Response from the Northern Ireland Commissioner for Children and Young People to the Consultation on the Report on the Review of the Youth Justice System

1.0 INTRODUCTION
The Office of the Commissioner for Children and Young People (NICCY) was created in accordance with ‘The Commissioner for Children and Young People (Northern Ireland) Order’ (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2)(3) of this legislation, NICCY has a mandate to keep under review, the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. The remit of our Office is children and young people from birth up to 18 years, or 21 years of age if the young person is disabled or care experienced.

In determining how to carry out her functions, the Commissioner’s paramount consideration is the rights of the child and NICCY is required to base all its work on the United Nations Convention on the Rights of the Child (UNCRC).

2.0 GENERAL COMMENTS
The experiences of children and young people who come into contact with the youth justice system in Northern Ireland is an issue of considerable concern for NICCY. The Commissioner has advocated for some time, for change in a number of areas where she believes there has been a breach of children’s rights and human rights standards.

NICCY is very conscious of the vulnerability of many children and young people who have experience of the youth justice system. Research, official reports and oral evidence have highlighted the myriad social, educational and health-related issues which can impact on their lives. These include family breakdown, poverty, experience of the care system, educational under-achievement, truancy, drug and alcohol misuse and mental ill health. These
issues are extremely significant in considering the type of responses made to young people who come into conflict with the law. Appropriate and effective responses will clearly involve the participation and co-operation of other Government Departments, statutory and non-statutory agencies in addition to the Department of Justice.

NICCY welcomed the commitment in the Hillsborough Agreement, 2010 to conduct a review of the youth justice system in Northern Ireland. This was ‘to review how children and young people are processed at all stages of the criminal justice system, including detention, to ensure compliance with international obligations and best practice’. The Commissioner met with the Youth Justice Review Team to highlight a range of issues of particular concern and NICCY also submitted a written response to the Review Team.

In responding to this consultation, NICCY has considered the Youth Justice Review findings and recommendations against the original terms of reference and NICCY’s oral and written submissions to the Review Team. NICCY welcomes, with some caveats, the Report and recommendations. We are particularly pleased to see the call for the removal of all under 18 year olds from Hydebank Wood, proposals to increase the minimum age of criminal responsibility, the call for statutory time limits to be introduced and the recommendation for greater resource allocation and investment in early intervention. We also welcome the proposal to incorporate Article 3 of the UNCRC (best interests principle) as a key aim of the Youth Justice System through an amendment of the Justice (NI) Act 2007 and the Public Prosecution Service Code of Practice.

There are areas however, which NICCY believes should have been given greater attention and where the recommendations could have been stronger or more specific. This includes the limited efforts to integrate international children’s rights standards, particularly the UNCRC, into the findings and recommendations, the absence of a recommendation to introduce a statutory duty for all government departments to cooperate and the lack of any reference to the demonization and negative stereotyping of young people.

This response will begin with a brief analysis of how NICCY believes children’s rights were addressed in the Report. It will then offer comments on a range of

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1 Agreement at Hillsborough Castle (Section 1, para.7).
the key issues identified in Chapter 3 and then highlight a number of issues which NICCY would suggest should have been addressed.

3.0 CHILDREN’S RIGHTS AND THE YOUTH JUSTICE REVIEW

The United Nations Convention on the Rights of the Child (UNCRC) provides the overarching framework which guides the work of NICCY. The UK Government, including Northern Ireland, is a signatory to the Convention and has agreed to uphold the rights of children and young people based on the Convention.

NICCY appreciates that there are often complexities when reconciling the rights of children and young people with their welfare and best interests. NICCY would strongly suggest that the recommendations are reviewed against all relevant Articles within the UNCRC and that these are incorporated in the policy as underlying principles, to ensure that the rights and best interests of children and young people are upheld and protected.

3.1 Reference to International Children’s Rights Standards

NICCY warmly welcomes the inclusion of an in-depth analysis of international children’s rights standards as these relate to youth justice. Given the breadth and detail of this review, it was understandably, published as a separate document to the main report. It is disappointing however that greater reference is not made to such a valuable document throughout the report. NICCY had expected, given the terms of reference and subsequent attention given to international standards in the children’s rights analysis document that the Riyadh Guidelines and Beijing Rules and particularly the relevant principles and provisions of the UNCRC would have been integrated more explicitly into the Review report. Given the emphasis on the importance and relevance of children’s rights standards, it would have been helpful if the report had provided more frequent, detailed references to these as it dealt with the various aspects of youth justice in Northern Ireland. Indeed, NICCY had anticipated that the Report would have approached youth justice issues using a child rights framework to highlight key rights and to reflect on how and where they should be applied. While we acknowledge the considerable value of the companion document, we are concerned that it will be regarded as an ‘addon’ or ‘optional extra’. NICCY believes that a recognition of and adherence to
international standards should constitute a cornerstone of youth justice and be actively promoted through the work of all those involved in the youth justice system. This would be achieved more effectively if there had been greater integration of rights and standards in the main report.

The Report references Article 3 of the UNCRC, the best interests of the child, and makes two important recommendations in relation to it. Recommendation 28 proposes an amendment of Section 53 of the Justice (NI) Act 2002 (which outlines the aims of the Youth Justice system), to fully reflect the best interest principles of Article 3. Recommendation 5 states that the Public Prosecution Service (PPS) should incorporate Article 3 into its Code of Practice and that all professionals working within the youth justice system should participate in appropriate training to reflect the new aim. NICCY endorses these recommendations. However if the commitment to the best interests of the child is to be genuinely meaningful for children and young people, it will be important that all those who play any kind of role within the youth justice system understand the implications of this amendment and are fully committed to ensuring this principle is borne out in their practice.

NICCY was rather disappointed that there are few references to the child’s right to be heard and to have their views and opinions taken into account (Article 12) or to the right to non-discrimination (Article 2). In addition, there are only passing references to Article 37(b) and Article 40 of the UNCRC which pertain specifically to youth justice. There are also few references to the UN Committee of the Child’s Concluding Observations.

As the Review itself recognises in a section devoted to ‘Special Groups’\(^2\), there is an over-representation of vulnerable young people in the youth justice system. Adequate and effective protection and provision of the standards and obligations contained in the UNCRC, and other relevant international treaties is therefore vital for these most vulnerable children and young people.

3.2 NICCY’s recent work on Children’s Rights and Youth Justice

Last year NICCY launched a campaign, entitled ‘Make it Right’, to mark the 21\(^{st}\) anniversary of the UK’s ratification of the UNCRC. Each month a policy and campaign briefing were produced, and these identified key areas where children’s rights and best interests were not being addressed. In November

\(^{2}\) Department of Justice (DoJ) (2011) A Review of the Youth Justice p. 86, Section 3.12.
2010, the issue was youth justice and in this briefing, NICCY made 3 calls. These were for;

- A child centred approach to be placed at the heart of the Youth Justice System;
- Approaches to prevention and diversion to be appropriate, well resourced and long-term, and;
- Government to do more to meet the needs of young people who are or have been in custody.

The Commissioner has continued to raise these issues and other concerns relating to the youth justice system in her communications with Government, via the Department of Justice, the Northern Ireland Assembly Justice Committee and through her engagement with MLAs from different political parties.

In their mid-term report to the UK State Party on the UNCRC, the four UK Children’s Commissioners highlighted a number of areas of concern including child poverty, children seeking asylum, children with disabilities and juvenile justice. The Report reflects on the UN Committee on the Rights of the Child’s Comments from 2008 and assesses the progress made in each jurisdiction towards improving the lives of children and young people. Three priorities for action were identified in relation to juvenile justice. These were for the UK Government and devolved administrations to;

- take immediate steps to re-orientate the juvenile justice system in each country in order to ensure the non-criminalisation of children and young people through a focus on prevention and diversion;
- work with relevant agencies to ensure there is consistency and continuity of services for children and young people in the youth justice system and the wider community, especially in accessing mental health and education services;
- take immediate action to ensure that every child in custody is treated humanely and that their rights are respected.

In the report, the Children’s Commissioners state that they will continue to hold Government to account on these issues and call on the UK State Party to make children’s rights a reality by responding to these calls.
3.3 Participation of Children and Young People in the Youth Justice Review

NICCY is aware that the Youth Justice Review Team met with children and young people during the Review, however we are unclear as to the extent of their involvement during the current consultation on the Review Report. Article 12 of the UNCRC, as referenced above, addresses children’s right to participate in decision-making around issues which will affect their lives. NICCY would therefore expect that the Department facilitated an accessible and effective consultation process with children and young people to ensure their views and experiences are recorded and considered. However a delay in the production of a children and young people’s version of the Report has significantly reduced the opportunity for children and young people to feedback their views and may mean that the Department of Justice will not be able to collect a sufficiently representative range of views.

NICCY would suggest that given this delay and therefore reduced consultation period for children and young people, that the opportunity for children and young people to provide responses should be extended into 2012.

4.0 Minimum Age of Criminal Responsibility

As NICCY noted in its submission to the Youth Justice Review, we have significant concerns regarding the current age of criminal responsibility in Northern Ireland. We believe that attributing 10 year olds with criminal responsibility is inappropriate and potentially, will have a detrimental impact on different aspects of a child’s life, from which many children may never recover.

As the Report rightly points out, the Committee on the Rights of the Child does not set a predefined age at which criminality should be assumed. Instead, it states, in General Comment 10, that any age below 12 years cannot be considered internationally acceptable.³

NICCY therefore is encouraged by Recommendation 29 in the Report, that the age should be raised to 12 years with immediate effect, and that following a period of review (of no more than 3 years), that consideration be given to raising the age to 14 years. If the minimum age were raised to 12 years, this

will create, as the Report recognises, a specific need in relation to the provision of services and support to children (and their families), who would have entered the criminal justice system if the minimum age continued to be 10 years. It will be important that society is reassured that services and programmes can provide sufficiently for these children. NICCY would suggest that Recommendation 30 is therefore particularly important and should involve the urgent provision of various services and restorative approaches. There are some outstanding issues around this recommendation, including the need for the Department of Justice, along with other key Government Departments to assess the extent of additional provision required and to identify how they might best collaborate in the delivery of these provisions. The potentially valuable role of voluntary and community based organisations should also be carefully considered and their knowledge and expertise utilised effectively.

5.0 PROPOSALS RELATING TO KEY ELEMENTS OF THE YOUTH JUSTICE SYSTEM

5.1 Early Intervention and Prevention

In its written submission to the Youth Justice Review, NICCY stated its support of efforts to prevent children and young people coming into contact with the youth justice system. National and international research evidence demonstrates that investment in programmes and services directed towards health, education and family and community support can have a significant impact on children’s life chances. NICCY therefore welcomes the emphasis placed on prevention and early intervention in the Report, through proposals for ‘what works’, suggestions regarding the design and implementation of early intervention strategies and references to examples of existing good practice. The Report references recommendations from the Council of Europe, however there is no reference to the UN Committee on the Rights of the Child’s statement regarding Government’s obligations to undertake economic and social planning and decision-making and budgetary decisions with children’s best interests as a primary consideration. The Report also does not reference the requirements on Government to instigate a continuous process of child impact assessments and evaluation. Given the attention paid to children’s rights and international standards in Chapter 5 and in the accompanying document, NICCY was

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5 Ibid, Paragraph 45.
surprised that greater reference was not made to relevant UNCRC Articles and General Comments relating to early intervention and prevention.

While recommendations 1-3 concerning this issue present positive opportunities for the development of a more focused approach, NICCY has some reservations regarding the proposal to establish an Early Intervention Unit and the introduction of an early intervention strategy as part of the ‘Ten Year Children’s Strategy’. Establishing a separate unit to address early intervention and prevention seems to run contrary to the concept of a holistic, integrated approach where early intervention is mainstreamed across Government Departments. Furthermore, NICCY understands that a key objective of the Children and Young People’s Strategic Partnership (CYPSP) is to support and promote early intervention through the six high level outcomes identified for children and young people. It would therefore seem more expedient and appropriate to consider how early intervention initiatives might be progressed and delivered with the support of the CYPSP.

NICCY has been extremely concerned by the failure of the ‘Ten Year Children’s Strategy’ to promote and protect children’s rights, to demonstrate real delivery for children and young people and to attract support and ‘buy-in’ from all Government departments. The delay in producing an Action Plan for the year 2011 onwards has compounded our concerns about Government commitment to the Strategy. The Report itself comments that the Strategy ‘appears to lack bite, accountability and buy in… and, that as a result it is difficult to determine, five years in what has been achieved in practice’. Therefore, it is questionable whether a key children’s strategy concerning early intervention and prevention should be developed and delivered as part of a larger Strategy which clearly requires significant reenergising by and commitment from Government.

In addition, NICCY felt that the attention given to the development of strategies regarding early intervention and prevention presented a valuable opportunity for the Review to propose the introduction of a statutory duty on government departments to co-operate. This would represent a genuine opportunity to mainstream early intervention and prevention approaches and programmes. We were therefore disappointed that the Report’s recommendations stopped short of proposing the introduction of a statutory duty to co-operate.

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5.2 Policing and Children and Young People

The Report correctly highlights the negative interface which often exists between young people and the police. In the Community Safety briefing issued during the ‘Make it Right’ Campaign, NICCY highlighted young people’s negative encounters with police, identifying as one of its calls, the need for a more positive focus on children and young people.

NICCY has also expressed concern about the use of photographic images of children and young people and ASBOs as representing significant threats to children’s rights. The Commissioner has pursued these issues through different avenues and with various agencies.

NICCY welcomed the application of the UNCRC standards in the Police Service’s (PSNI) policy on policing and children. This now requires all members of the police to respect children’s human rights and to demonstrate this in policies, procedures and practice\(^7\). The publication of the Policing Board’s Human Rights Thematic Review Children and Young People also represents a positive and constructive step in considering how children’s rights should be taken into account in policing and also in identifying key challenges and possible solutions. In taking forward the relevant recommendations in the Report, it will be important to take account of the Policing Board Review.

While these are encouraging developments from the Policing Board and PSNI, NICCY is unclear of the extent to which these have been translated into practice. The recommendations in the Review Report make reference to ‘modelling best practice’ and the development of a ‘skills package for all officers engaging with children and young people’. While this is positive, it will be important to ascertain how this will actually impact on the day-to-day delivery of policing and more importantly how this will be monitored and evaluated. NICCY would request that the Department of Justice provides further information regarding how this will be achieved and in addition, suggests that consideration be given to involving children and young people in any evaluation of impact.

5.3 Diversion and Prosecution

As outlined in our response to the Youth Justice Review, NICCY is wholly supportive of appropriate, well resourced diversionary measures which successfully redirect children and young people away from the youth justice

system. We welcome the Report’s focus on the principle of proportionality and the references to international examples of good practice. NICCY concurs with Recommendation 6, which states that the aims of the youth justice system should reflect the proportionality principle, including a presumption that low level offending be dealt with by parents, school and communities. One reservation we would have with regard to this recommendation is the emphasis which remains on the involvement of the police in dealing with offending behaviour which is defined as minor, low-level and non-persistent. In our opinion, it would have been helpful for the Report to have given additional attention to community led interventions and initiatives and to have outlined some practical proposals as to how these might be promoted more effectively.

5.4 Community Based Restorative Justice (CBRJ)

NICCY recognises the valuable work carried out by CBRJ schemes and notes that the Review Team concludes they are ‘an important and effective part of the youth justice landscape.’ NICCY has been aware of some community concerns regarding the CBRJ schemes however the positive evaluation by the Youth Justice Review team and inspection reports completed by the CJINI represent important endorsements. Given these positive assessments and following our suggestions in paragraph 5.2, NICCY would suggest it may be beneficial for the Department of Justice to consider how CBRJ programmes might be accessed and used most effectively in relation to children who have committed low-level, minor offences.

5.5 Bail and Remand

NICCY strongly concurs with the Report’s assertion of rights relating to the deprivation of liberty as enshrined in the European Convention on Human Rights and UNCRC and in line with rulings of the European Court of Human Rights. In our response to the Youth Justice Review last March, NICCY highlighted concerns about the use of detention for children and young people who are deemed to require a 'place of safety' or who are on short term remand, pending a court appearance. A particular issue is the implementation of the Police and Criminal Evidence Act (PACE) 1984, which permits the Police to place children and young people in custody overnight or on short term remand before a court appearance. NICCY, along with other agencies including CJINI considers the admission of children and young people to Woodlands Juvenile Justice Centre under PACE placements as inappropriate.

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8 Op cit, DoJ. p.49.
and disruptive for all young people within the Centre. It is also not a cost effective approach. While NICCY welcomes the recommendation to reduce the use of Woodlands for this purpose to an absolute minimum there remains a concern that the practice will continue and if additional alternative accommodation is not identified that the levels of use will simply continue as they are. A key requirement is the provision of additional, appropriate accommodation.

NICCY concurs with the recommendations for relevant, proportionate and realistic bail conditions, where necessary, and for a range of appropriate accommodation to be made available. While there may be resource implications, there is an urgency to address the current situation and the negative impact that unsuitable accommodation can have on young people at crucial points in their lives.

5.6 Youth Conferencing

NICCY raised a number of concerns in relation to youth conferencing in our response to the Review, some of which are mentioned in the Report. These include the issue of delays in the process and the use of multiple conferences for young people who are considered persistent offenders. The critique of these issues in the Report is helpful however NICCY had anticipated that reference would also have been made to the issue of informed consent by young people and their genuine participation and the perceived value placed on youth conferencing and the work of Youth Diversion Officers by the Police. The resolution of such issues is essential if youth conferencing is to be a positive, effective measure which can support young people to move away from offending.

While emphasising that youth conferencing is identified as a 'restorative' and 'diversionary' approach, it is important to recognise that participation in a youth conference will result in a record that must be disclosed in certain circumstances. Therefore young people are not diverted away from the criminal justice system.

NICCY would suggest that, as youth conferencing has now been in operation for 5 years, that this is an opportune time to undertake a detailed, in-depth evaluation of its effectiveness, taking account of the views and experiences of all of those involved.
5.7 Delays in the System

The critical issue of delay in the youth justice system is rightly addressed in some detail in the Report. NICCY has been concerned by, as it is described in the Report, the 'endemic' nature of delays, extending from the point of entry into the Youth Justice System through to rehabilitation. We are aware that other agencies and bodies including the CJINI, the UN Committee on the Rights of the Child and 'Include Youth' have also highlighted concerns about the issue of delay on more than one occasion. Children and young people themselves have drawn attention to the negative impact of long delays in the process. Given these widespread, ongoing concerns, NICCY therefore welcomes the recommendation within the Report to introduce statutory time limits. This measure, as the Report proposes, provides the most effective approach to tackling the issue. We would therefore urge the Department to give this proposal serious consideration.

5.8 Custody

In our response to the Youth Justice Review, NICCY referenced Goldson's conclusion that custodial sentences comprise the least effective and most damaging forms of intervention in youth justice (2011). NICCY believes that wherever possible, an alternative response should be made and that greater resources should be directed towards early intervention and genuine diversionary measures. Where a young person is detained, this should be as a last resort and for the shortest period possible, as obligated by the UNCRC (Article 37(b)), and other international treaties.

Along with various other agencies and bodies\(^9\), NICCY has been calling, for some time, for an end to the detention of under 18 year olds in Hydebank Wood. We therefore welcome Recommendation 16 in the Report which states that this practice should cease. While acknowledging that there will be logistical issues arising in relation to the relocation of these young people, NICCY would nonetheless recommend that this is undertaken as quickly as possible and certainly before March 2013, as suggested in the Report. According to a statement by the Minister for Justice in September 2011, this issue was being addressed at that time, so presumably this is already in progress. NICCY would be interested to learn more about the action plan for the relocation of under 18s to Woodlands Juvenile Justice Centre and how

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young people from both Hydebank Wood and Woodlands will be prepared for the changes arising from this.

Various agencies and organisations have highlighted serious concerns about the vulnerable nature of many children and young people in the youth justice system. Inspection Reports and research has recorded the high proportion of young people who are care experienced, on the child protection register, or have special educational needs or experience mental health problems. NICCY welcomes Recommendation 19 which calls for care experienced children and young people not to be placed in custody if this would not have been the course of action taken for a child or young person who was not care experienced.

Recommendation 22 is important in drawing attention to need for greater interagency understanding, assessment and more effective collaboration in providing effective support for children and young people with special needs. This recommendation is very general, therefore it will be important that the Department of Justice, along with the DHSSPS and all relevant agencies can translate this into sufficiently detailed strategies underpinned by effective joined-up approaches and appropriate resources.

NICCY would particularly highlight the needs of young people with mental health problems. There are no specific recommendations in the Report pertaining to this group although it does note statistics highlighting the significant proportion of young people in contact with the Youth Justice System who showed signs of, or were diagnosed with mental health problems. NICCY, along with other agencies, including the CJNI, Independent Monitoring Board and Regulation and Quality Improvement Authority, continues to be very concerned by the quality and provision of treatment and support to these young people while in detention and on their release. Inspection Reports have highlighted the lack of day services, an absence of adequate Child and Adolescent Mental Health Services (CAMHS) and the need for better links with CAMHS in the community. The Report also draws attention to the ‘absence of a strategic framework of services’, ‘limited provision at Lakewood’ and lack of ‘continuity of provision postrelease’ (p.88). NICCY would urge the Department to pay particular attention to mental health issues affecting young people in the youth justice system and when considering the

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recommendations outlined in the Report, to take account of their particular needs.

The Report only gives limited attention to education, training and employment. We are aware that significant improvements have been made to education provision in Woodlands. However all young people may not have access to the full Northern Ireland Curriculum and concerns remain around education and training provision in Hydebank Wood. The transfer of under 18s to Woodlands represents a very positive development, but it will be important that their particular educational and training needs can be effectively addressed. Inspection reports of Hydebank Wood have highlighted the alarmingly low literacy and numeracy levels of young people and the lack of a ‘purposeful, daily regime which appropriately meets [their] educational, personal and social development needs.’ 12 There is therefore an expectation that the relocation of young people to Woodlands will provide more much appropriate and effective education and training opportunities.

As highlighted in Section 3.2, the Mid-term Report to the UK Government on the UNCRC by the four UK Children’s Commissioners focused specifically on concerns relating to the provision of mental health and education services to young people in the youth justice system.

5.9 Reintegration and Rehabilitation

NICCY would have expected more attention to have been given to these issues in the Report. It is clearly important that on their release from custody, children and young people receive effective, coordinated, sustained support to successfully reintegrate into education, training, family life and the community, if they are to avoid reentry into the youth justice system. The general principles underpinning Recommendation 20 are important, however NICCY would have liked more detail to have been provided, particularly in relation to the ongoing needs of the most vulnerable young people in the youth justice system (i.e. those with mental health issues, special educational needs, experience of poverty etc). Greater detail would have been helpful in relation to how education, training and employment initiatives should be resourced, structured and evaluated.

In the Report, reference is made to criminal records and disclosure in the Section on Reintegration and Rehabilitation. In relation to the issue of

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disclosure, NICCY would be concerned that any approach to the disclosure of informed warnings, cautions and diversionary youth conferences should ensure that information relating to concerns that an individual may pose a risk to children and young people, is available for standard and enhanced criminal records disclosure. We would refer the Department to significant concerns in this area highlighted by Sunita Mason in her review of this aspect of vetting and barring arrangements. This should also be understood in the wider context of a consideration of the introduction of a robust and risk assessment based mechanism to filter out old and minor convictions¹³.

6.0 ISSUES NOT ADDRESSED

NICCY was surprised that no reference was made in the Report to the negative stereotyping or demonization of young people. In our policy briefing on ‘Community Safety’, issued during the ‘Make it Right’ campaign (See Section 3.2), NICCY called on Government to adopt a more positive focus when considering children and young people and to recognise that they can be treated unfairly by police, media and politicians. We also highlighted this issue in our response to the Youth Justice Review, with a reference to the UN Committee’s Concluding Observations (2008) which urged the UK Government to ‘take urgent measures to address the intolerance and inappropriate characterisation of children, especially adolescents within society, including the media’.¹⁴ In addition, the European Network of Ombudsmen for Children (ENOC) called for differentiation between the ‘responsibilisation’ and ‘criminalisation’ of young offenders, advocating that the focus of every agency should be on re-integration and rehabilitation rather than criminalisation.¹⁵

In the absence of any recommendation relating to negative stereotyping of young people, NICCY would strongly suggest that the Department takes account of the detrimental impact this has on young people. It should also consider how the constant negative portrayal of young people skews social and political debates away from an accurate and balanced discussion of all of the relevant causes of anti-social and offending behaviour.

Reference has already been made in Section 3.1 to the lack of attention paid to key UN CRC articles. However, it is perhaps worth reiterating our disappointment that greater attention was not given to Articles 2 (non-discrimination), Article 12 (participation), and Article 40 (treatment of children and young people within the criminal justice system).

The vulnerability of children and young people in the youth justice system has been highlighted along with an acknowledgement of the over-representation of young people with particular health, social and educational needs. These issues could have been addressed in relation to Article 2 (Non-discrimination) with a proposal that the Department of Justice (along with the relevant agencies), further explore the factors leading to these young people entering the youth justice system and consider how their diverse issues and needs might be addressed using a more holistic approach. Greater attention could have been given to participation rights by considering the extent to which young people can meaningfully participate in decisions made concerning them, within the youth justice system. It would have been helpful if the Report had provided an assessment of the extent to which different agencies and professionals complied with Article 12. This could have evaluated the opportunities for young people to contribute to proceedings in youth conferencing and the youth court, to raise complaints and receive responses and to participate in decisions regarding their health, education and accommodation.

7.0 CONCLUSION

NICCY welcomes the publication of this consultation on the Youth Justice Review and the important and timely opportunity this now presents for Government to make key changes to the youth justice system in order to ensure that it is compliant with child rights and other relevant international standards and that it is, essentially fit for purpose. NICCY would urge the Department to consider and implement the recommendations as quickly as possible. Clearly other Government departments including DHSSPS, DE, DEL and DSD have significant roles to play in ensuring the recommendations are taken forward effectively, therefore this will require an effective, interdepartmental approach.

NICCY welcomes the opportunity to respond to this consultation. If we can provide any further information or clarification regarding any of the issues raised in this response, please contact Dr. Alison Montgomery, Senior Policy and Research Officer by email - Alison@niccy.org or by telephone - 02890 316385