



Don't Exclude Us!

Strengthening Protection for Children and Young
People when Accessing Goods, Facilities and Services

Children and Young People's Version

Don't Exclude Us!

A young person's guide to how proposed changes to age discrimination law might affect them.

Background

The Northern Ireland Government has said that it will develop and consult on proposals to improve age discrimination legislation so that it covers the provision of goods, facilities and services.

While this may appear to be a positive development, the Northern Ireland Commissioner for Children and Young People (NICCY) and the Equality Commission for Northern Ireland (ECNI) are concerned, based on information coming from the Assembly, that children and young people under the age of 18 may not be covered by the proposed changes to the law.

What are Goods, Facilities and Services?

The amended legislation would apply to anyone providing goods, facilities or services to the public; for example: services provided by any public authority (e.g. health, education and leisure services), hotels, shops, banks, insurance companies, financial services, cinemas, theatres, restaurants, places of entertainment or refreshment and transport and travel services.

Why is it important to include children and young people in the proposed extension of the law?

Children and young people should be protected by the proposed changes to the law as:

- There is clear evidence that children and young people experience less favorable treatment because of their age when accessing goods, facilities and services
- It will help challenge the negative stereotypes and attitudes directed towards children and young people and will help build a culture where young people are treated with respect and feel valued when receiving a service
- The NI Assembly already has a number of policies in which they have agreed to protect Children's Rights. This will give them the opportunity to lead the way in making sure that rights of children and young people are promoted and protected

- It would mean that service providers and public bodies would have to review their services to children and young people to make sure that their policies are non discriminatory. This could stop discriminatory treatment of young people continuing and limit the number of complaints from them to service providers and public bodies
- Not including children and young people would go against the expectation that they should be treated equally. Not including them could mean that the government is breaching the rights of children set out in the United Nations Convention on the Rights of the Child (UNCRC), and other international laws
- It would build on and extend the existing responsibilities on public bodies towards children and young people under Section 75
- Including children and young people in the changes to the law could have a positive impact for businesses and public bodies.

What areas should the proposed legislation cover?

- Access to general services: for example; shops, public transport, entertainment venues. We have evidence from young people that they are often not allowed into shopping centres, that they have to leave their schoolbags outside shops or are not permitted to enter certain shops at certain times or in groups. “Mosquito devices” are used to stop young people gathering and meeting in certain areas. (A mosquito device is a gadget which makes a high-pitched noise that can mostly be heard by young people under the age of 20)
- Provision of health and social care: for example accessing age appropriate services including mental health services. We have evidence that they are still being admitted to adult mental health wards and that there are inconsistencies in the levels of health services that young people receive across Northern Ireland. Furthermore, we know from independent reviews that services for children in Northern Ireland are significantly underfunded when compared to other parts of the UK
- Financial services: for example banking and car insurance. We have evidence that young people experience great difficulty in obtaining car insurance at a fair price
- Public bodies exercising public functions: for example the police or prison services. We have evidence that a large number of young people who have had contact with the police experienced what they viewed to be unacceptable police behaviour
- Private clubs: for example golf clubs or private gyms. NICCY have received complaints that that young people have been excluded from using certain facilities at certain times because of their age

- Education: for example accessing age appropriate services within education particularly in the area of special educational needs. We have evidence that young people in certain year groups are either denied services or are given less priority because they are in that year group
- Accommodation: for example renting properties. NICCY have received complaints that young people have difficulties in renting properties or rooms in shared properties because landlords, due to negative stereotypical views, unfairly believe that they will damage the property or disrupt other tenants.

If the law is extended to cover children and young people then we would expect all of the above areas to be covered so that young people could legally challenge the treatment or services that they receive.

What exceptions should be included in the legislation?

We recommend that some exceptions to this proposed extension to the law should be made including:

- Existing legislation: we recommend that where another existing law allows or requires people to be treated differently because of their age then this should continue to be allowed. For example, laws which ban the sale of alcohol to under 18's
- Age-based concessions: we recommend that the legislation allows age-based concessions such as discounts for people of a particular age group where this is justifiable. For example, giving young people discounted fares on public transport or in leisure centres
- Proof of age: we recommend that the legislation allows businesses which sell age-restricted goods e.g. alcohol, cigarettes or fireworks, to continue to ask for proof of age where a customer appears to be younger than a particular age
- Positive action: we recommend that public bodies should be allowed to treat people differently based on age if this will address a disadvantage. For example, vaccination programmes which are targeted at certain age groups
- Sports: we recommend that sports providers are allowed to use age limits or age bands within sport at all levels. For example, having restrictions that members of a team must be below a certain age, i.e. under 10's or 12's
- Other possible exceptions: we recommend that the legislation is flexible so that as new issues arise, new exceptions can be made where they are necessary.

What are NICCY and ECNI doing?

ECNI and NICCY are working together on this issue to persuade government to include children and young people.

To increase understanding of the issue, we have produced a policy paper and have received advice on the legalities of excluding children and young people in this law.

We will also be taking other steps to raise awareness of the issue and to persuade government to include children and young people in the amendment to this legislation. For example we will run an event and organise key meetings.

What can you do?

Campaign on behalf of yourself and other young people to ensure that children and young people under the age of 18 are not excluded from benefiting from the proposed extension in the law. Check out our campaign workshops on www.niccy.org/gfs.

Examples of campaigning:

- Writing letters to your local Councillors, MLAs and Government Ministers, explaining why it is important to include children and young people who are under 18 in the new legislation
- Use Twitter to raise awareness - we will be using #Dontexcludeus to promote the campaign on Twitter
- Start a petition that can be forwarded to your local Councillors, MLAs and Government Ministers
- Give us your stories. Let NICCY know of examples when you have been discriminated against because of your age.

To contact us or for further information or support contact NICCY on 028 90311 616, email participation@niccy.org or visit www.niccy.org/gfs.



Equality Commission

FOR NORTHERN IRELAND

Northern Ireland Commissioner
for Children and Young People
Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP

Tel: 028 9031 1616
Fax: 028 9031 4545
Email: info@niccy.org
www.niccy.org
 **@nichildcom**

If you require any further information please contact **participation@niccy.org**

You can also contact us by Minicom on **028 9031 6393**, or by using the Relay Services to contact NICCY's telephone number **(028 9031 1616)**.

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