



# STATEMENT ON CHILDREN'S RIGHTS IN NORTHERN IRELAND

Summary of Calls  
June 2018

**NICCY**  
PROMOTING THE RIGHTS OF  
CHILDREN & YOUNG PEOPLE





## INTRODUCTION

## NICCY's Mission:

### ***“To Safeguard and Promote the Rights and Best Interests of Children & Young People.”***

NICCY is the statutory body established to safeguard and promote the rights and best interests of children and young people in this jurisdiction<sup>1</sup>. An independent Human Rights Institution, NICCY has to have due regard to the United Nations Convention on the Rights of the Child<sup>2</sup> as the basis of our work (whilst also recognising international and domestic jurisprudence is engaged as/when appropriate). Part of our work involves monitoring Government and its delivery in respect of children and young people's rights, as manifest through adequate and effective laws, practice and services.

This collation of Calls to Government is based on our 'Statement on Children's Rights in Northern Ireland' (SOCRNI). It is NICCY's first such publication and is informed by current contexts (at time of drafting), the UN Committee's Concluding Observations following their 5th periodic examination of the UK State Party, and NICCY's work with stakeholders on key identified priorities. It is our intention to publish the 'Statement' on a periodic biennial basis.

On reading through, it will become clear that there is much to be done to address, and indeed redress, issues in education, mental health, socio economic rights, youth justice, safeguarding, age discrimination as well as the broader societal issues of the transgenerational legacy of past divisions and conflict.

To accompany this report, and in line with NICCY's duty to 'ground' our work within the UNCRC and to monitor rights compliance and

delivery of services for children and young people, all Northern Ireland Government Departments have provided an input to the 'Monitoring Table'. This outlines progress made in relation to the Committee's Concluding Observations published in June 2016, following the last examination. This table includes associated commentary from NICCY and is available separately on our website at [www.niccy.org/socrni](http://www.niccy.org/socrni); links to this and other documents are provided throughout this report.

As always we have ensured the 'voices' and participation of young people in informing our work, and have supported them in producing a young person's version to accompany it, as well as in an accessible format for younger children. Children and young people have long acted as 'human rights defenders' and it is incumbent on all of us not only to support them in this, but to act to protect their rights.

Given the ongoing absence of a Northern Ireland Assembly and Executive, the increasing uncertainty about the outcome of UK EU withdrawal and potential reduction of rights protections, it is more important now than ever that we highlight rights breaches, and hold Government and relevant authorities to account, where these adversely impact on the lives and outcomes of our children and young people.

In so doing we will be following up on our 'Calls to Government' which is integral to our mission to safeguard and promote the rights and best interests of children and young people.

<sup>1</sup> The Commissioner for Children and Young People (Northern Ireland) Order 2003

<sup>2</sup> The UNCRC is a set of minimum standards that the UK Government and its devolved administrations have committed to upholding for all children through ratification of the Convention. The principles of the Convention are Articles 2 i.e. non-discrimination on any ground; 3 i.e. the best interests of the child being of paramount consideration; 6 i.e. the child's right to life and development to his/her maximum potential and 12 i.e. the right of the child to have their views heard and taken into account in decisions which impact on their lives.





## CALLS TO GOVERNMENT

## *Educational Inequalities*

### **Calls to Government**

Government must address educational inequalities through:

1. Ending the educational attainment gap between specific groups of children and young people;
2. Removing all barriers to every child's full participation in, and access to, a child rights compliant education system, including supporting LGBT, newcomer, LAC and children with SEN, and addressing the costs of education to families;
3. Ensuring that the focus of education is on the development of every child's talents, skills and abilities as well as academic achievement; promoting children's wellbeing and measuring same; and
4. Having an urgent debate and consultation on how we fund education in Northern Ireland, and whether resources can be identified, streamlining the education system and reducing duplication, to ensure that all children have access to an effective education regardless of their circumstances.

## *Mental Health*

### **Calls to Government**

Government must prioritise children and young people's mental health through:

1. Demonstrating robust strategic planning and investment in children and young people's emotional well-being and mental health, these are necessary steps in order to embed consistency in the availability and quality of services;
2. Developing robust data monitoring systems to better identify need and direct resources to best effect;
3. Tackling the root causes of poor mental health by applying a 'health in all policies' approach to policy making, at all levels, and across all sectors; and
4. Delivering on existing CAMHS improvement plans that have identified areas where resources are required. This includes ring-fencing investment to implement actions and which must include robust and transparent oversight mechanisms.

## *Child Poverty*

### **Calls to Government**

**Government must take action to prioritise the eradication of child poverty through:**

- 1. Meeting the material needs of children, through increasing family incomes, including by ensuring that there are sufficient, decently paid jobs for parents and young school leavers;**
- 2. Allocating resources to mitigate against recent changes in social security benefits, including the Two-Child Limit, ensuring that the social security system is the safety net intended to prevent families falling into poverty; and**
- 3. Developing and implementing a comprehensive action plan to eradicate child poverty, including introducing affordable childcare, tackling educational inequalities, social exclusion and homelessness.**

## ***Safeguarding***

### **Calls to Government**

Government must ensure that all children are safe and protected from harm through:

1. In reviewing the arrangements for the Safeguarding Board and Children and Young People's Strategic Partnership, ensure that a strong, independent, multiagency child protection body is in place;
2. Commencing a statutory multiagency child death review process in line with Section 3(5) of the Safeguarding Board Act (Northern Ireland) 2011; and
3. Publishing CSE Progress Reports providing assurance that the Independent Inquiry recommendations have been fully implemented.

### **Calls to Government (children and families subject to immigration control)**

1. The UK and Northern Ireland Governments must ensure that the rights of all children, including those of destitute asylum seekers, are fully protected and they receive the support they need;
2. The Government must ensure that all separated children have access to an independent Guardian; and
3. Government should seek to support the transfer of separated children to Northern Ireland in cases where this would meet their best interests.

### **Calls to Government (Bullying)**

1. Bullying remains a significant issue for many children and young people in Northern Ireland. All children should be protected from violence and harm, including when using technology, social media and the internet. Efforts to tackle bullying and violence in schools should be intensified and prioritised;
2. The 'Addressing Bullying in Schools Act (Northern Ireland) 2016' must be commenced. The Education Authority and schools should ensure the consistent and robust implementation and monitoring of anti-bullying policies and compliance with the Act; and
3. Work on the urgent implementation of the draft e-Safety Strategy and Action Plan for children and young people in Northern Ireland must be taken forward without delay. A comprehensive overarching policy on cyberbullying should also be progressed as a matter of priority in order to keep children safe from harm.

## *Youth Justice*

### **Calls to Government**

**Government must ensure that Northern Ireland's Youth Justice System is child right's compliant, as was intended by the Youth Justice Review, and must implement all the recommendations of the Review and must specifically:**

- 1. Department of Justice must ensure it monitors how it is fulfilling its statutory obligations to ensure adherence to the best interests of children involved with the youth justice system. Data must include:**
  - a) Custody as a last resort and for least possible time;**
  - b) Section 75 monitoring of young people;**
  - c) Levels of collaboration and co-operation with other children's services;**
  - d) Improvement in levels of delay; and**
  - e) Participation of children and young people in design and delivery.**
- 2. Publish proposals to raise the minimum age of criminal responsibility to 14 years immediately;**
- 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; and**
- 4. The Youth Justice System must publish annual performance data, demonstrating tangible outcomes for children and young people involved with all their services. This data must be based on indicators proven to contribute to the reduction of offending by children and young people.**



## ***UK Withdrawal from EU ‘Brexit’***

### **Calls to Government**

Government must ensure no adverse impacts on children’s and young people’s rights and access to services as a result of UK’s withdrawal from the EU (‘Brexit’) through the following:

1. All aspects of the Good Friday Agreement must be protected including the right of people in Northern Ireland to identify as British, Irish or both. Moreover, the commitment to safeguarding human rights and the principle of equivalency of rights across the island of Ireland must be ensured;
2. The UK Government, Irish Government and European Union must work together to avoid physical infrastructure being located at or around the UK-EU border on the island of Ireland;
3. Safeguarding our children and young people must be ensured through maintaining current or similar security, policing and justice mechanisms e.g. Europol, Eurojust, ECRIS, European Arrest Warrant and Data protocols;
4. The UK and Irish Governments must co-operate to ensure freedom of movement of people across the border is not impeded so that children, young people and their families continue to access services and facilities on either side of the border e.g. in relation to health, education, family life, sports, cultural and leisure activities; and
5. The UK Government (post-Brexit) should commit to the continuation of financial support currently provided to Northern Ireland by the EU including through agricultural subsidies, structural funds and grants which contribute significantly to the Northern Ireland economy, alleviate child poverty and promote adequate standards of living - with a particular focus on disadvantaged groups and communities.

## *Legacy of the Conflict*

### **Calls to Government**

Government must urgently address the impact of the legacy of the conflict on children and young people through:

1. Ensuring the full and effective protection of children and young people from trauma, violence or mistreatment in their communities, including from all forms of violence by non-State forces as well as from recruitment by such forces;
2. Addressing the continuing impacts of the conflict, including mental ill health, family breakdown, child poverty and educational under attainment and the provision of adequate support services to children and young people in their communities;
3. Supporting 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 rights defenders; and
4. Information about the conflict should be provided to children and young people with a view to achieving a shared narrative about the conflict.

## *Participation*

### **Calls to Government**

Government must therefore prioritise the participation of children and young people by establishing clear mechanisms in all processes. These must include:

1. Development of measurable outcomes to provide a 'progression framework' from local to national participation, including exemplar models of engagement and examples of good practice;
2. Establishing structures (including a NI Youth Assembly) for the meaningful participation of children and young people in the development of policies, strategies, legislation and service delivery and monitoring of same; and
3. Establishing benchmarked levels of children's and young people's participation.

## ***Challenging Discrimination***

### **Calls to Government**

**Government must act to protect children and young people from discrimination through:**

- 1. 'Age GFS' legislation which covers all age groups to include the protection of children and young people from discrimination when accessing goods, facilities and services;**
- 2. Ensuring that children and young people have access to at least, equivalent safeguards under the mental health and mental capacity frameworks in Northern Ireland, and amending the Act to ensure it applies to 16 and 17 year olds in the same way as adults; and**
- 3. Legislative reform to ensure children have Equal Protection from all forms of assault, including physical punishment, and should renew its commitment to supporting families, including through dedicated and effective positive parenting support.**





**You can contact the Northern Ireland Commissioner for Children and Young People using the following details:**

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