Twelve priorities for action for children in Northern Ireland:

Advice to Committee on the Rights of the Child during UK State Party Examination, on 23 and 24 May 2016.

May 2016

The UN Committee on the Rights of the Child will question representatives of the UK and devolved governments on 23 and 24 May 2016 on their implementation of the UN Convention on the rights of the Child. The Committee will then publish a set of ‘Concluding Observations’, recommendations as to what actions must be taken by the governments to address the ongoing breaches of children’s rights in each of their jurisdictions.

This paper highlights the **twelve child rights issues** the Commissioner considers to be amongst the most critical for children in Northern Ireland.

General Principles

1. Age discrimination

The Northern Ireland Executive has stated its intention to bring forward Age Discrimination legislation in relation to the provision of goods, facilities and services, but is planning to exclude children and young people under 16 from its scope. No reasons have been provided for this, and indeed compelling evidence on the need for under 16s to be protected from age discrimination in accessing goods, facilities and services has been shared with the Executive. NICCY does not believe that there is a legal or practical reason for this exclusion, and this view was shared by the majority of respondents to a consultation on the proposed legislation.

*Recommendation: The Northern Ireland Executive should ensure that children are provided with equal legislative protection from age discrimination by including them within the scope of the forthcoming NI Age Discrimination (Goods, Facilities and Services) Act.*

1. Non-discrimination for LGBT young people

Children and young people should feel safe to be themselves and celebrated for who they are. Unfortunately, this is not the case for many LGBT children and young people.

*Recommendation: The NI Executive should ensure that LGBT children and young people do not experience discrimination. Relationships and sexuality education should be provided by schools using a standard curriculum which is inclusive of LGB relationships and issues relating to transgendered children and young people.*

1. Right to life

Despite legislation being in place requiring periodic systematic reviews of the causes of the death of children, Northern Ireland is the only part of the UK where these are not carried out. This means that patterns of deaths and learning from these may not be identified, allowing preventative measures to be put in place, potentially saving the lives of other children.

*Recommendation: The NI Executive should use all available resources to protect children’s right to life, including by reviewing the effectiveness of preventative measures and by taking measures to tackle the most common causes of mortality in children. Processes to review child deaths must be put in place by commencing article 3(5) of the Safeguarding Board Act (Northern Ireland) 2011 forthwith.*

1. Participation

Article 12 of the UN Convention on the Rights of the Child provides children with the right to have a say in decisions affecting them and for their views to be given weight in accordance with their age and maturity. In general, this right has been poorly implemented in Northern Ireland and requires a renewed commitment from the Executive.

*Recommendation: The NI Executive must ensure at all levels of governance that there are effective participation structures for children that fully support children to engage meaningfully in all decision-making about matters that affect them. These structures should be adequately resourced, embedded in practice and protected in legislation . They should allow for the participation of children of all ages and in particular those children who would otherwise be less likely to be heard. The Executive should establish a permanent, independent, peer-led, democratically elected Youth Assembly, enshrined in law.*

Violence against children

1. Physical punishment

In Northern Ireland, as across the rest of the UK, children have less protection from assault than adults. Where a physical attack on an adult would be considered assault, if the same attack was made by parents on a child, the parents have recourse to a defence of ‘reasonable chastisement’ if prosecuted, depending on the extent of the child’s injury. Despite repeated calls from the Committee on the Rights of the Child to repeal this defence and to provide support to parents to use positive parenting methods to discipline children, the Executive have not taken action.

*Recommendation: The NI Executive should ensure that children have equal protection from violence under the law.*

1. Addressing the legacy of the Northern Ireland conflict

While the ceasefires and the Belfast Agreement were in place before children and young people in Northern Ireland were born, the impact of the conflict is still felt on children’s lives, in relation to mental health, community divisions and the ongoing role of non-state forces. Young people have reported increasing recruitment to paramilitary organisations often through coercion or in payment for drug debts. Young people perceived to have been involved in crime or anti-social behaviour continue to be assaulted or excluded from their communities.

*Recommendation: The NI Executive must address the trans-generational impact of the legacy of the conflict on children’s mental health and well-being, including the impact of ongoing violence and intimidation, and ensure that affected children and their families have access to specialist support and services.*

Disability, basic health and welfare

1. Child and adolescent mental health services

Children and young people in Northern Ireland report suffering high levels of stress and difficulties in accessing child and adolescent mental health services. Last year, over 1000 children and young people were on waiting lists for these services.[[1]](#footnote-1) Around 20% of children in Northern Ireland will develop a significant mental health problem, and suicide rates are significantly higher for children and young people compared to the rest of the UK:[[2]](#footnote-2) four times higher than England and Wales for 15−19 year olds and 17 times higher for 10−14 year olds.[[3]](#footnote-3)

*Recommendation: The Executive should ensure that any child requiring access to child and adolescent mental health services can do so. Services should be sufficiently resourced to allow children to be seen quickly and avoid any further deterioration in their mental health.*

1. Child Poverty

Child poverty levels are unacceptably high in Northern Ireland. One in four children is living in poverty - over 100,000.[[4]](#footnote-4) Worryingly, these figures are predicted to rise significantly over the next 5 years.

*Recommendation: The UK government and NI Executive must prioritise the eradication of child poverty and work to prevent the predicted rise in child poverty by 2020. The ‘maximum extent of available resources’ should be allocated for this purpose and a clear plan should be created, setting out measures that will be put in place to tackle child poverty.*

1. Children with a disability

Children with a disability are more likely to be living in poverty than other children. Often the caring responsibilities of parents makes it difficult for them to work, or to work full time, and they can find themselves with no option but to depend on the social security system to meet the basic needs of their families.

*Recommendation: The UK government and NI Executive should ensure that any changes to welfare enhances, rather than reduces the protection available to disabled children and their families. Additional costs to fully support disabled children must be met by social care budgets. The Executive should demonstrate that planning for transitions from child to adult services starts early. This includes but is not limited to health, education, community and other support services.*

Education, leisure and cultural activities

1. Educational inequalities and divisions in Northern Ireland

At the last Examination of the implementation of the UNCRC in the UK in 2008, the Committee on the Rights of the Child expressed concern at inequalities in education, the use of selection tests in Northern Ireland, and the segregated education system in Northern Ireland. There has been little or no improvement on these issues affecting Northern Ireland’s education system since then: unregulated transfer tests have replaced the 11+ test, only 7% of schools in Northern Ireland are integrated, and educational inequalities remain a major concern. The attainment gap between children eligible for Free School Meals and those not eligible has not narrowed over recent years with less than half (45.6%) of young people entitled to free school meals leaving school with at least 5 GCSE grades A\*-C including English and Mathematics.[[5]](#footnote-5)

*Recommendations:*

* *The NI Executive should take all measures necessary to ensure that all children are able to access an education which allows them to reach their full potential, regardless of social background or income level.*
* *Children and young people with Special Educational Needs must have sufficient resources and support to enable them to access their right to education.*
* *The use of academic selection must end.*
* *The NI Executive should actively support, promote and develop a fully integrated and inclusive education system.*

Special protection measures

1. Minimum age of criminal responsibility

Despite repeated recommendations from the Committee on the Rights of the Child that the Minimum Age of Criminal Responsibility should be raised, in Northern Ireland it remains 10 years. In 2011 the independent Youth Justice Review commissioned by the Department of Justice recommended an immediate increase to 12 years, with consideration to be given to a further rise to 14 years following a period of review. To date there has been no progress on this proposal.

*Recommendation: The NI Executive should, as a matter of urgency, implement the Committee’s 2008 recommendation that it ‘raise the minimum age of criminal responsibility in accordance with the Committee’s General Comment No 10’.*

General measures of implementation

1. A Children’s Commissioner with appropriate powers

NICCY’s legislation requires the Commissioner to periodically review the legislation that established the office, in order to make recommendations on how it should be changed to ensure effectiveness. On two occasions the Commissioner has commissioned an independent review and then provided recommendations to the NI Executive, but in each case there has been no response. The recommendations were made to highlight problems with the legislation that prevented the Commissioner using her powers to protect children’s rights.[[6]](#footnote-6)

*Recommendation: The Northern Ireland Executive should consider the 2007and 2013 reports on the NI Commissioner for Children and Young People and amend the legislation accordingly to ensure that NICCY is compliant with internationally recognised standards for such bodies.*

1. Data annex to UK Government response to Committee on the Rights of the Child List of issues, March 2016. Data source: DHSSPS NI Community Information Branch. [↑](#footnote-ref-1)
2. Regulation and Quality Improvement Authority (2011) Independent Review of Child and Adolescent Mental Health (CAMHS) in NI. <http://www.rqia.org.uk/publications/rqia_reviews/rqia_reviews_2010.cfm> [↑](#footnote-ref-2)
3. Safeguarding Board for Northern Ireland (2014) Annual Report for the period to 31 March 2014, Belfast. [↑](#footnote-ref-3)
4. DSD, Family Resources Survey 2014-15: Relative Child Poverty (After Housing Costs). [↑](#footnote-ref-4)
5. Statistical Bulletin 9/2015 Year 12 and Year 14 Examination Performance at Post-Primary Schools in Northern Ireland 2014-15, Department of Education, 15th December 2015. [↑](#footnote-ref-5)
6. These reports can be accessed at: [www.niccy.org/about-us/childrens-rights/niccy-legislation/](http://www.niccy.org/about-us/childrens-rights/niccy-legislation/) [↑](#footnote-ref-6)