INTRODUCTION

The Office of the Commissioner for Children and Young People (NICCY) was established 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. This legislation confers on NICCY a range of powers and duties including keeping under review the adequacy and effectiveness of law, practice and services, advising government, promoting an understanding of children’s rights and best interests and bringing, assisting or intervening in legal proceedings. The remit of the Office covers children from birth up to 18 years, or 21 years of age if the young person has a disability or is care experienced.

This briefing outlines the key issues affecting children and young people across Northern Ireland, and the actions required to address them. It is important to note four key developments that relate to the implementation of children’s rights in general.

1. The Children’s Services Cooperation Act 2015 (CSCA)
   This legislation requires all Government Departments and Agencies to work cooperatively to contribute to the improvement of outcomes for children, using eight wellbeing measures. It requires the Executive to produce a report on how this will be achieved and to report on progress every three years. The obligations under the Act should inform all work undertaken by Departments and Agencies affecting children and young people.

2. The development of the new Children’s Strategy 2017-2027
   In response to the requirements of the CSCA, the Department for Education has been in the process of developing a Children and Young People’s Strategy on behalf of the Executive. This is an important high-level Strategy, and should provide strategic direction for all of the work of the Government, NI departments and agencies on behalf of children and young people.

3. The UN Committee on the Rights of the Child’s Concluding Observations
   In May 2016, the UN Committee on the Rights of the Child examined the report of the UK Government on how it, and the devolved governments, had implemented the UN Convention on the Rights of the Child. It raised many concerns, a number of which particularly focused on the situation in Northern Ireland. It is vital that the UN Committee’s recommendations are implemented in Northern Ireland without delay.

4. The UK’s exit from the European Union
   While ‘Brexit’ will have an impact on the population of Northern Ireland as a whole, there are particular ways in which it will impact on children and young people. It is vital that those negotiating the UK’s exit from the EU, and indeed those advising them in this process, take account of the rights of children and young people, and ensure that there is no regression in their enjoyment of these rights.
Tackling Child Poverty

More than 100,000 children in Northern Ireland are living in poverty (23% in 2015-16). Poverty disproportionately affects children in lone parent families, those in workless households, or in families where one or more members have a disability. However, around 60% of children in poverty live in households where at least one parent is working. Poverty has a severe impact on every aspect of their lives, including their health and educational outcomes.

NICCY calls on the Government to reduce child poverty, including taking the following actions:

• Meeting the material needs of children, through increasing family incomes, including by ensuring there are sufficient, decently paid jobs for parents and young school leavers;
• Allocating resources to mitigate against recent changes in social security benefits, including the two-child limit, ensuring that the social security system is a safety net preventing families falling into poverty; and
• Developing and implementing an action plan to reduce child poverty, including addressing childcare, educational inequalities, social exclusion and homelessness.

Responsibility: DfC, DE, DoH

Mental Health

Children’s mental health services receive just 7.8% of the total mental health budget; this is despite the fact that there is strong evidence that adolescent years are a peak time for the onset of mental health problems. To fully realise children and young people’s rights to the best possible mental health, a comprehensive suite of services are required to promote children and young people’s emotional wellbeing and mental health and to identify and respond to need.

It is essential that the Government prioritises children and young people’s mental health, this includes:

• Mapping need and measuring outcomes by developing robust data and monitoring systems to better identify need and direct resources to best effect;
• Demonstrating greater strategic planning and investment in children and young people’s emotional wellbeing and mental health in order to embed consistency in the availability and quality of services from prevention and early intervention to specialist services; and
• 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.

Responsibility: DoH, DoJ, DE, DfC
**Educational Inequalities and Inclusion**

The education received by all children in Northern Ireland should be of high quality, aiming to develop every child’s personality, talents and abilities to the full, in keeping with Article 29(1) of the UNCRC. However, a number of groups of children and young people are not fulfilling their potential in education.

NICCY therefore calls on the Government to address educational inequalities through:

- Ending the educational attainment gap between groups of children and young people;
- Removing all barriers to every child’s full participation in education, including supporting children with SEN and addressing the costs of education to families; and
- Ensuring that the focus of education is on the development of every child’s talents, skills and abilities, rather than purely academic achievement. Children’s wellbeing must be adequately promoted and measured in school.

Responsibility: **DE, DoH**

**Safeguarding**

All children have the right to be protected from violence, abuse and exploitation. It is vital that our safeguarding arrangements are robust and that all Departments and agencies work together to prevent abuse and exploitation, protect children at risk or subject to abuse and support children in their recovery.

The Government must prioritise safeguarding children and young people through:

- Fully implementing recommendations from the Independent Inquiry into Child Sexual Exploitation;
- Providing all services and supports required by Separated Children Subject to Immigration Control, including the statutory obligation to provide independent Guardians; and
- Reviewing the arrangements for the SBNI and CYPSP to ensure that a strong, independent, multiagency child protection body is in place.

Responsibility: **DoJ, DoH, DE**

**Youth Justice**

The Youth Justice Review (2011) made a number of recommendations to address failings in NI’s youth justice system. Unfortunately, a number of significant recommendations remain outstanding.

In 2015, the DOJ began a Scoping Study in order to address the outstanding issues and build upon the work of the Youth Justice Review.

The Government must ensure full implementation of the Youth Justice Review and progress of the Scoping Study, addressing specifically the issues of:

- The minimum age of criminal responsibility should be raised to 14. Services should be developed to meet the needs of children and young people who would have entered the criminal justice system;
- Delay (through the implementation of Statutory Time Limits); and
- The use of bail and remand (in particular the disproportionate number of Looked After Children unsentenced in custody).

Responsibility: **DoJ, DoH**

**Promoting Participation of Children and Young People**

Children and young people have a right to have a say in decisions affecting them, and for their views to be given due weight in accordance with their age and evolving capacity. There is a lack of consistency in existing participation mechanisms in schools, at community, local government and national levels, and an absence of evidence of the impact of engagement with children and young people in the development of legislation, policies, strategies, action plans and service delivery.

The Government must prioritise the participation of children and young people through:

- Establishing structures for the meaningful participation of children and young people in the development of policies, strategies, legislation and service delivery;
- Establishing benchmarks for the levels of children and young people’s participation; and
- Giving due weight to the views of children and young people and tracking the impact of this on the development of policies, strategies, legislation and service delivery.

Responsibility: **DE, DfC**
Legacy of the Conflict

The impact of the ‘Troubles’ and the divisions underlying it, continue to significantly impact upon the lives of our children and young people, all of whom were born after the Belfast Agreement. The communities most deeply affected by the NI conflict are also those areas with the highest rates of mental ill-health and child poverty, and the lowest levels of educational attainment. On a daily basis the children living in these communities deal with the ongoing impacts of a conflict not of their making and which supposedly ended before they were born. Young people across different communities have reported activity by non-State forces across communities, and have stated that there is increasing recruitment to paramilitary organisations, often through coercion. Young people perceived to be involved in crime or anti-social behaviour continue to be subject to assault and/or excluded from their communities.

NICCY calls on the Government to urgently address the impact of the legacy of the conflict on children and young people through:

• 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;

• 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; and

• Supporting children and young people to play a central role in building a peaceful future in NI. Information about the conflict should be provided to children and young people with a view to achieving a shared narrative about the conflict.

Responsibility: DoJ, TEO, DE, DoH, DIC, NIO

Age Discrimination

Due to their inherent vulnerability, children require more, rather than less protection from discrimination than adults. However, they experience discrimination on a regular basis on grounds of their age. They do not have access to equal protection from assault, including physical punishment in the home, under the law. Children and young people under 16 are also excluded from the Mental Capacity Act 2016, and the safeguards provided by the Act will not be available to most 16 and 17-year-olds who lack capacity.

The Government must protect children and young people from discrimination through:

• 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;

• 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

• Legal reform to provide children with equal protection to adults from all forms of assault, including physical punishment, and providing better support to parents and families.

Responsibility: TEO, DoJ, DoH

NICCY can provide further information on any of issues presented and is happy to work with all elected representatives to promote and safeguard the rights and best interests of all children in Northern Ireland.