



Statement on Children's Rights in Northern Ireland

June 2018

Introduction

The Northern Ireland Commissioner for Children and Young People's role is to safeguard and promote the rights and best interests of children and young people.

The United Nations Convention on the Rights of the Child is an agreement signed by the UK Government which lists over 40 promises made to children and young people so that they will be treated equally and fairly.

This booklet highlights many issues that children and young people are facing and outlines the calls to action that NICCY is making to our Government to improve the lives of all children and young people in Northern Ireland.

Keep in mind that while it is sometimes useful to use statistics and comparisons to highlight how some types of children will be affected by certain issues this does not mean that it is true for every child in that situation. For example just because children living in poverty are more likely to do less well in education doesn't mean this is true for all children in poverty.



Educational Inequalities

What is Educational Inequality and why is it important?

Specific groups of children and young people are much more likely to do better or worse in education depending on who they are, where they live or their background. Quite often this results in educational inequality where some will do better in school than others.

This may especially affect children and young people who are from ethnic minorities, LGBT+, are being looked after, or have special educational needs or those who are living in poverty. Every pupil should be able to reach their fullest potential and education should develop all children's talents and skills, not just focus on academic results.

To make sure all children and young people have equal access to all elements of education, NICCY calls on our Government to:

1. End the achievement gap that prevents some pupils, because of their social and financial backgrounds, to reach their full potential;
2. Remove all barriers that prevent any child's full access to a child rights compliant education system;
3. Turn the focus of education away from purely academic success to adequate support that will best develop pupils' abilities. This includes pastoral support such as counselling if required.
4. Look at how we fund education in Northern Ireland, and whether the money required to make sure that all children have access to an effective education, can be found through streamlining the education system.



Mental Health

What is Mental Health and why is it important?

Your mental health is important - it can affect how you feel about yourself, how you get on in school and how you relate to your friends and family. You have a right to be as healthy as possible, and this includes your mental health.

Our Government doesn't collect enough information about young people's mental health. We do know that young people face many pressures that can affect their emotional and mental health. It can also be hard for children and young people to ask for help because of stigma. In Northern Ireland, the number of under 18s affected by poor mental health could be as common as 1 in 4. It has also been estimated that mental health needs in Northern Ireland could be 25% greater than in England because of the long term impact of the 'troubles' which are specific to Northern Ireland.

There have been improvements in mental health services for children and young people, but some parts of Northern Ireland have better services than others,

this can affect the length of time young people have to wait to get support, the type of support available and the quality of it.

GETTING HELP

You can find out who can help you by turning to page 15.

To make sure all children and young people have the best support for their mental health, NICCY calls on our Government to:

1. Make sure that all young people are able to access support when and where they need it - this requires increased mental health spending for under 18s;
2. Collect better information about levels of need and the difference services are making so that the right services are in place; and
3. All Government Departments should be doing more to promote good mental health in young people, including addressing stigma.

Child Poverty

What is Child Poverty and why is it important?

We say a child is living in poverty when their parents or guardians don't have enough money to pay for food, housing, clothing and other things they need for their children's physical, mental and social development. Poverty affects over 100,000 children in Northern Ireland¹ – most of these live in families where at least one parent works.

It isn't fair that some children are more likely to experience poverty because of circumstances outside their control – For example, children living with just one parent, children living in a household where no-one is employed, children living in families where someone is disabled or children living in families with 3 or more children.

Children living in poverty do get some help from government, for example free school meals. However, poverty can have a longer term impact on children's education, health and risk of homelessness. For example, young people entitled to free school meals are almost twice as likely to leave school without five good GCSEs compared with young people not eligible for free school meals.

Children have a right for their parents or guardians to get financial help if they need it to have a decent standard of living. This social security system is a safety net for everyone but changes planned by Government mean that more children are at risk of falling into poverty and we need to make this right.



¹ According to government statistics, in 2015-16 just under a quarter of children (23%) were living in poverty

Poverty is not inevitable. To make sure all children and young people can move out of poverty, NICCY calls on our Government to:

1. Make sure children and families have enough money to have a decent standard of living - including through decent paid jobs;
2. Make sure that the social security system is a safety net which prevents families falling into poverty and allocate resources to lessen the impact of recent changes in social security benefits; and
3. Develop an action plan to eradicate child poverty, including addressing affordable childcare, education inequalities, homelessness and make sure all communities are invested in.



Safeguarding

What is Safeguarding and why is it important?

Safeguarding is making sure that all children and young people are kept safe from harm. Children and young people have a right to life and to be protected from all forms of sexual, physical and emotional abuse, and neglect.

All children have this right but some may need particular support and protection. This includes children and young people who live in homes affected by domestic abuse, alcohol and substance misuse or children living in care.

In NI, the Safeguarding Board is a partnership of professionals who work together to think about what they can do to keep children safe.

GETTING HELP

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To make sure all children and young people are kept safe from harm in Northern Ireland, NICCY calls on our Government to:

1. Make sure the Safeguarding Board for Northern Ireland is independent and effective;
2. Review all child deaths to make sure lessons are learned and children are better protected;
3. Improve how Government works together to tackle Child Sexual Exploitation²; and
4. Ensure that efforts to tackle bullying, including when using technology, social media and the internet are prioritised.



² For further information on CSE, visit www.niccy.org/SafeguardingChildren

Safeguarding Migrant, Asylum Seeking and Refugee Children

Migrant, asylum seeking and refugee children and families have left their birth country, often because they are trying to escape poverty, war or persecution or because they have been trafficked. Separated, or unaccompanied, children arrive alone without their parents or main carers and need somewhere safe to live, to be looked after, to receive specialist legal advice and be protected from harm.

To make sure migrant, asylum seeking and refugee children have their rights protected in Northern Ireland, NICCY calls on the UK and Northern Ireland Governments to:

1. Provide all separated children with an independent Guardian to safeguard their best interests;
2. Take part in UK Government programmes to help more separated children; and
3. Ensure asylum seekers and their children are not destitute or living in poverty.



Youth Justice

What is Youth Justice and why is it important?

There have been a lot of improvements in the Youth Justice System in Northern Ireland. The youth justice system, which includes police, courts, prosecution and the Youth Justice Agency, recognises that children have a different status than that of adults and therefore has separate rules which apply to children and young people.

There was a Review of Youth Justice in NI in 2011 which looked at why so many young people are in custody. Many of the recommendations have not been implemented yet. There needs to be a rights based approach which should include early intervention and diversion away from the system as there is strong evidence that this is more effective in stopping children from committing crime.

One of the biggest concerns that young people have is the use of stop and search by the Police³. They believe that they are discriminated against and treated differently because of their age.

Government must ensure that NI's youth justice system is promoting the rights of children and young people. NICCY calls on Government to:

1. Ensure the youth justice system shows how it meets its statutory obligations to consider the best interests of the child at all times. Every year, it must also explain how its work is contributing to the reduction of offending by children and young people. This should include how children and young people are involved in the design and delivery of services;
2. Publish proposals to raise the minimum age of criminal responsibility to 14 years immediately; and
3. The PSNI must demonstrate the purpose and outcomes of all Stop and Search operations involving children and young people and must also improve the quality of engagement with young people.

³ For research on young peoples experiences of stop and search, visit www.ark.ac.uk/publications/updates/update120.pdf

Brexit

What is Brexit and why is it important?

The referendum outcome in favour of the UK exiting the EU (Brexit) has potentially profound ramifications for the realisation of children's rights in Northern Ireland. Currently the negotiations between the UK government and the EU are ongoing, so the actual impacts on children's rights are not known, but children may be impacted in a number of ways by the outcomes of these negotiations and the additional decisions and agreements that follow:

- **Freedom of movement:** Children currently travel across the border for a wide range of reasons - to go to school or college; to spend time with friends and family; to access health services; to go shopping or for leisure activities. A 'hard' border could limit their freedom of movement and access to critical services and infrastructure.
- **Identity:** Children and young people want to continue to be able to choose their own nationality as British, Irish or

both, as outlined in the Good Friday Agreement.

- **Health:** Children's access to health services may be affected in a number of ways by Brexit as children living close to the border currently access the closest health services, irrespective of whether they are on the other side of the border.
- **Education:** Around 500 children and young people travel across the border to go to school every day. An additional 1500 young people crossed each day to access college and others go to university across the border. It is not clear whether this will continue to be open to students post-Brexit.



To ease any potential negative impact of Brexit on children and young people, NICCY calls on our Government to:

1. Protect all aspects of the Good Friday Agreement including the right of people in Northern Ireland to identify as British, Irish or both;
2. Work with the EU to avoid a physical border between Northern Ireland and the Republic of Ireland;
3. Ensure freedom of movement across the border so that children, young people and their families continue to access services and facilities on either side of the border; and
4. To commit (after-Brexit) to the continuation of financial support currently provided to Northern Ireland by the EU including through grants which contribute significantly alleviate child poverty, supporting youth groups and communities.



Legacy of the Conflict

What is Legacy of the Conflict and why is it important?

Legacy of the conflict known as the 'troubles' refers to the issues of division that haven't been dealt with since the Good Friday Agreement and the consequences of this that young people still have to face. On a daily basis the aftermath of the 'troubles' have an ongoing impact on children and young people who live in segregated communities and deal with the impact of a conflict not of their making and which supposedly ended before they were born.

Our government's job is to protect every child, making sure that none are placed in situations that could be harmful to them. This could range from physical or mental abuse to neglect to exploitation.

To make sure all children and young people are kept safe from the effect of the 'troubles' including paramilitary style assaults, NICCY calls on our Government to:

1. Ensure children and young people feel safe in their neighbourhoods;
2. Address the continuing impacts of the conflict on children and young people's mental health, family breakdown, child poverty and educational under achievement;
3. Support children and young people to play a central role in building a peaceful future in Northern Ireland, recognising that over many years, children have acted as human and child rights defenders; and
4. Provide information about the conflict to children and young people with a view to achieving a shared narrative about the conflict.



Participation

What is Participation and why is it important?

Real participation happens when a child or young person can express their thoughts and ideas when government designs policies and services that affect them. Promoting the participation of children and young people and their right to have a say is essential to fulfil national and international obligations.

Meaningful and inclusive engagement and participation of children and young people, of all ages and abilities, will not only improve outcomes for children but for the whole community. Children and young people must be provided with safe opportunities to form and express their views. They must also be assisted to share their views. These views should be listened too and acted upon, as appropriate.

In the last 20 years there has been an increase in the recognition and acceptance of children and young people's right to participate. However, this engagement is irregular, inconsistent and often relies on the individual rather than organisational practice.

To make sure all children and young people are able to participate in making decisions that affect their lives, NICCY calls on our Government to:

1. Give due weight to children and young people's views and track the impact of this on the development of the issues that they engage with;
2. Create a structure to help ensure meaningful youth participation including providing a 'pathway' from local to national participation and the provision of a NI Youth Assembly; and
3. Benchmark levels of participation amongst children and young people.



Challenging Discrimination

What is Discrimination and why is it important?

Discrimination is stopping someone receiving their rights because of their age, ethnicity, gender, religion, political or other opinion, disability, etc. This is one of the cornerstones of the UNCRC.

Due to children's vulnerability, they require more protection from discrimination than adults. However, they are experiencing discrimination on a regular basis because of their age. There should be laws in place to stop children and young people being discriminated against at anytime, including protection from all forms of violence and assault (including physical punishment), when accessing mental health services and goods, facilities and services.

To make sure all children and young people are not discriminated against, NICCY calls on our Government to:

1. Establish legislation which provides protection from discrimination when accessing goods, facilities and services. This should include all children and young people and not just those over 16 years old;
2. Ensure the Mental Capacity Act Northern Ireland (2016) applies to 16 and 17 year olds in the same way as adults and that all under 16s have equal or enhanced protections under an amended Mental Health (Northern Ireland) Order 1986; and
3. Reform the law to make sure children have equal protection from all forms of assault, including physical punishment, and improve support for families by providing positive parenting information and help.



Need help?

If reading about the issues in this booklet has left you feeling worried about yourself or anyone else please talk to someone.

If you feel you cannot talk to an adult you trust like a parent or a teacher then please contact **ChildLine on 0800 1111**.



They offer confidential advice and support to children and young people, are open 24 hours a day and it will not cost you anything to get in touch with them.

If you are worried that you or someone else is not safe and may be hurt you can also speak to Social Services or the Police.

If you want to talk to someone about your mental health and well-being you could speak to a school counsellor, if your school has one, or ask your GP who might talk to you about getting help from Child and Adolescent Mental Health Services.

Useful link:
www.familysupportni.gov.uk.

This site provides details of a wide range of local services provided by statutory, voluntary and community organisations to support young people and their families.



Contact Us:

T: 028 9031 1616

E: info@niccy.org

W: www.niccy.org

Twitter: [@nichildcom](https://twitter.com/nichildcom)

Facebook: [www.facebook.com/
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