

## TREOIR

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Treoir is the national co-ordinating body of both Statutory and Voluntary Agencies working with unmarried parents and their children. Originally known as the Federation of Services for Unmarried Parents and their Children, it was founded in 1976 and has as its aim to promote the rights and welfare of unmarried parents and their children in Ireland. Membership of Treoir is open to professional agencies providing services to unmarried parents. They are a combination of statutory and non-statutory bodies, including specialist agencies, health boards, maternity hospitals, adoption societies, self-help groups.

### **The four Core Principles of Treoir are:**

- *Treoir recognises the diversity of family life in Ireland*
- *Treoir recognises that all families, including unmarried families, have the same rights to respect, care, support, protection and recognition*
- *Treoir supports and promotes the rights of all children as outlined in the United Nations Convention on the Rights of the Child*
- *Treoir believes that all children have a right to know, be loved and cared for by both parents*

### **Current Activities of Treoir:**

- A national, confidential, comprehensive and free information service for unmarried parents and those involved with them
- A wide range of publications including the *Information Pack for Unmarried Parents*, *Being there for them* (a booklet for grandparents), a series of *Information leaflets* etc.

- Organising conferences, workshops and other training sessions for unmarried parents and those who work with them
- Networking with other groups
- Policy development
- Promoting research
- Providing support for workers with young parents through the National Resource Centre for those Working with Young Parents
- Co-ordinating the Teen Parent Support Initiative

## **INTRODUCTION**

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Treoir welcomes the establishment of the Joint Committee on Child Protection to (among other issues) examine the issues raised in the Criminal Justice (Sexual Offences) Act 2006. Treoir's area of particular concern regarding the Orders of Reference of the Committee is on the issue surrounding the age of consent in relation to sexual offences.

As will be noted from the list of activities of (above) Treoir has a particular interest in young parents, the vast proportion of whom are unmarried. Over the years Treoir has hosted many meetings concerning the age of consent to sexual activity and also on the Children First Guidelines in the area of reporting sexual activity. The overwhelming view among workers who provide service to young parents is the sense of confusion that abounds regarding the age of consent to sexual activity and the obligation, or not, to report such activity.

The 2006 Act has succeeded in clarifying to a degree the confusion around the age of consent. However, the Act has introduced new difficulties which we hope the Committee will address.

## AGE OF CONSENT

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It continues to be the case that it is not possible for a child under 17 years to consent to the sexual activity. Given the lower age of commencement of sexual activity among young people in the 21<sup>st</sup> Century the question arises as to how to appropriately legislate for this situation where the majority of sexual activity with young persons under 17 is likely to be within a consensual relationship between peers.

At a recent meeting of the members of Treoir, which is the national federation of services for parents who are not married to each other, there was a strong majority among those present in favour of reducing the age of consent to 16 years. Members present were working in maternity hospitals, pregnancy counselling agencies, teen parents projects etc. These professionals are the key workers with young parents in Ireland.

In keeping with the UN Convention on the Rights of the Child, it is vital that the views of young people be sought with regard to this legislation. Indeed Treoir strongly favours the introduction of express rights for children in the Irish Constitution and stated this in our submission to the All-Party Oireachtas Committee on the Constitution in January of last year.

It is a welcome provision within the 2006 Act that proceedings for an offence against a child under 17 can only be brought with the consent of the DPP. However, we question if it will always be necessary to refer to the DPP. Could specified personnel in the HSE and the Garda Síochana be empowered to make an appropriate decision at an earlier stage?

Treoir questions the wisdom of criminalising young people for consensual underage activity where it occurs in the context of a relationship of equals in

terms of age and maturity and where there is clearly no abuse. The current legislation does not distinguish between abusive and consensual sexual activity. Treoir believes strongly that this is a flaw in the current legislation.

## **GENDER ISSUE**

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Treoir welcomes the 2006 Act and its purpose of re-enacting in gender-neutral terms the provision struck down by the Supreme Court earlier this year.

While the gender neutral purpose of the Act is welcome, Section 5 provides that a girl under 17 cannot be guilty of an offence by reason only of engaging in an act of sexual intercourse, thus introducing a new gender divide in the area of underage sexual activity. While understanding the reasons for this provision of not criminalising young mothers, we question the validity of not applying the same treatment to young fathers. Members of Treoir are very concerned about the effect of excluding young fathers from this Section.

Member agencies have expressed much concern about this provision which could seriously affect the possibility of engaging with and providing services to young fathers where they are open to prosecution. Young fathers traditionally are a notoriously difficult group to engage. Young fathers are often either excluded from the lives of their children or walk away from their children, their responsibilities and their rights. We believe that this new this new Act will further compound this exclusion.

We fear that the 2006 Act could deter young fathers from entering their names in the Register of Births, a vital piece of information for children in terms of identity and the presumption of paternity.

If the intention of the legislators is not to criminalise teenagers who are pregnant, and therefore about to become parents, then **both** parents should be excluded from prosecution.

There is also the possibility that this gender inequality may be unconstitutional or may be struck down under the equality legislation.

## CONCLUSION

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Regulating for sexual activity in Ireland among young people is complex and fraught with difficulties.

- Legislation is needed to deal with abusive underage sexual activity.
- Members of Treoir believe that the age of consent to sexual activity might be more appropriate set at 16 years.
- Treoir questions the necessity of categorising consensual activity among young people as a criminal offence.
- Legislation which is based on discrimination between the sexes is open to challenge.

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