

2. The NI Executive should develop, resource and implement a national advocacy strategy to ensure that children have the support to engage in making important decisions relating to them.

Ensuring that mechanisms and structures are in place to allow children to have a say in decisions affecting them is vital – but this is not sufficient in itself. As Lundy points out,⁹ children must be facilitated to express their views. Information should be provided in appropriate formats, and children supported in developing their understanding, in considering information and in making and communicating their decisions. Independent advocacy must be made available to children to support their participation, particularly where they are marginalised or vulnerable, or where decisions will have significant ramifications for their lives.

The word ‘advocacy’ originates from Latin and means ‘to add a voice’. Advocacy should be ‘child centred’, ensuring that children’s interests are the central focus and their voices heard in decision-making processes. It can also be ‘child led’, where children are supported to take on advocacy themselves.

Despite an increased recognition of the importance of advocacy for children, provision in Northern Ireland is patchy at best. It is largely limited to specific contexts and particular groups such as care experienced children and those engaging in legal proceedings.

A comprehensive advocacy strategy for all children across Northern Ireland should be developed and implemented. The development of new Mental Capacity legislation offers a key opportunity to provide a legislative basis for children’s access to advocacy services.

Duty bearers: NI Executive, particularly DHSSPS., NIO.

3. The NI Executive must ensure that children are provided with accessible complaints and appeals mechanisms to challenge decisions made by Government departments and public authorities.

Article 12 of the UNCRC provides children not only with the right to be heard, but with the right to have their views taken seriously. Decision-makers must inform children of how their views have been considered, and enable a child to appeal a decision or file a complaint if they wish to challenge a decision. Children should also have access to mechanisms for complaining about services or treatment they have received, or believe they should have received.

The Committee on the Rights of the Child’s General Comment No 12 (2009) outlines the need for access to complaints, remedies and redress:

“Children should have the possibility of addressing an ombudsman or a person of comparable role (...) in order to voice their complaints. Children should know who these persons are and how to access them. (...) Complaints procedures must provide reliable mechanisms to ensure that children are confident that using them will not expose them to risk of violence or punishment.”¹⁰

An audit of complaints mechanisms open to children should be conducted. This should not only assess whether they exist across all departments and authorities, but also if children know about them, are provided with child-friendly information, and are confident in accessing them.

Children’s complaints should be properly investigated, and given equal weight to complaints made by adults.

Duty bearers: All Government departments, agencies and public bodies.