school told me how she’s recently - and probably as a result of me going to interview her - decided to tell her best friend. She said: “I’ve got something really important to tell you and I’m going to tell you on Tuesday” and when she told her best friend that her mum was gay, the best friend just said “Oh is that all?” I think the lass I was interviewing felt quite let down that this hadn’t been taken as the big thing that she had built it up for; more like “Well, what will we have for lunch?”

As well as talking to the children, who were the main focus, we generally tried to have a chat with the parents afterwards, to really find out what they’d done, with regard to talking to schools in particular. One of the strategies they explained to us - about how to make it easier for their child - was that some families chose to move to an area before their child was born where they knew there were lots of other lesbian or gay couples with children. Some moved to gay-friendly areas after their child was born, often because they had had difficult experiences. The

parents did talk about giving them words that they could use to explain their situation, but as I’ve said, sometimes the kids didn’t feel able to use them properly. Lots of the parents worked very hard at making sure the schools knew the right information. They went to see teachers, went to explain, often took birth certificates or adoption certificates to prove that they both had parental responsibility and that either of them could collect the child, they were both parents. They also tried to make sure, especially in primary schools, that they had access to some literature where gay families were represented. This was particularly important with the young children.

If schools were going to be talking about celebrations, they tried to encourage them to include civil partnerships as well as Christian weddings and Hindu weddings. A number of parents talked about allowing their child to live a lie. They said: “We love our kids. We want them to feel comfortable with who they are, but actually we don’t want them fighting our battles. If life’s going to be difficult for them because of who we are, we’d rather they said ‘It’s my aunty, it’s my granny’ or whatever.” As I say, a small number of children did that.

This slide doesn’t really fit anywhere else, but it was something that came up in a small number of interviews. I’ve not seen very much written about the issue, and that was difficulties for children when same-sex relationships break down. I think it was Chrissie who talked earlier today about suddenly having a huge family when her first heterosexual family broke down, and how she suddenly ended up with all these gay aunties. When children’s heterosexual parents divorce, people see it as being difficult for them. I think when a child’s two mums separate, it is possibly seen as a reflection that that relationship has not been seen as important. There’s a lot less attention paid to how the children might be feeling about it, and Katie was in such a situation.

She’d been born when her mum was with Allie, and she’d seen Allie as her mum. They split up and she said: “When they separated I was really, really upset, and when my mum got with Anna, who was a new partner, I was cross. I felt sorry for Allie because she was by herself, and at first I didn’t like Anna, you know like the films this evil stepmother, but I like her now. I’m still close to my mum but there was a time when I was cross with mum and Allie, (the two mums that she’d been raised with from birth) and cross with them for splitting up.” I said: “Do you feel close to Anna now?” and she said “I do but in a different way and in a really different way. I feel close to her, but you know, sometimes I’d rather be with Allie at home than be here with

them” and it was fortunate because she lived close enough that she could maintain a relationship. I think it is an area that perhaps we need to be thinking about a little bit more.

We’ve already talked today about how very, very many children are bullied for all sorts of reasons, and when we ask the children about bullying they said they were bullied because they were too fat, too thin, too clever, too dim. Daniel said he was bullied because he was slow at football. Adele, because she was new to the school. Adam, because he was the youngest in the class. So bullying, sadly, is a part of children’s lives as they grow up. But there was homophobic bullying reported. An eight year old was called a “puffy eyed lesbian” when it was discovered that she had two mums. An eleven year old got a lot of hassle on a school trip, but fortunately she had friends who could support her. The young woman who told me about this particular assault about her father was very badly bullied in early life for a number of reasons, but then the homophobic bullying about her father started, with somebody shouting “I heard your dad’s a batty man, you should be ashamed yourself.” This preceded a long period of cyber-bullying that actually resulted in the police being called. So it happens, and it needs a lot of serious consideration to look after children.

A lass who had also been bullied when she was about fourteen or fifteen talked about how she wanted bullying handled. She said she liked it when teachers came up to her and said “Your parents are gay” and recognised it, but what she didn’t want them to say was “And if you ever want to talk about it, then I’m here for you”. She didn’t want the issue of her parents being gay to be the thing that she had to talk about. What she wanted was for a teacher to come up to her and say “Look, we understand your parents are gay, fine. If you get any problems from it, or anyone saying anything, then come and tell us.” She felt that her parents being gay wasn’t the issue, it was if other people made that difficult, and she really wanted schools to be aware of that distinction.

Some of the school strategies that the children talked about were about having anti-bullying policies and practices, and doing what they could when they were older to ensure that homophobic bullying was part of those policies and practices. They wanted schools to really clamp down on the use of “gay” as a generalised term of abuse, which we found was even being used in primary schools. You know, “You’re so gay”, meaning you’re a bit dim or something. Lots of people found that truly offensive and were very upset that schools just ignored that issue. They wanted the profile of gay and lesbian people raised.

One young lad talked about how, when an English teacher came and had the Stonewall poster “Some People Are Gay - Get Over It” in his room, he just suddenly felt so much better. He felt that there was one room in the school he could go to. They wanted to ensure that schools recognise that both parents had parental responsibility, and they wanted schools be made to realise that even if they thought they were doing things properly, there would be things going on that perhaps they didn’t know about and to not pretend they didn’t have problems.

I started off by saying this was the nicest piece of research I’ve ever done. It was a story of happy, ordinary families, with the ups and downs of everyday life. The kids liked their parents (mostly). They fell out about what time they’d got to be home, about tidying their bedrooms, and the normal things that go on. They were actually so ordinary. We talk about these families in research terms as “non-traditional families” but in many ways they are actually more traditional than a lot of families that are headed up by a mother and a father. In fact, some of the children that we spoke to said: “Well, we don’t know if we’ve got anything to say to you. We’re just ordinary, and we didn’t even know whether we wanted to talk to you because, well what could we tell you? Because we’re just talking about our lives and there’s nothing special about it.”

I think one of the nicest quotes to end on was a seven year old who said “I’ve got two parents who love me. It doesn’t matter if they’re a boy or a girl”. I think you can’t put it more nicely than that. I hope that this research will go some way towards helping you to achieve some of your aims and if I can do anything to help in any other way do get in touch. Thank you.

# CHERISHING ALL THE CHILDREN OF THE NATION EQUALLY

*Geoffrey Shannon  
(Solicitor and child law expert, Dublin)*



I have to say it is an enormous pleasure for me to be here, and I should say that I'm here in a personal capacity.

I'd certainly like to salute the work conducted by Marriage Equality on behalf of children, and when I was asked to speak at this conference I immediately had no hesitation of accepting. Because of other work commitments this year there are few conferences I have decided to participate in, but I think that this is a particularly important one. The reason I felt so strongly about speaking this morning is because of what we've heard earlier this morning, and that is that this was about hearing the voices of children, and hearing the experiences of children growing up in what we now know are normal families with very positive outcomes. I would call on the Office of the Minister for Children and Youth Affairs to commission broader research and to support broader research in this area, because no matter what perspective you come from the starting point has to be that children need to be protected, whatever the family form is. What struck me over the last decade or so is that we get obsessed with the form of the relationship rather than the substance of the relationship and the unambiguous messages coming from research. I can say this with a degree of authority, as I have independently conducted a lot of research, and I have had exposure right across not only the EU, but across the common law worlds.

What matters for children is actually the stability of the relationship, and what we need to be doing is supporting relationships. What annoys me is the fact that in much of the discourse, certain quarters of the media in this area focus on blatant prejudice, whether it is on the basis of sexual orientation or gender. It troubles me, and it concerns me because this isn't about children, this is about people bringing individual, what I would call "value preferences" to bear with reckless disregard for outcomes.

I have to say that I felt the presentations by Christine and Conor this morning were enormously powerful. What they conveyed was an image of normality, and I think the measure of any democracy is the manner in which we treat the needs of the most vulnerable, and children growing up in what I would classify as new family forms. I just feel that we have airbrushed them out of our consideration because it is not comfortable. What we certainly have a tendency to do is to say "Well, we'll park that because it's not important."

I was certainly critical in terms of the civil partnership legislation,

which I have to say I broadly support, but critical because of the fact that children were pretty much invisible. What we seem to think is that we can package this issue into adult issues and issues relating to children. I suppose it conveys the image to me of "Well, you know you have what was formally your video player, and you can press 'pause' and hope that you can put the lives of children on hold for a period of years while we contemplate change." That just can't happen and certainly I would like to endorse comments made by Fergus Finlay this morning in the context of children's referendum.

I have been very vocal on the fact that we need a change in this area, and I passionately believe that having a referendum enshrining the rights of children in the Constitution will have a very significant impact on children growing up in the context of new family forms. One of the core provisions in that proposal is around equality and this is an issue of equality. It's treating children in all families in a similar fashion, regardless of the shape that that family takes, and that has to be important.

Last year there was a very interesting and troubling decision of the High Court - this is nearly a quarter of a century after the enactment of the Status of Children Act of 1987 which was intended to remove the stigma of what was then illegitimacy - saying the children in non-marital families have a lesser right to proper provision and protection than children in marital families. And it went virtually without comment. I just found that to be deeply troubling, and if there is a case for constitutional change, certainly one of the arguments has to revolve around that.

We cannot discriminate against children on the basis of their family form. We have heard about the issue of bullying, we touched on it, and I think we have made some inroads in tackling that issue. I do believe that schools need to be more proactive, not only in terms of having anti-bullying policies. I'm conscious of the fact that the Department of Education has been attempting to make change in this area, but I would certainly like to see more prohibitive sanctions for schools that fail to implement those policies. Policies are all very fine, but when those policies remain unimplemented they have profound implications for children.

What I'm going to talk about - and I'm not going to get into the high level legal argument because today is not about that and I've written a new book, which runs to 1,400 pages but it teases out comprehensively all of these issues and where we might go - is a model for the future, and the issues that we might address. I

think we need to start thinking short term/medium term/long term, because I think the legacy of today's conference has to be how can we build and work, the fantastic work, commenced in commissioning this research and writing of this research and the powerful presentations that both Conor and Christine gave? I think we need to follow through on that.

Looking at the conventional meaning of the family is not merely a linguistic problem. The construction of the family is a source of considerable controversy and symbolic conflict. Well, what is family? I think we need to bring it back to basics. We need to look at how we build supports around the family. I see Pat [Bennett] from the Family Support Agency, and Pat has done fantastic work and has the Family Support Agency moving in the right direction. I think it was James Connolly that said "Family is about the stronger members of the family looking after the weaker and most vulnerable members." That's what we should be doing. Those values are values we should be cherishing wherever they find expression. Some of those types of values are commitment, sacrifice, caring for others, putting your needs behind other's needs and supporting each other through difficult times. That is what this is about.

Over a number of years, I have been centrally involved in advising the Foster Care Association, and I've seen the outstanding work performed and executed by same-sex couples on behalf of the State in providing very impressive support for sometimes very vulnerable children. I think sometimes we lose sight of this fantastic work that has been conducted and continues to be conducted. We mouth platitudes when we talk about giving effect to the voice of the child, and you sometimes hear people saying - and again I was struck by what Conor was saying when referring to the Simpsons - "It's about the children." We really don't mean it because when we say "It's about the children" it's really about us, but we'll package it in terms and say it's about the children. Because it's about hearing the children we talk about.

All of our legislation revolves around the fact that the welfare of the child is a first and paramount consideration. But how can we actually know what children want unless we listen to what children have to say, unless we help them understand what is happening in their lives, and unless we meet their needs at a time of intense emotional upheaval? That is why I was particularly struck when last week we talked about when relationships break up. We need to look at that as well, and the supports that are provided, because what struck me in the context of your traditional divorce, judicial separations, is that

again children are just airbrushed out of it. Children are invisible. We want to protect children and the same thing in this debate it is "Let's not listen to children because we really don't want to bother them with this", but children are key stakeholders in all of this and children have the right to have a say. I think today's conference is a very important starting point.

I usually end up talking about the international law, but my colleague, Dr Vonk, is going to speak on that. Suffice to say that Ireland signs up to several international instruments and it all looks good, because we send off whatever Minister there is to sign this instrument, and Sheila made reference to the Convention on the Rights of the Child, as did Fergus this morning. But we fail to realise that when we sign international instruments they must be followed through in the implementation, and one of the key international instruments that has been incorporated as part of our domestic laws is the European Convention on Human Rights. What struck me in the context of the European Convention on Human Rights is that many areas in which we've seen social progress, that progress has only occurred as a result of cases taken before the European Court of Human Rights.

If you look at the Johnston case, which led to the Status of Children Act 1987, and the Keegan case, which led to new adoption legislation, all of those cases in many respects have been brought kicking and screaming to the table in terms of introducing new legislation. Now is an opportunity to be proactive in this area and to bring about real change. Because at the moment if you're asked to talk about legislation, there really is no legislation in this area protecting children and where the legislative gaps are, I would start by looking at what immediate protections can be provided: basic issues.

I found myself at the Foster Care Conference over a year ago, and a same-sex couple approached me saying "Well, Johnny arrived home from school in September and the parent who was a guardian was actually away on holidays and I was asked to sign the consent form for Johnny to go on the school tour." Johnny couldn't go on the school tour because of the fact that the non-guardian parent couldn't sign the consent form. As far as I'm concerned, who could object to providing him that level of rights? So it's not just those high-level Constitutional rights - these are the basic rights.

Another example: Johnny trips, goes to the hospital, and you need to sign the consent form for Johnny. If the guardian parent

isn't there, that can't be done. So there are clear child protection issues here that need to be addressed as a matter of priority. My understanding at the moment is that the Law Reform Commission is looking at a host of issues in this area. I would like to say publicly that I hope the Law Reform Commission will address the issue of guardianship for parents in the situations we are discussing this morning, and will make a recommendation with regard to the fact that childhood doesn't stand still and we don't have the luxury of time on our side in this area.

I'm not going to detain you much further, and that's sort of a brief glimpse, a snapshot as to the key areas. I want to touch on one final issue which hasn't been addressed, and it's the whole area of assisted reproductive technologies. This is an entire area that is totally unregulated, and I know for many people in this room it is directly relevant to them. The failure to introduce legislation in this area, in my opinion, could be described as reckless. If we look at what's happening at the moment, the entire area is unregulated in the context of assisted reproductive technologies. A child can have potentially five parents: the child of a donor sperm, donor egg, surrogate parent and the two commissioning parents. There is one case in the United States where a child had nine parents, and so what happens when you arrive back in this jurisdiction?

There are key family issues that need to be addressed, such as parentage, custody and access, access to treatment and how the family should be defined. These are challenging issues and I'm not going to shy away from those challenging issues this morning. Challenging child protection issues need to be addressed. Take, for example, in fertility clinics, where they are asked to determine whether to provide treatment in respect of a child that is yet to come into existence. In the absence of regulation, that is troubling, because how can the best interest of

a child be determined if the child has yet to come into existence and we are relying on information from the parents? The question is, does there need to be an independent assessment and what are the criteria for assessing the best interest of the child?

We have to be honest and upfront, and we need to look at this generally, not just in the context of the issue this morning. I think it's relevant, and it's another example of a failure to legislate, and that failure to legislate, in my opinion, leaves children incredibly vulnerable. Because the starting point in any society must be legislating to protect children.

I found myself speaking, when Ireland was chairing the EU Presidency, as a keynote speaker at the conference hosted in Dublin Castle and afterwards the Dutch delegate actually said me: "You know, your system is bizarre", and I said: "Welcome to my world." She said: "The approach we adopt is that we build rights around children, whereas in Ireland you build rights around adults and you forget the children" and I think that's to be regretted. I also feel that it's time to move away from that approach and move to an approach where we build rights around the substance of the relationship rather than the form of the relationship.

We need to depart from a system where legal status alone is the sole determinant of family rights and responsibilities. We should remember this and sometimes, I think, the politicians and policy makers seem to forget that children are the people of today, not people for tomorrow. I really hope this conference provides the impetus for change in this area. Thank you very much for your attention.

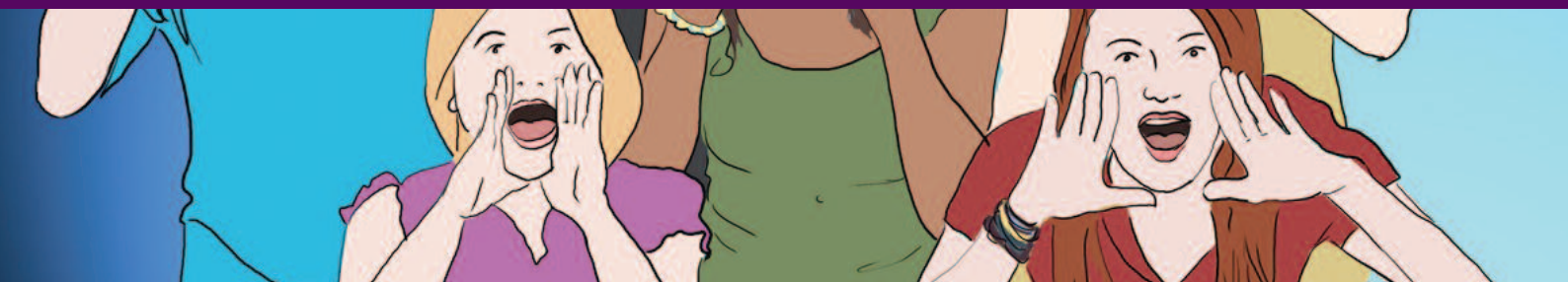


# THE LEGAL POSITION OF CHILDREN IN SAME-SEX FAMILIES

## A EUROPEAN PERSPECTIVE



**Doctor Machteld Vonk**  
(Assistant Professor of Comparative Law and Family Law, Utrecht University, Netherlands)



After Geoffrey's very eloquent speech I'm going to talk about law so I hope you will still be awake in twenty minutes! I'm going to try and make it interesting for you. I'm from the Netherlands and I'm going to talk about Dutch law. I'm also going to talk somewhat about the European view of where we are regarding children in same-sex families in Europe at the moment.

First I want to link up with something that Fergus Finlay said this morning: that progress is on the way. It's inevitable, and if I look back to the situation in the Netherlands fifteen years ago there was nothing. There was no recognition of same-sex partnerships, of families, nothing. Then civil partnership was introduced and marriage was opened, adoption was introduced and now there is a consultation bill which would give female couples more or less the same rights as different sex couples regarding their children. So in fifteen years huge steps have been taken. It's been one step at a time, but they have been taken. I think change is on the way, probably on the way for Ireland, I hope, but it may take time. As Geoffrey said, that's a difficult issue because there is no set time, really.

Why is legal recognition of parenthood important? I think we've heard about that a lot today from the children: because it gives you recognition of your family as a family. And when your family is recognised by the law as a family, that gives you status, and other people have to recognise your family as such. What Geoffrey also talked about, being recognised as a parent regarding medical care, regarding school - if you're recognised as a parent you can actually take care of your child in daily life, and you are not left out.

What I also think is important is that when a couple raises a child they should have equal rights. If they are parenting equally, then

they should have legal rights and responsibilities with regard to their children. This is important when they are together, but maybe even more important if they separate, because even after separation a child has a right to still have contact with the other parent. I think it is even more important if one of the parents dies, which can happen, which does happen, and then the child is sure that he or she can stay with the other parent and need not go off to other family members but can stay in the environment where he or she has grown up. I think it's very important when you are talking about this issue to shift away from equal treatment of adults to equal treatment of children. It's really about the legal rights of children here.

As we've heard before there are, of course, a variety of families we are talking about. That's one of the problems when you're legislating: that you can't just make one rule that covers all these families. You can't just take different-sex parenting regulations and transfer them on to same-sex families. You may encounter difficulties there.

I love this picture of the two women with their four babies. I have twins and I've huge respect for them, and the dad as well, that they are raising four kids of the same age. In the Netherlands there is an increasing number of extended or shared families where gay and lesbian couples have children together and actually share the parenting, and that's also where one of the problems with regulations comes in, because the law does not recognise more than two parents.

When you are trying to regulate for all types of families there are of course plenty more families than just the three families that were on the previous sheet, but these are basically some of the legal problems that you can encounter. The first is that a child

# THE LEGAL POSITION OF CHILDREN IN SAME-SEX FAMILIES



can only have two legal parents in most European systems. A birth mother is automatically a legal mother, which may be problematic for male couples who are raising a child together, to both get legal rights. A biological father, a known donor, may also have rights with regard to a child. A child also has a right to know its origins if you look at the Convention on the Rights of the Child that Geoffrey mentioned. I think these issues, when you are making laws, have to be looked at.

downsides of adoption, at least that's in the Dutch debate, where the first step has been taken. It's a child protection measure, so it may involve social services, etc. whereas you are simply starting out as a family. You're not taking a child from elsewhere but instead - if you are talking about female couples - starting your own family. Moreover, it is a voluntary step to take, whether you do or do not adopt. So if you plan to have a child together, and the child is born in your relationship and your partner decides to separate and not adopt, then there is no-one who can force them to take responsibility for the child. So it's a voluntary step.



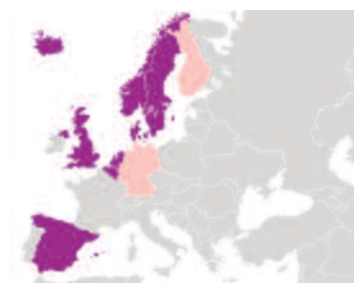
**Marriage:** *The Netherlands, Belgium, Norway, Sweden, Spain, Portugal, Iceland*

**Partnership:** *Andorra, Austria, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Luxembourg, The Netherlands, Slovenia, Switzerland, United Kingdom*

I now want to go back to the European perspective and see what we have. There are six countries in Europe which have opened up marriage, but it's growing, and two of them opened up marriage very recently: Iceland and Portugal. The dark blue countries have opened up marriage; the lighter blue countries have introduced some form of same-sex partnership, while in the red countries there are legal impediments to same-sex marriage. But if we look at the countries that have some form of regulation in Europe it's really growing, then we're talking about adults.

Another downside, which is in the Dutch debate at the moment, is that it doesn't take effect from the moment a child is born. A lot of time usually elapses between the birth of the child and the actual adoption. In the Netherlands they have now amended the adoption law that you can apply for adoption before the birth of the child, and if the adoption is granted after the birth then it will work back until the birth. So you can work around that, but that's one of the downsides. A far smaller number of countries in Europe have recently introduced legal parenthood without adoption, so you don't go through the adoption process but it's either automatic or without court intervention. That's really a big step forward and you come closer to regulations for heterosexual couples. In Norway, this only applies for female couples. In the UK there is a regulation for female couples and a different regulation that male couples can use - I'll come back to that later - in Spain, also for female couples, Sweden and Iceland. And as I said before in the Netherlands there is at present a consultation bill which would more or less do the same. So we are no longer ahead of the rest. Basically if you look at these regulations that are aimed at female couples then, as I said before, the birth mother is the legal mother, but what about her partner?

If we start looking at adoption, which is usually the first step that's taken by European countries to recognise same-sex parenthood, there are far fewer countries who have introduced adoption. A number of countries have introduced adoption in which you can either adopt jointly or adopt your partner's child, and there are a number of countries who have only introduced adoption of your partner's child - so not a joint adoption. Still not that many countries.



**Adoption:** *Spain, United Kingdom, The Netherlands, Denmark, Belgium, Iceland, Norway, Sweden*

**Partner adoption:** *Germany, Finland*

In the Netherlands we started with introducing adoption in 2001, and there has been discussion ever since because they feel it's not really the right approach to families who are starting out. It was meant as a child protection measure and that's one of the

Most of these regulations only apply to donor insemination in a clinic. If donor insemination has taken place in a clinic then the female partner can very easily become a legal mother. Either she becomes a legal mother automatically or she can easily apply for it. But if it does not take place in a clinic - if you ask a friend or a family member or a relative to supply the sperm - then these rules do not apply and you will still need to go through the adoption process. For a large group of people, either automatically or more or less automatically, legal parenthood is accessible in these countries, but only for female couples. An example is, and it's already been mentioned, the revised Human Fertilisation and Embryology Act in the United Kingdom. You have to make use of assisted conception services and then for people who have entered into a civil partnership, both women will automatically be parents. If you've not entered into a civil partnership, then you have to sign consent forms before and after the birth of the child, and then you can also register on the birth certificate, both as legal parents. So that's an example of this kind of legislation.

In the Netherlands they are looking at a different kind of legislation in this area. The main aim of this legislation or this consultation bill is that we need to protect children. Geoffrey mentioned that a Dutch delegate said that we are looking at children and not adults, but that's only very recently because in the Netherlands the whole process started with looking at adults and now the focus has shifted finally to looking at the rights of the children and their protection in their family. The main aim is to make sure that children grow up in a stable family, regardless of the sexual orientation of the parents, but really to protect this stability. Another aim of the bill is the equal treatment of same-sex and different-sex couples.

On the basis of this, a report has been written with two aims at the outset, and they advised more or less to make parenthood for female couples automatic when they are married or in a civil partnership. The minister who presented the report said: "Well I think we also need to look not only at the family but at the right of a known donor maybe, at the protection of the rights of the biological father" and then of course it becomes very complicated. The European Convention on Human Rights may be used to give shape to lesbian family protection but it also specifically gives shape to the right of a biological father. So always in the European Convention you have to start weighing and balancing these two rights and see where you end up.

A new study was done into what the European Convention says about the rights of the biological father and, as a result of that,

these rights have to be taken into account in the Dutch legislation. This makes it more complicated, but on the other hand also gives - credit is not the right word - it portrays life as it is for a child with two mums and maybe a known dad, but it makes things more complicated. I'll try to explain the Dutch proposal to you.

With two women, a baby and a man, a differentiation has been made, again on family form and status, whether there is a marriage or a registered partnership or whether people are not married and between whether the couple have used a known donor or whether they have used an unknown donor through a clinic. And the idea now is that if a couple is married or entered into a partnership, they are equal under Dutch law except with regard to - I think it's still children that's the only thing - but after this law is introduced there will be no difference. If a couple is married - a female couple - and they've used an unknown donor then they'll both be legal parents automatically. They can just register on the birth certificate if they show a form from the clinic they've been to and they are both legal mums from the start.

If you're married and you've used a known donor then things become more complicated. In this case the female partner will have more or less the same position as an unmarried father. She can go to the registry with the mum and recognise the child, but then she will have to go somewhere and actually do something to recognise the child and then she will be a legal mum as well. The same rule applies to unmarried couples whether or not they've used a known or unknown donor. In the end, all couples can actually acquire legal parenthood, most of the time.

There are some very small exceptions where a known donor actually has a relationship with the child. In this case they may run into trouble around recognition because the donor will have a right to recognise the child as well. There may be some problems there, but I'm not sure how that will work out because I think they've introduced conflict here. They have not really made a choice for the family - for the family where the child is growing up. I'm not sure how that's going to work out in practice. I hope that there won't be a lot of conflict on these issues, but I'm not entirely sure of that. I hope this is clear. I think it's basically a good proposal and it's really progressive in many ways because it does not only regulate insemination with unknown donor sperm but also where a known donor is used. It does the whole thing but it only applies to female couples and I think if you look at the rest of Europe, there are many children who've grown up with gay dads, and that position is far less recognised and far less protected.

If you look at male couples, I think the UK at present is the only country in Europe which allows gay dads to become a parent without adoption through a parental order. I think it's valid as of April 2010, so that's only very recently. You still have to go to court and apply for a parental order, but it's a completely different process - it's not adoption. The UK is the only country that actually has something like this in Europe. In the Netherlands there is hardly any regulation for gay dads. They have to adopt, which is very complicated, because the birth mother is a legal mother. It's very difficult, even if she's willing to give up the child and she says "Yes it's your kid, you raise it, you become legal parents" it's still very difficult for both men to adopt a child.

I hope, and I see that in the Netherlands, that once you have legislation for lesbian families, that gay families will say "Well this is really not fair. That's discrimination because they [lesbian couples] can become parents far more easily than we can." If you look at the children's point of view, which is really what you've been doing all morning, there's no good argument against that. You can come up with arguments, but if you look at it from their point of view you have a family with two parents and you want your parents recognised as parents. In the Netherlands there is a growing group of shared parents, what I call 'extended families', because it's very difficult for male couples to adopt a child. You will see that there is more and more agreement that people agree to raise a child with two couples - a female couple and a male couple - and that's really very difficult to regulate because I think most of Europe has the two legal parent model, and what are the other solutions?

What I find interesting is that the United Kingdom, for instance, allows more than two people to have parental responsibility. So one solution can sometimes be found in giving three parents - and I think you could possibly even give four parents - parental responsibility but sharing out parental responsibilities. When the child is living with the mums 50% of the time, they can take care of the child in daily life, but at least one of the dads has parental responsibility as well, so when the child is living 50% of the time with the dads, the dads can go to school and have access to medical care etc. etc. So that may be a solution: that you extend the number of people who can have parental responsibility. In

the Netherlands only two people can have parental responsibility but they need not necessarily be the parents. So if you have two women and a man raising a child together, for instance, the man and the birth mother can be legal parents and the women can share parental responsibilities. So there is some possibility of sharing responsibility and parenthood among two couples and that's one of the reasons why parenthood is not automatic if you've used a known donor, because then you would cut off this possibility of sharing the different rights and responsibilities amongst parents.

What I want to say at the end, I think, is that in Europe change is slowly coming but it is coming. If you look at the situation fifteen years ago it's so different. I think in fifteen years from now, if you look back it will hopefully be completely different by then, and most countries in Europe will have recognised same-sex families.

I think the most important thing that I want to say, and that has been said by everyone before me, is that we should ensure all children have a right to the best legal position possible, and that this should not depend on who their parents are, or the sexual orientation of the parents, or even how many parents they have. They simply should have the best possible legal position that's there and I think international law really requires all countries to do that because the child's interests should be the paramount consideration.

I hope that this has been of some help to you. It's a bit brief and law is always boring in a way! I don't think so, but it's less interesting than stories from children. I think the stories from the children are really important for the law because when you listen to children it's difficult to come up with valid arguments not to give them the same rights. So I wish you good luck.

# LAUNCH OF THE RESEARCH



**Minister Ciaran Cuffe, TD**  
**(Minister of State with special responsibility for**  
**Sustainable Transport, Horticulture, Planning and Heritage)**



Thanks very much for the invitation to launch the report today. I have to say I'm really honoured! I mean I am, I'm quite emotional about this. I'm very honoured at being asked to launch this report and I think I'm very privileged to hear the voices that feed through the report that we're launching this morning. It's great to have a coloured copy of the report, compared to the black and white version I've had for the last few days.

You might wonder why I am launching it as Minister for Horticulture, Sustainable Transport and Planning. As some of you know, I was my party's Spokesperson for Justice for many years and it's only recently I stepped down from that, when I took over the new position as Minister of State. I'm very proud of my party's policy on marriage and on equality, and I guess the achievements of the Civil Partnership Act show you that what you can achieve in government is a journey, not an end destination. I think the progress is certainly going in the right direction on this journey.

I know I've had my own disagreements with Marriage Equality on what the Civil Partnership Bill can and cannot achieve. I think it's really important to remember we are on the same side of the

debate in trying to advance rights and promote equality for gay and lesbian couples, and indeed for their children. I'd also like to mention the researchers of the report and, most importantly, the children of gay couples who spoke so openly and honestly about their own experiences.

Before I make a few comments about the report, I want to touch briefly on the Civil Partnership Act itself, and the issue of children in Irish law. I fully acknowledge that civil partnerships do not fully represent full marriage equality. Both my party and I fully support gay marriage and we'll continue to work to make this a reality. It is my view that civil partnerships represent significant progress on the road to full equality and that they will provide many practical benefits for gay and lesbian couples. Civil partnerships will create rights, responsibilities, safeguards and obligations for same-sex couples in loving relationships, where there were none before. These are significant, substantial changes that will make a real difference.

I don't subscribe to the view that civil partnerships will move gay marriage off the agenda. I think that they will help in achieving the goal of same-sex marriage as they become normal features

of Irish life and society. We have moved that bit further down the road to full equality, and I was heartened during the course of the debate in the Oireachtas to see such widespread support for civil partnership. I think building on that goodwill in moving towards gay marriage will be the next goal.

I certainly think, and we spoke on the way in, about journeys and about milestones on those journeys and I think it's heartening that you've had a discussion already this morning that looked at other European countries and how they are moving on that journey as well. I suspect we can't look at any particular country and say that they've all solved all the challenges that family life represents in the 21st century. I know from reading the Voices of Children report that it's quite critical of the absence of provisions relating to children of same-sex couples. I know that this issue has been raised by the Ombudsman for Children in her submission on the Civil Partnership Bill, and I accept the point that there is a gap in our body of legislation on the creation of rights for children of same-sex couples. It's not a simple issue, however. There are many instances across the spectrum of family law where such anomalies exist, affecting, for example, step families and co-habiting couples with children.

There are significant challenges in addressing the rights of children and those who care for them, be it in the context of same-sex couples or other family units. In the next few months, the Law Reform Commission will make proposals in regard to legal aspects of family law, which will outline the type of issues that need to be addressed. This will be considered by the government, and I hope many of the issues can be addressed there. Secondly, a lot of the difficulty in what the Civil Partnership Act could do for children flows from our constitutional interpretation of the family, and our constitutional definition of the family is quite fossilised. Irish law, as you are all aware, does not currently recognise same-sex families. In fact, it only recognises the family based on marriage. I spent five years on the All-Party Oireachtas Committee on the Constitution where we teased out family rights, and I was a bit saddened by the significant conservative element that didn't even want to move on to recognising families that aren't based on marriage. I would imagine somewhere around 25% of the children in the State are not from families based on marriage. We can't be frozen in time. We can't hide behind the reality of what I see outside the doors today and the reality of those of you sitting in front of me.

In government we have to recognise where the constitution is, but we must also move to change it. Even the current wave of activity towards recognising the needs of children in the

constitution hasn't been as much informed by children of LGBT couples as it should be. I think what you're doing here today will help inform that debate and add another crucial aspect to that discussion.

I remember during the course of the civil partnership debate, the Minister for Justice outlined advice he had received from the Attorney General at that time. The Attorney General's advice on the constitutional robustness of the Bill has been very clear: that providing a formal legal relationship between a civil partner and children of the other civil partner may undermine the constitutional protection given to the family. I have to listen to what the Attorney General says, even if my own view is something different. My own view is that we need to move beyond that, but the government and the Oireachtas have to operate within the confines of the constitution even if they strive for change.

I'd also like to note that the Civil Partnership Act is not entirely silent on the issue of children. On the dissolution of a civil partnership, Section 129(2)(l) of the Act expressly mandates the courts, in making financial and property orders, to consider the rights of any child to whom either of the civil partners owe an obligation of support. I think there is a modicum of recognition within the Civil Partnership Act there, and this is an important aspect to protecting a child's right to the financial support and care of its parent. This has to be considered in advance of any financial or property order being made in favour of the civil partner. So it's very real and it is something that's in there. I hope, therefore, that the Law Reform Commission report and the debate leading up to the Children's Rights Referendum will afford us an opportunity to address these issues.

So enough of the legalities and onto the content of the report that you have contributed to today. I think the report will serve as an important tool to progress the public debate on the issue of gay and lesbian families and highlighting the status of children within them. I think there are still significant barriers of perception to the role of gay parents, and I was struck by some of the comments made by the participants in the report about this. For example, that as a child one of the participants relayed the situation where a friend wasn't allowed to come to play with them because their parents were gay. That the non-biological parent could not pick up a child from school when he or she was ill. That when a non-biological gay parent was gravely ill, the children were excluded by the parent's family. I think you, as participants, have been very honest and open about your experiences, your families and the difficulties you've had in

interactions with the church, with state authorities and in your private lives.

I got a strong sense of the very strong family bonds in your comments and the fact that although the family unit was not the traditional one it was as strong, as well-adjusted and normal and went through the same trials and stresses as every other family. It's important to get that very simple emotional story out there. Some participants contrasted the strength of their gay parents' relationships with their friends' heterosexual parents' sometimes dysfunctional relationships. I think these experiences can be an important part of advancing public debate and breaking down the barriers of perception of those who see gay parents as somewhat lesser parents who are unfit to raise children.

It's important to remember as well that children have a right to be consulted on matters that affect them and this is acknowledged in the National Children's Strategy. It's incumbent on those of us in government to take this consultation seriously; to act on what children state are their needs and wishes. Children's views are hugely important and we must translate your views into action.

I think, in conclusion, that at a very simple level we need to provide more for children in Ireland. I've tried to that within the new planning act, to make sure that children are consulted, but by moving away from the dry language of legislation. Children need very simple things; they have very simple requirements. They need security, a sense of belonging, protection, love and legal safeguards. I think the discussion you're having today is all about that. It's all about making your voices heard and certainly as a Minister of State I will bring that message back loud and clear to my colleagues in government, in particular to the Minister for Justice, to make sure that your voices are heard. Heard not just within the confines of a discussion today in Wood Quay, but in the legislation that I am sure we will pass in the years to come.

It gives me great honour to formally launch the Voices of Children report and to look forward to the kind of discussion, the kind of changes that we can move on and deliver on in government. Thank you.

**Niall Crowley**  
*(Independent Equality Consultant)*



Marriage Equality is a valuable model and a trendsetter when it comes to innovative campaigning, to a coherent expression of values across a whole range of issues and to courageous persistence on issues against the odds. It is important to acknowledge and celebrate their style, innovation and courage.

Fergus Finlay started the day by saying progress is inevitable. The contributions to the debate made it clear, however, just how far we have to travel to make progress. This was captured by one contributor when they said that the research was very interesting but that it is disturbing as it presents problems that they had experienced fifteen years ago. So progress is inevitable but progress can take time. Progress really is only inevitable because there are groups like Marriage Equality and because there are people like those who have now come forward to form Believe in Equality. I believe progress is possible and inevitable because there are these groups and these people.

Today's event has been more than a conference, more than interesting speakers, more than meeting interesting people and having fun. It was all of those things. It was more than just setting out a new stall, setting out a new set of demands. Though, it was that too. Most importantly today's event was about the emergence of a new voice and the emergence of a voice that is pursuing self interest in putting forward their own real needs but that is also expressing solidarity in engaging with LGBT agendas and is standing as a new champion for equality. The name 'Believe in Equality' is a powerful name offering great potential and promise and that is what today has been about.

Today's event has valuably prioritised children and young people and the interests and rights of children and young people. This prioritisation offers new potential for action, for new ways of

progressing equality and for building new alliances around equality. That is why progress is inevitable and will happen from today.

We did hear stories of serious failure. We have heard about the failure of government in terms of a Civil Partnership Act that does not address the rights of children of LGBT people. We have heard about the failure of an equality and human rights infrastructure which allows a government to legislate in a manner that discriminates against LGBT people. The failure of an equality and human rights infrastructure where government can ignore an international convention on the rights of a child that rests and fail to bring this international instrument forward in legislation.

We have heard about the failure of schools that are unsure in how to deal with the children of LGBT parents and unable to protect children from bullying and homophobic bullying. We have heard about the failure of health services where they have not recognised the family status of children of, and parents in, same sex couples. Above all we have heard about the failure of society such that one of the respondents in the research states "I couldn't tell anyone about that (about her non-biological mother's terminal illness) because I couldn't really say 'oh my mum's friend died', that was the extent of it. That was really hard." This is a very simple quote but a very disturbing statement of society's failure to recognise and deal with difference.

However despite that litany of failure, today was not characterised by doom or gloom, by anger and despair or by any sense of grievance. It was characterised by excitement, by fun, by hope and by optimism. This mood was set by the very first quote from the research respondents that Iris Elliot used. This



respondent had started the whole initiative off with the telling comment that “everyone talks about us but no-one asks us”. It is exciting, it is fun and it is hugely hopeful when a people come forward and demand equality in this way. In particular, people, as Gráinne Healy described them, who have experienced the backlash of denied equality.

Children and young people in Ireland are not given a voice. Children and young people are deemed to be too immature, too irresponsible, or too unpredictable. This stereotype has been challenged by the research and by today’s event. There is a demand from young people and children to have a voice and to have a voice that has power and influence. Marriage Equality has shown itself ready to listen and to work with that voice. However, it is a voice that needs to be heard and responded to by many other organisations and institutions in this society.

There is also a demand from children and young people of same sex relationships to be part of, and to take part in, the LGBT community. Several of the respondents in the research spoke positively about the gay scene. One respondent stated that “the best thing to do is to bring us into the community, and to make sure it’s something everybody can see and hear, and that we have a voice in it.” There is also a demand from these children and young people to be a visible part of Irish society. The research highlights how the children of LGBT parents experience a sense of invisibility which is damaging and unacceptable.

Four messages come from the proceedings today. One is a message about ‘being normal’. Iris Elliot used a quote from one of the respondents which captures this message. This respondent stated “when they talk about the kids, I’m like, I’m one of the kids, I’m normal, what you are talking about, I’m just the same as your kid.” There is a diversity of shapes and forms in LGBT families but this is just reflective of contemporary Irish family life. Geoffrey Shannon usefully made the point in terms of this diversity being normal isn’t even the key point. The key point is that we are obsessed with the form of relationships as opposed to the substance of relationships. When families are seen as relationships and we are focussed on the substance of these relationships, there shouldn’t be so much surprise that this is normal, that this is ordinary, because it is about relationships at the end of the day.

The second message relates to ‘schools’. We require all young people up to a certain age to attend school. Therefore it is not surprising that it looms large in the debates brought forward by

children and young people. However, a disturbing picture emerges of a lack of capacity, in terms of dealing with children of LGBT parents, of protecting children from bullying and from homophobic bullying. This can be seen as an issue of culture. Sheila Greene talked about the ethos of schools. To what extent is the ethos of schools friendly to equality, friendly to diversity? To what extent does it afford visibility to gay and lesbian people and to the children of gay and lesbian couples? There are serious deficits in relation to the practice of schools, in terms of how schools teach, what schools teach about and how schools operate. That is not to classify all schools as bad but there is a systemic problem in our education system where schools lack capacity in this area, have limitations to their culture and ethos and therefore have issues of poor practice.

The third key message relates to ‘difference’. There were mixed messages about difference. The children of LGBT parents are indistinguishable, was one phrase used, but the children of LGBT parents do feel different. Therefore they are not indistinguishable. Then there was also a sense that they could be harmed by this difference. But the key message that came out is that we still live in a society where, as one contributor put it, it is embarrassing to be different. That is a major problem. However differences are perceived or felt or experienced we stereotype difference, we hide difference, we discriminate against difference. There is a real challenge posed to enable children, in particular, to deal with this context where it is embarrassing to be different but also to enable all people to change this society where it is embarrassing to be different.

The fourth message from today is about ‘children’. Geoffrey Shannon talked about the children being key stakeholders, the children having a right to have a say. Machteld Vonk talked about the legal rights of the child and children having the right to the best legal position and that this should not depend on parents or on who their parents are. Geoffrey Shannon talked about the welfare of the child and how we could possibly know what is the best interests of the child unless we listen to children, unless we help them understand what’s going on and unless we respond to their needs. There is a major challenge, not just to believe in equality, but to believe in equality for children and young people. That is counter cultural in the Ireland of today. Ireland does not believe in equality for children and young people and that’s why the name of the new group, ‘Believe in Equality, is so telling. The challenge it poses is centrally important for the wider struggle for a more equal society.

Conferences like today can be good experiences but it is important that they are also part of an ongoing impetus for change and for action for change. The legacy from today could usefully be fourfold. First is the legacy of a new voice for equality with the emergence of the Believe in Equality group. This is a legacy that reflects the importance of young people and children being their own advocates, taking on their own issues, and having power and influence through their own voice. The legacy must sustain and grow this movement and this voice.

Second is a legacy of a new visibility for children of LGBT people and particularly a new focus on children of LGBT couples when we're talking about children. This needs to be recognised as part of the diversity of children. Geoffrey Shannon usefully pointed to the Office of the Minister for Children and the need for the Office of the Minister for Children to take on, to research and to be a source of knowledge of the particular experience, situation and identity of children of LGBT couples.

Third is the need for a focus on the education system and the health system in terms of the way that they deal with difference, take steps to accommodate and make adjustments for difference and manage difference in a way that is respectful and responds to people in terms of who they are. There was a useful suggestion that there should be a requirement on schools and on health services to be proactive in this regard. They have got to make the moves, it's not only up to people denied equality to make that demand. Schools and health services have to be proactive in responding to diversity and there should be sanctions where they are not proactive.

Finally, there is the need to challenge the litany of failures. Machteld Vonk usefully pointed to European Union experiences. There are models available where these issues have been resolved and those societies are still functioning very well. Key failures that need to be addressed are the absence of provisions in relation to children in civil partnership legislation and the absence of access to civil marriage for lesbian and gay couples. This focuses our attention on the Law Reform Commission and the work that they are doing on guardianship which by all accounts will take little or no account of the children of LGBT couples. They need to be pressed to include that focus. It also focuses our attention on Constitutional reform. Fergus Finlay talked about the Children's Rights Referendum being very important and it is. However we are possibly on the cusp of a wider Constitutional reform due to the crisis Irish society is in. We now need to demand a Constitution that is for equality and that is not for inequality.

## CLOSING REMARKS



**Moninne Griffith**  
*(Director, Marriage Equality, Dublin)*



Today was the first time in Ireland that a group of people from all across the community have come together on this scale to listen to, and talk with, young adult children growing up in Ireland with lesbian and gay parents about their particular experiences and needs. It is the beginning of a process that must continue if we are to cherish all the children in Ireland equally, as speakers have already said today.

Today, as well as celebrating the existence of wonderful children with lesbian and gay mums and dads all over Ireland, we learned about some of the issues that they face because their families remain unrecognised in law and by society. We have heard their voices, and now it is up to each one of us here today to do whatever we can to ensure that things change for the better. We must change legislation so that children with LGBT parents have the same rights as any other children. We must change policy and procedures so that their families, our families, are recognised and supported by society at large so that children with gay and lesbian parents don't face extra hardship when they are dealing with, for example, education and medical care providers. From publishers, advertisers, teachers, policy-makers and funders, we have a duty to these children to stamp out homophobia and social exclusion in all their forms.

Today's conference began life, as Gráinne pointed out this morning, on a wish list of things that we'd like to do, right back when Marriage Equality was launched in February 2008. In fact, I remember speaking to Denise and Gráinne about this when I began work for Marriage Equality nearly three years ago. It was with the help, support and advice of many people that it grew into a small workshop, a report and a conference and we will continue to work with the members of Believe in Equality and everyone here today.

I'd like to thank you all for taking part today, especially those who have travelled to be here with us. I'd also like to thank all our wonderful expert speakers for their informative input: Iris Elliott, Conor Pendergrast, Christine Irwin Murphy, Professor Sheila Greene, Helen Stratham, Geoffrey Shannon, Dr Machteld Vonk. Thank you to the workshop presenters and facilitators: Denise Charlton, Paul Rowe, Jane Pillinger, Celia Keenaghan and Gráinne Healy, again. Thank you to Ed Webb-Ingall for showing us his wonderful documentary and talking to us about why he made the film. Thank you to our Chairwoman for the day, Gráinne Healy and to Niall Crowley for providing us with the roundup of today's presentation and workshop. A big thank you also to Minister Ciaran Cuffe for launching the report. We hope now that

he's going to go back armed with this report to persuade some more of his colleagues in government to legislate for equality sooner rather than later.

I'd like to take this opportunity to thank everyone who was involved in making today happen. In particular I would like to thank the young people themselves, who took part in the workshop and have been working on this project ever since, on everything from the report, to the conference and lots of media work. I'd like to thank everyone who helped put the workshop together: Celia Keenaghan, Emily Bent, Kieran O'Brien and Melanie Verwoerd in UNICEF, Sean Dernier, Michael Barron in Belong To. I'd also like to thank Iris Elliott, the report's author, who put so much work into this project and everyone who helped edit it: Ross Golden-Bannon, Noelle Moran and Gráinne Healy.

I'd like to thank our funders, without whom today could not have happened and all of whom have been enormously helpful, above and beyond just financing the event: Brian Kearney-Grieve and Sinead Haughey in the Atlantic Philanthropies, Kanta Adhin from the Embassy of the Kingdom of the Netherlands, Cathal Kelly in the Equality Authority, and the European Commission as the conference is co-funded by the European Commission as part of their Progress Programme, and Matt Burney and Beth Edgill in the British Council. I'd also like to say a special thank you to Ailbhe Smyth and the NLGF for their help with that process.

I'd like to say a big thank you to three people in particular for the enormous amount of work that they put into today to make it such a success: Paula Fagan, who is a board member of Marriage Equality and gave her time voluntarily to this project for the last year and who also project managed the production of the report. To Dawn Quinn, our amazing administrator in Marriage Equality who always makes sure everything runs smoothly and Sorcha O'Keeffe, our hardest working intern who was such an enormous support to us in the office over the summer months, with all the preparations.

I'd also like to thank the board members of Marriage Equality, past and present, who worked hard to make today a reality and to the Marriage Equality volunteers here today: Rosa, Barbara and Clodagh. I'd like to say a big thank you to Andrew Hyland who has done such an amazing job with the media coverage to date and we look forward to that in the coming days and hopefully into the future. And lastly I'd to thank Kyle Clifford from Funky Foods for the wonderful catering here today, and Dublin City Council for providing us with such a wonderful space and being so obliging and welcoming, especially John and Mark.

I look forward to working with you all in the future on this issue for equality for our children. They have spoken, we have listened, now let's take action. Thank you.

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# MARRIAGE EQUALITY

Civil Marriage for Gay and Lesbian People