



Written by [R. Cort Kirkwood](#) on November 12, 2012

Irish Vote to Give State Nearly Unbridled Power to Seize Children

The Irish approved an amendment to their national constitution on Saturday that will bring it into compliance with mandates of the United Nations that govern the state's seizure of children. The margin was 57 percent to 43 percent.

The [Alliance of Parents against the State](#) campaigned against passage of the referendum on the measure, which APS says will diminish the rights of parents and give the Irish government nearly unbridled power to seize children. Even worse, APS charges, Irish law will come under the control of the United Nations. The APS and other opponents [will likely challenge](#) the result.



The amendment's key words that pertain to the power the state are "best interests" — meaning the "best interests" of the child. Supposedly the state must always keep the "best interests" of a child uppermost in its decision to seize him. Problem is, [APS says](#), the state determines what those "best interests" are.

The Law

Before the referendum passed, the law governing the Irish government's power to seize children rested in Article 5 of the country's [Constitution](#), known in the Irish as the Bunreacht na hÉireann:

In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.

That straightforward and simple codicil [will be replaced](#) by this 31st amendment to the constitution:

1. The State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights.
2.
 1. In exceptional cases, where the parents, regardless of their marital status, fail in their duty towards their children to such an extent that the safety or welfare of any of their children is likely to be prejudicially affected, the State as guardian of the common good shall, by proportionate means as provided by law, endeavour to supply the place of the parents, but always with due regard for the natural and imprescriptible rights of the child.
 2. Provision shall be made by law for the adoption of any child where the parents have failed for such a period of time as may be prescribed by law in their duty towards the child and where the best interests of the child so require.



3. Provision shall be made by law for the voluntary placement for adoption and the adoption of any child.
4.
 1. Provision shall be made by law that in the resolution of all proceedings —
 - i brought by the State, as guardian of the common good, for the purpose of preventing the safety and welfare of any child from being prejudicially affected, or
 - ii concerning the adoption, guardianship or custody of, or access to, any child, the best interests of the child shall be the paramount consideration.
 2. Provision shall be made by law for securing, as far as practicable, that in all proceedings referred to in subsection 1° of this section in respect of any child who is capable of forming his or her own views, the views of the child shall be ascertained and given due weight having regard to the age and maturity of the child.

Critics such as APS believe that language too closely mirrors that of the UN Convention on the Right of the Child, which contains such nebulous language as this:

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

In neither case does the language determine the ultimate arbiter of the child's "best interests." But as a practical matter, [APS notes](#), that arbiter is the state. And that's their problem with it.

Unnecessary And Dangerous

[Kathy Sinnott](#), a Chicago-born former member of the European Parliament from Ireland, said the referendum is a naked power grab by the Irish state.

"The government thinks that people are ready to buy their propaganda that changing the Constitution is about protecting children," [she told](#) LifeSiteNews. "Of course this is nonsense, because our Constitution already very strongly protects children."

Sinnott said that all the referendum does is to strip parents of their God-given responsibilities over their children and to hand them over to the State.

"Not only does the State take over parental authority, but all a parent has to do is 'likely to fail' in their responsibilities, as defined by the State, for the State to take control of the children."

"Everything, of course, is for the 'best interest of the child', which according to the UN treaty, is decided by the State."

Sinnott explained that the amendment would, for all intents and purposes, endow the state with "prior rights" over children, which trespasses the natural law and the natural family.

"The reason why the family should have prior rights over children is because of the family bond, which is nature's strategy for protecting children. This is the mother-child bond, the father-child bond, the mother-father bond, and the brother-sister bond," [she told](#) LifeSiteNews.



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“This bond is the source of what is really in the ‘best interest’ of the child. The State can never have this bond. By injecting themselves as controlling shareholder of every family in this country, the State is reversing this natural order.”

Sinnott said that with the wording of the Constitutional amendment being released just a few weeks ago, there has been no time for parents to mobilize effective resistance.

“It has been a YES campaign from the beginning,” she said. “Everyone believes that in voting YES, they are protecting children, but they are really giving up their rights over their children.”

Among the powers the state would have, [APS noted](#) in its list of 10 reasons to vote against the referendum, are these:

Your child can be placed for adoption against your will.

- “The State can decide ... to vaccinate every child in Ireland, and the parent, and even the child have no say in the matter.”
- “The State can decide to give give Birth Control to children of any age, even if they are below the Age of Consent.”
- “The State can bring children to other countries for abortions without parental consent and even if the child disagrees.”
- “The UN and the EU can make any laws for children without consent of the Irish Government if it wishes.”

On November 8, the Supreme Court of Ireland [ordered the government](#) to dismantle a website that promoted the referendum. That illegal effort [will be](#) the basis of the challenge opponents will mount to overturn the result.

Catholic Bishops Backed the State

Supporting the change were the nation’s Catholic bishops. Noting “the legacy of failure by individuals, organisations, the Church and the State to adequately protect children in Ireland,” [the bishops said](#), “we share the concern of others to ensure that the proposed amendment on children does not undermine the rights of parents and the presumptive place of the family, based on marriage between a woman and a man, as the unit in which the welfare and rights of children are best exercised and safeguarded. We share some of the concerns that have been raised by others about the potential out-working of future legislation and practice in this area.”

But the bishops weren’t that concerned. [They backed](#) the proposed amendment.

However, when read in conjunction with the unaltered constitutional provisions on the family and education, the wording of the Thirty-First Amendment on Children suggests that a reasonable and balanced approach to framing the proposed new article on children’s rights has been taken....

While the possibility of unintended consequences is always present in the context of Constitutional change, it is clear that the wording of the proposed amendment on children is not intended to undermine the current Constitutional balance between the rights of parents and children, or between parents and the State. If unforeseen or unintended consequences do emerge in time, the remedy of further Constitutional amendment or amending legislation is available to mitigate the consequences of any such developments.



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The bishops' support for the amendment is unsurprising. The Catholic Church in Ireland has suffered enormous damage to its prestige because of a nationwide sex scandal similar to that [which occurred](#) in the United States: Pervert priests were moved from parish to parish.

Secret Courts

[APS' website tells](#) a tale of what could already happen to a parent even without this constitutional amendment. It describes the case of Mary, whose child was seized, whereupon the mother was forced to defend herself in a secret hearing. "During the hearing," APS claims, "she was not entitled to know what evidence was being brought up against her, so she had no opportunity to defend herself."

A social worker lied and twisted facts. Mary told the court of a conference where a social worker, a recent college graduate with no children or life experience, threatened her that she would report her to the [police] for child abuse if she did not co-operate. The social worker testified that the meeting never even took place.

She was gagged twice by the system. She was informed that if she talked to anyone that she would be jailed. She was gagged again by the social workers that if she talked to ANYBODY, that they would cut her visits to her child.

[According to](#) APS, all the evidence against Mary was hearsay and the "subjective opinion of ONE person, who lied and exaggerated everything." But then Mary was exonerated as suddenly as she was accused: They had grabbed the wrong child from the wrong parent, APS claims.

Even worse, she could not report the matter to police because of the gag orders imposed by the judge.

[The APS website alleges](#) that judges are in cahoots with the state on child seizures and afraid to buck the system. It says judges "are guilty of protecting their own reputations," and when a "child dies in State Care, nobody is ever responsible...." The website continues:

The average person in Ireland doesn't even realise that if a person is accused of child abuse or neglect in a Criminal Court, even if they are vindicated, they will still be punished in a family court. They will be guilty without having committed any crime and punished by having their children removed. Let us not forget, that the children are punished also.



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