

**LADY CHIEF JUSTICE OF NORTHERN IRELAND**  
**CHILDREN'S LAW CENTRE ANNUAL LECTURE**

**30 APRIL 2025**

**OPENING REMARKS**

**The Inn of Court, Old Bar Library, Royal Courts of Justice, Belfast**

Distinguished guests, esteemed colleagues, and friends,

It is a pleasure to chair the Children's Law Centre Annual Lecture 2025. This event has long been a highlight in our collective calendar, bringing together those committed to upholding the rights of children and young people. Tonight, we gather once again, not only to reflect on the remarkable work of the Children's Law Centre (referred to hereinafter as "the Centre" or "CLC") but also to reaffirm our dedication to the principles of justice and fairness for children in Northern Ireland.

I recall chairing this event in 2019, when Baroness Hale delivered a thought-provoking lecture. That evening reinforced my belief that the law must remain an unwavering guardian for our children, ensuring that they are seen, heard, and protected. Now, six years later, I return to this subject with that same sense of commitment.

For me, this is not just a formal occasion. My career at the Bar was deeply rooted in family law, and during those years, I saw firsthand the transformative impact of the CLC. I witnessed the power of its advocacy, the depth of its expertise, and most importantly, the real change it brought to the lives of vulnerable children. Whether securing essential educational support, fighting against unlawful

exclusions, or ensuring that children in care had their voices heard, the Centre's work was – and remains – critical.

I am particularly pleased to welcome this keynote speaker, Former Judge and President of the European Court of Human Rights Dr Síofra O'Leary. Her distinguished career, , has been marked by an unwavering dedication to human rights. Her insights into children's rights within the European legal framework will undoubtedly enrich our discussions. We are especially fortunate given her direct experience with cases testing the frontiers of rights protection, including those concerning children and the environment.

Dr O'Leary presided over the Grand Chamber in *Duarte Agostinho and Others v. Portugal and 32 Others*<sup>1</sup>. This landmark case, brought by six young Portuguese applicants, starkly presented the alleged impacts of climate change on children's fundamental rights under the European Convention. They described experiencing reduced energy, sleep difficulties, curtailed outdoor activities during heatwaves, and anxiety from witnessing devastating wildfires near their homes. The case raised fundamental questions about state responsibility for the transboundary effects of emissions and the duty to protect individuals, particularly children, from foreseeable climate-related harm. While ultimately found inadmissible due to failure to exhaust domestic remedies and lack of extraterritorial jurisdiction for most respondent states, the case signifies the increasing urgency and legal relevance of environmental threats to the youngest generations and also the potential for children as litigants. The latest iteration of this in our jurisdiction was recently reported as girls banding together to argue in



Duarte Agostinho  
and Others v Portug

<sup>1</sup> Application no. 39371/20 -

favour of wearing trousers at school with the assistance of the Northern Ireland Commissioner for Children and Young People.

Children occupy a unique place in society. They are our future, yet also among the most vulnerable. They rely on adults and the systems we create – including the legal system – to safeguard their rights and well-being. The law must be their protector. The UN Committee on the Rights of the Child echoes this urgency in its General Comment 26<sup>2</sup>, stating the "triple planetary crisis ... is an urgent and systemic threat to children's rights globally". It frames environmental degradation, including climate change, not just as a future risk but as a current reality impacting rights to life, survival, development, and health and even constituting a form of "structural violence against children". The Comment underscores the principle of intergenerational equity, reminding us that states bear responsibility for foreseeable environment-related threats arising from actions or omissions now.

Of course, the centrality of the child in our legal system is reflected in the paramountcy principle – the best interests of the child must be the primary consideration. The UN General Comment extends this, stating these interests must be a primary consideration in environmental decisions too, requiring assessment of children's unique risks and developmental impacts.

We are all familiar with the UN Convention on the Rights of the Child (UNCRC), which serves as the cornerstone of children's rights worldwide. It enshrines the fundamental principles that every child has the right to education, to healthcare, to protection from harm, and most importantly, to have their voices heard in

decisions that affect them. Article 12, the right to be heard, is crucial. We must genuinely listen to children and ensure their perspectives shape decisions affecting them, particularly, as the UN Committee stresses, in environmental matters where they have relevant perspectives and experience. However, the UNCRC itself, while ratified by almost every country in the world, including the UK in 1991, has often remained separate from domestic law, limiting direct enforceability in national courts. We have, I think, adopted the spirit of this Convention in common law, by virtue of Article 3 of the Children (Northern Ireland) Order 1995 which requires the court to have regard to “the ascertainable wishes and feelings of the child concerned”, and via article 8 of the European Convention on Human Rights which is integrated into domestic law through the Human Rights Act 1998.

Progress is being made, and notably, Scotland recently took the significant step of incorporating the UNCRC into Scots law, passing legislation in late 2023 which largely came into force in July 2024, making these rights directly enforceable against public authorities in Scottish courts. This move highlights a path towards strengthening domestic legal protections for children and may be replicated in other states who will no doubt keep an eye on the progress of the situation as it evolves in Scotland.

However, challenges persist. Child poverty remains a pressing issue, disproportionately affecting certain communities and limiting access to education, healthcare, and social support. The mental health crisis among young people has reached alarming levels, with services struggling to meet demand. In our youth justice system, we still grapple with the tension between rehabilitation and accountability, and too many children find themselves navigating a system ill-equipped to support their development.

As members of the judiciary, we bear a duty to ensure that the law works for all children, not just those with the means to access justice. This requires ongoing legal evolution, specialised training in children's law, and a judicial approach that prioritises fairness, protection, and accessibility.

The CLC stands as a beacon of advocacy, legal expertise, and unwavering commitment to the rights of children in Northern Ireland. Since its founding in 1997 by Paddy Kelly, the Centre has transformed the landscape of children's rights advocacy, embodying its guiding principle: Children's Rights Change Children's Lives.

Its work is vast, encompassing legal advice, representation, policy development, and strategic litigation. The Centre provides a free legal advice service, ensuring that children, young people, parents, and carers can access expert guidance. It also offers a multidisciplinary team of lawyers, trainers, and policy advisers dedicated to upholding children's rights. This team ensures representation in complex legal cases, including education law, mental health appeals, and youth homelessness advocacy, as well as acting as third party interveners in key legal battles that shape children's rights protections.

These are not merely hypothetical scenarios; they are real cases, real lives changed, and systemic processes challenged by the vital work of the CLC.

Last year the Centre was granted leave to pursue a judicial review concerning the Northern Ireland budget-setting process. In *The Children's Law Centre's Application for Leave* [2024] NIKB 43, the CLC challenged the failure to conduct a cumulative equality impact assessment into the budget's effects on children,

arguing this breached the crucial 'due regard' duty under section 75 of the Northern Ireland Act 1998. The High Court affirmed that the Centre established an arguable case against the Northern Ireland Office and the Department of Finance that this duty may indeed encompass an obligation to carry out such an assessment.

Beyond individual cases, the CLC has been instrumental in shaping systemic change. Through collaboration with other organisations, policymakers, and legal professionals, it has influenced legislative reforms, challenged unjust policies, and set precedents that will protect children for generations to come.

Tonight, we also acknowledge a significant moment in the history of the CLC – the departure of its founding director, Paddy Kelly. After 27 years of extraordinary leadership, Paddy steps down, leaving behind an organisation stronger than ever. Paddy's impact cannot be overstated. Under her leadership, the Centre has achieved landmark victories, including the establishment of the Northern Ireland Commissioner for Children and Young People, the enactment of the Children's Services Co-operation Act (Northern Ireland) 2015, and crucial interventions during the COVID-19 pandemic. Paddy herself reflected what an amazing journey she has enjoyed in establishing and growing the CLC. Paddy's legacy is one of resilience, dedication, and an unyielding belief in the power of the law to create positive change for children. On behalf of all of us, I extend my deepest gratitude for her years of service.

As we look to the future, we must also acknowledge the changing fabric of our society. Northern Ireland is becoming increasingly diverse, welcoming families from numerous ethnic and cultural backgrounds. Many arrive from countries where the landscape of children's rights, state support, and legal protections

differs significantly from our own, or where the expectation of such robust, independent advocacy for children may not exist. It is imperative, therefore, that the Centre's vital work proactively expands to reach all children within our jurisdiction.

We must ensure that language barriers, cultural misunderstandings, or lack of awareness do not prevent any child, regardless of their origin, from accessing the protections and support the CLC offers. This requires dedicated outreach, culturally sensitive services, and a commitment to building trust within these newer communities, ensuring that no child is left unheard or unsupported simply because their family is navigating an unfamiliar legal and social system. Ensuring the Centre is equipped and resourced to meet this growing need is crucial for truly upholding the principle of universal child protection in our evolving society.

On that note, I pass to our distinguished guest speaker.

Thank you.