

## **Advice to the Northern Ireland Executive on its Draft Children and Young People's Strategy**

**14 March 2017**

## Executive Summary

NICCY has provided advice to the Executive on the development of the Children and Young People's Strategy on an ongoing basis. This paper builds on this and outlines the Commissioner's advice on the draft Strategy issued for consultation in December 2016.

There are three important drivers for the Children and Young People's Strategy, including an international treaty, domestic legislation and Executive commitments;

1. The UNCRC and 2016 Concluding Observations;
2. The Children's Services Co-operation Act 2015 (CSCA); and,
3. The Programme for Government.

While the draft Strategy addresses the commitments and duties contained in the Programme for Government and CSCA, it does not adequately reflect the **UN Convention on the Rights of the Child (UNCRC)** and the 2016 Concluding Observations. The UN Committee on the Rights of the Child's General Comment 5 provides clear guidance on standards for a Children's Strategy. The new Strategy must be the road map outlining how Government will make a real difference to children's lives. The Children and Young People's Strategy, at its core, must be children's rights based and should be the 'National Action Plan' for Children. – i.e. the implementation plan for the UNCRC.

The Strategy contains proposed structures for its **implementation**, including engagement with children and young people, and their parents. This engagement must be timely (i.e. at key stages), planned, meaningful and accessible to as many children and young people as possible. This engagement should inform the 'Turning the Curve' process and development of the delivery plans.

The Strategy outlines how it will deliver on the eight **outcomes** specified in the CSCA. In general the sections on each outcome are well structured, reflecting many of the relevant issues affecting children and young people. However, frequently there appears to be insufficient correlation between sections identifying key issues and the indicators selected. This must be rectified, with indicators selected to measure each of the areas identified as in need of greatest effort, otherwise it will not be possible to address these issues through the 'Turning the Curve' process, or to identify if there has been any change in these areas. It is also very important that each outcome reflects the relevant 2016 Concluding Observations. The Commissioner has also provided more specific feedback on each of the draft Strategy's outcome sections.

NICCY recognises the central importance of child rights **indicators** in the development of delivery plans and in monitoring the implementation of the Strategy. Given this, we do not feel that the set of indicators outlined in the Strategy will be adequate to ensure the effective delivery of the Strategy. A wider suite of indicators should be developed, which should reflect the areas that have been identified as requiring greatest effort and informed by the ‘Child Rights Indicators’ project taken forward by UNESCO for OFMDFM.

The indicator set should include self-reported wellbeing measures, some process indicators to track progress in the short and medium terms, and should be disaggregated for children within each section 75 category, and for those who are care experienced and/or living in poverty.

The draft Strategy does not identify the **resources** required to deliver on the Strategy. This is a grave omission, as a Strategy without clarity on resource allocation will not be able to deliver on any of the NI Executive’s commitments to children. Whilst accepting that there may not be additional funding, the final draft of this Strategy must set out how departmental resources will be allocated against actions set out in the implementation plan, including how the ‘pooling of funds’ and other resources as permitted under Section 4 of the CSCA will support co-operation between children’s authorities and service providers for this purpose.

It is important that the Strategy contains a **review mechanism** whereby it is **periodically reviewed** to ensure it is responsive to changing circumstances and emerging issues facing children and young people. In doing so, it will be a ‘living strategy’, allowing ongoing improvement over the lifetime of the Strategy.

We are disappointed that following a limited screening process, a comprehensive **Equality Impact Assessment** has not been carried out on the Strategy, and that the screening decision was that the Strategy was likely to only have a ‘minor’ impact on equality of opportunity across the section 75 categories. Given the CSCA requirement that the Strategy delivers on the outcome: *‘Living in a society in which equality of opportunity and good relations are promoted’*, it should have a major impact on reducing inequalities facing disadvantaged groups of children. We therefore recommend that an Equality Impact Assessment is carried out on the Children’s Strategy as a matter of priority. It is also vital that robust equality considerations are applied as required and that the policies developed by each department to deliver on the Strategy are individually assessed in respect of their Section 75 (NI Act 1998) obligations.

## 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) and (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. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons and it is under the fulfilment of this duty that we make this submission.

The Commissioner's remit includes children and young people up to 18 years, or 21 years, if the young person has a disability or has been in the care of social services. In carrying out her functions, the Commissioner's paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising her functions, the Commissioner has regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

## Consultation on the Children and Young People's Strategy

We welcome this consultation on the next 10 year Strategy and indeed, the engagement with NICCY as the Strategy has developed. Our role on the Project Board for the Strategy has allowed us to provide input at several stages in the process and we are pleased to see that many of the points which we have raised and advice provided, have been reflected in the draft Strategy currently out for public consultation.

While we will reiterate some points we have raised earlier in the process, we would ask that all of our previous advice be considered alongside this submission. In particular, we would suggest that the papers submitted in July 2016 are given careful consideration. These were as follows:

1. NICCY's interim advice to the Northern Ireland Executive on the development of its Children and Young People's Strategy;
2. An overview of the relevant articles of the UNCRC, General Comments and the Committee's Concluding Observations 2016 for each well-being outcome;
3. A report of consultative workshops held by NICCY with civic society organisations and with the NICCY Youth Panel;

#### 4. Further information to inform the development of the Strategy.<sup>1</sup>

At a time when unfortunately there are few examples of meaningful consultation with children and young people in the development of government policies, there is a great responsibility on the Executive to model good participatory practice through the consultation on this Strategy. We were pleased, therefore, that the Department of Education proactively developed plans to consult with children and young people on the draft Strategy, and that a children's and young people's version of the document was prepared and released at the same time as the 'main' version. We have also been pleased to see both general consultation events as well as consultation events specifically designed for children and young people. We look forward to hearing the outcome of these and particularly how the views of children and young people shape the final version of the Strategy.

### The purpose of the Children and Young People's Strategy

There are three important drivers for the Children and Young People's Strategy, including an international treaty, domestic legislation and Executive commitments:

1. The UNCRC and 2016 Concluding Observations;
2. The Children's Services Co-operation Act 2015; and
3. The Programme for Government.

### Delivery of the UNCRC and the 2016 Concluding Observations of the UN Committee on the Rights of the Child.

When the UK ratified the UNCRC, this placed an obligation on the UK government and subsequently on the devolved governments, to meet the commitments contained within it.

The UN Committee on the Rights of the Child has advised governments that they should produce 'National Action Plans' in which they outline how they will implement all the provisions of the UNCRC. Its General Comment 5<sup>2</sup> provides useful information on the mechanisms governments should employ in implementing their obligations under the Convention, and provides considerable detail on what the 'national strategies' should include. It states:

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<sup>1</sup> All of these papers are available at: <http://www.niccy.org/about-us/our-current-work/programme-for-government-pfg-children-and-young-peoples-strategy-and-csca/children-and-young-peoples-strategy/>

<sup>2</sup> CRC/GC/2003/5

*“If government as a whole and at all levels is to promote and respect the rights of the child, it needs to work on the basis of a unifying, comprehensive and rights-based strategy, rooted in the convention.”*

The General Comment states that this should:

- be built on the framework of the Convention;
- take account of the concluding observations on the periodic reports;
- relate to the situation of all children;
- be developed through meaningful consultation with children – requiring child sensitive materials and processes;
- identify and give priority to marginalised and disadvantaged children and young people (the non-discrimination principle);
- be endorsed at the highest level of government, to provide authority;
- be linked to the Programme for Government and national budgeting;
- not be ‘simply a list of good intentions’, but set real and achievable targets in relation to the full range of rights for children;
- be adequately resourced;
- be widely disseminated throughout Government and to the public, including children; and
- include arrangements for monitoring and continuous review, for regular updating and for periodic reports to parliament and to the public.

These are important guidelines for the development of the Children and Young People’s Strategy in Northern Ireland.

In its examination of the UK and its devolved governments in May 2016, the Committee emphasised the need for a Children and Young People’s Strategy to realise children’s rights under the UNCRC by each government, and that these should be co-ordinated under a UK-wide strategy for children and young people. In its ‘Concluding Observations on this fifth periodic examination of the United Kingdom of Great Britain and Northern Ireland’, (hereafter 2016 Concluding Observations) published in July 2016, the Committee made the following recommendation:

***“Comprehensive policy and strategy***

***8. The Committee recommends that the State party:***

- (a) Revise the UK-wide strategy, Working together, achieving more (2009) to cover all areas of the Convention and ensure its full implementation;*
- (b) Adopt comprehensive action plans for the implementation of the above-*

*mentioned strategy in England and Northern Ireland.*

*In doing so, the Committee recommends that the State party allocate sufficient human, technical and financial resources, set up clear timelines as well as a monitoring and evaluation framework for the implementation of the strategy and the action plans, and pay special attention to children belonging to the most vulnerable groups.”<sup>3</sup>*

Thus, the Children and Young People’s Strategy must clearly outline specific issues affecting children in Northern Ireland and outline how the NI Executive will address these issues. We also believe the Strategy would be better placed at figure 4.2 with those closest to the PfG, namely the Social, Economic and Investment Strategies. While the Strategy should be for all children, it also needs to identify and target those who are particularly vulnerable.

The new Strategy must be the road map outlining how Government will make a real difference to children’s lives. This is not an administrative exercise pulling together actions that have already been planned, but a mechanism for identifying all stakeholders to find cross-departmental and cross agency solutions to the most protracted issues facing children. The Children and Young People’s Strategy, at its core, must be children’s rights based and should be the implementation plan for the UNCRC. The UN Committee on the Rights of the Child’s examination of the UK and its devolved governments has provided very timely and specific advice in the form of its 2016 Concluding Observations that should inform the development and implementation of the Strategy.

While it is welcome that relevant UNCRC articles are referenced at the outset of each section of the wellbeing outcomes, it is nonetheless disappointing that the Concluding Observations from the UN Committee have not been afforded due prominence and explicit consideration. We would recommend that these be placed at the top of the list of the factors influencing the development of the Strategy in paragraph 4.3, rather than mentioned only briefly as one of the ‘Key Principles’ towards the end of this chapter. We would further recommend that the relevant UNCRC articles and Concluding Observations are fully reflected within each well-being outcome and that there are clear commitments to addressing each of these.

### **Delivery of the legislative requirements of the Children’s Services Co-operation Act 2015.**

The Children’s Services Co-operation Act (Northern Ireland) 2015 (hereafter CSCA) is the

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<sup>3</sup> Para 8, CRC/C/GBR/CO/5, 3<sup>rd</sup> June 2016



most significant legislative development relating to children in Northern Ireland for many years, as it provides a statutory framework to improve the well-being of children and young people in a manner which realises their rights.<sup>4</sup> The Act places obligations on Departments and Agencies to co-operate with each other in order to contribute to the improvement of specified well-being outcomes for children and young people. It places a further statutory obligation on Government to adopt a Children and Young People's Strategy outlining how this will be achieved.

Eight outcomes are set out in Section 1 of the legislation which define the well-being of children and young people and in determining the meaning of well-being for the purposes of this Act, regard is to be had to any relevant provision of the UNCRC.

To deliver on its statutory obligations contained in Section 3 of the CSCA, the NI Executive must set out in its Children and Young People's Strategy, how it intends to improve the well-being of children, and the actions to be taken by Northern Ireland Departments, among others, for the purpose of realising those outcomes. According to Section 10 of the CSCA, the first Strategy must be laid before the Assembly prior to the end of the 12 month period beginning on the day the CSCA received Royal Assent, i.e. by 9th December 2016. This deadline has already been missed, and the recent political instability raises concerns over further delay to the publication of the Strategy and its implementation and delivery plan(s).

It is encouraging that the draft Strategy does reflect well the legislative requirements of the CSCA and focuses on how it will deliver on the eight well-being outcomes set out in the legislation. In addition, it provides a framework as to how the Executive will promote co-operation among Children's Authorities. Where the draft Strategy needs improvement, in relation to the CSCA requirements, is in how it fails to interpret the well-being outcomes with regard to the relevant provisions of the UNCRC, despite the detailed analysis provided by NICCY in relation to this.<sup>5</sup>

### **Delivery of the commitments outlined in the Executive's Programme for Government in relation to children and young people**

The Children and Young People's Strategy should be the framework under which all work by Government in Northern Ireland, in the provision of services for children and young

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<sup>4</sup> <http://www.legislation.gov.uk/nia/2015/10/contents/enacted>

<sup>5</sup> See NICCY's paper analysing relevant provisions of the UNCRC in relation to each Wellbeing Outcome. <http://www.niccy.org/about-us/our-current-work/programme-for-government-pfg-children-and-young-peoples-strategy-and-csca/children-and-young-peoples-strategy/>



people, is undertaken. The ultimate goal for Government Departments and Agencies in the delivery of children's services should be to improve the well-being of children and young people in a manner which ensures the realisation of their rights.

We are pleased that Outcome 14 of the draft Programme for Government framework focuses specifically on children: *'We give our children and young people the best start in life'*<sup>6</sup> (while recognising that other outcomes are also relevant). The delivery mechanism for this outcome must be the Children and Young People's Strategy, in accordance with the Children's Services Co-operation Act (Northern Ireland) 2015.

We have highlighted our disappointment at the lack of reference in the draft Programme for Government to the Children and Young People's Strategy and the eight well-being outcomes. It is reassuring, therefore, that the draft Children and Young People's Strategy clearly outlines how it relates to the Programme for Government, in both delivering on Outcome 14, and supporting the wider delivery of the Programme for Government.<sup>7</sup>

## Overarching comments on the draft Strategy

### **The structures for implementation of the Strategy**

NICCY is pleased to see that the NI Executive intends to work closely with a range of stakeholders in implementing the Strategy, including children and young people, and their parents/carers. It is also very positive that a Ministerial Committee will be set up to oversee the implementation of the Strategy.

In many ways these structures closely reflect those outlined in the previous Children and Young People's Strategy, most of which were not established or sustained throughout the lifetime of the Strategy. It is vital therefore that the new structures are set up in a timely manner and that regular meetings are scheduled throughout the lifetime of the Strategy.

As the statutory body established by government to safeguard and promote the rights of children and young people, it is the intention of the NI Commissioner for Children and Young People to monitor and advise on delivery of the Strategy throughout its lifetime. NICCY expects to engage at every level of the new structures in fulfilling the statutory

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<sup>6</sup> This response is written in relation to the draft PFG commitments in place when the draft Children's Strategy was released for consultation in December 2016. We are aware that the dissolution of the Assembly in January and forthcoming election may result in a new Programme for Government.

<sup>7</sup> NICCY's advice submitted in December 2016 on the draft Programme for Government can be accessed at: <http://www.niccy.org/publications/2016/december/23/programme-for-government-pfg/>

duties of the Office.

NICCY wishes to reiterate that it will be particularly important to ensure that there are clear mechanisms for engaging with and obtaining the views of all stakeholders particularly ongoing engagement with children and young people in the implementation of the Strategy and that such engagement is timely (at key stages), planned, meaningful and accessible to as many children and young people as possible.

### **General comments on Outcomes**

In general, the outcomes sections are well structured and reflect many of the relevant issues affecting children and young people. However, these can be improved in a number of ways. In the following pages we outline some of the required changes specific to each particular outcome, in addition to the following more general changes required.

In most of the outcomes there appears to be insufficient correlation between sections outlining 'Where is the greatest effort needed' and the indicators selected in 'How do we know if we are achieving the outcome?' This must be rectified, with indicators selected to measure each of the areas identified as in need of greatest effort, otherwise it will not be possible to address these issues through the 'Turning the Curve' process, or to identify if there has been any change in these areas.

It is important that each outcome reflects and commits to addressing all of the relevant 2016 Concluding Observations. We have attached a breakdown of these by outcome area in Appendix 1.

In the 'What needs to be done?' section it is important to differentiate between 'duty bearers' whose actions should be subject to this Strategy, i.e. between the NI Executive, children's authorities, other children's services providers, parents and children and young people themselves. The statements relating to the NI Executive, children's authorities and other children's services providers should commit them to working together to deliver on the outcome. The statements relating to parents should outline the commitment of the Executive to support them in promoting the well-being of their children. Similarly, the statements relating to children and young people should begin: 'Children and young people will be supported to...'

### **General comments on indicators**

One of the UN Committee on the Rights of the Child's recent recommendations focussed specifically on the need for a set of child rights indicators for Northern Ireland:

*“The Committee recommends that the government of Northern Ireland expedite the finalization of a Child Rights Indicator Framework, covering all areas of the Convention and taking into account the conceptual and methodological framework set out in the Office of the United Nations High Commissioner for Human Rights (OHCHR) publication entitled Human Rights Indicators: A Guide to Measurement and Implementation.”<sup>8</sup>*

NICCY recognises the central importance of indicators in the development of delivery plans and in monitoring the implementation of the Strategy. Given this, we do not feel that the set of indicators outlined in the Strategy will be adequate to ensure the effective delivery of the Strategy. There needs to be a wider suite of child rights indicators developed, which adequately reflect the areas that have been identified as requiring greatest effort. There will not necessarily be a uniform number of indicators per outcome – some outcomes will obviously require more indicators than others, reflecting the range of issues which need to be addressed. While the majority of these should be outcome indicators, it may be helpful to consider the inclusion of some process indicators, to ensure that progress can be tracked in the short and medium terms.

NICCY recommends that the final indicator set should be informed by the ‘Child Rights Indicators’ project taken forward by UNESCO for OFMDFM. Considerable work was done to map the available government data on children against the UNCRC, and to identify where there are gaps in available data. While we welcome the ‘data development agenda’, this needs to build upon using the existing data identified in this project, as well as taking account of the suggestions below of a larger set of indicators.

It will be important that a number of indicators should measure children and young people’s self-reported outcomes for each of the wellbeing outcomes. This provides an essential insight into the lived experiences of children and young people. Given that the reports on the implementation of the Strategy are required 18 months after the Strategy is published and then subsequently reported on every three years, it should not be financially prohibitive to gather data on these self-reported indicators for each of these reports.

Given the requirement that the Strategy should meet the non-discrimination principle by identifying and giving priority to marginalised and disadvantaged children and young people, it will also be vital that the indicators are disaggregated for children and young people within each of the section 75 categories, and for those who are care experienced and/or living in poverty.

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<sup>8</sup> Para 9, CRC/C/GBR/CO/5, 3<sup>rd</sup> June 2016.

### **General comments on ‘Moving forward’**

The full and effective implementation of this Strategy is vital if we are to improve outcomes for and make positive changes in the lives of, our children and young people. We welcome in Chapter 7 the outline of the Outcomes Based Approach and the ‘Turning the Curve’ methodology and that these will be used to develop an implementation plan to effectively deliver on the strategic well-being outcomes. It will be important that each of the groups, set out in the ‘Working together’ structure, is engaged in this process, not least children and young people themselves.

We note that there is no reference to the resource implications of delivering the Strategy including how Government Departments and authorities will reconfigure budgets and allocate the necessary. This is a grave omission, as a Strategy without clarity on resource allocation will not be able to deliver on any of the NI Executive’s commitments to children. The final draft of this Strategy must set out how the resources will be allocated against actions set out in the implementation plan, including how the ‘pooling of funds’ and other resources as permitted under Section 4 of the CSCA will support co-operation between children’s authorities for this purpose.

Reference to periodic review is important as this creates confidence in a ‘living strategy’; such a mechanism shows responsiveness to changing circumstances / issues and enables required flexibility which will ensure ongoing improvement over the lifetime of the Strategy.

### **Comments on specific Outcomes**

#### **Outcome 1: Physical and Mental Health**

The health and social care system has a central role in meeting the physical and mental health needs of children and young people. It is widely understood that the health and social care system requires radical transformation.<sup>9</sup> It is also clear that without this transformation, the additional investment that is required to provide a comprehensive range of services that meets the needs of the population will not be possible.<sup>10</sup> It is important that the implementation plan for this outcome area sets targets which are ambitious and challenging for government departments but they must also be specific, measureable, achievable, realistic and timely.

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<sup>9</sup> Transforming Your Care (2011) <https://www.health-ni.gov.uk/topics/health-policy/transforming-your-care>

<sup>10</sup> DoH (2016) Health and Wellbeing 2026 - Delivering Together, available from <https://www.health-ni.gov.uk/publications/health-and-wellbeing-2026-delivering-together>

Child and adolescent mental health should be given equal priority with physical health by both the Department of Health and the NI Executive. NICCY recommends that the Strategy is amended to reflect a parity of esteem between physical and mental health. Whilst acknowledging this, it is important for the Strategy to provide balance in terms of the attention given to physical health and mental health. We also recommend that this section provides greater background / contextual information on issues relating to physical health and disability.

Furthermore, although inequalities in health, in particular deprivation and poverty have been referenced, it would be useful for this section to elaborate further on the range of social determinants of poor physical and mental health that need to be addressed to achieve a long term sustained improvement in the health and well being of children and young people.<sup>11</sup>

We note the lack of clear evidence to support the increasing prevalence of poor mental health referenced in para 6.4.13. There are a wide range of sources which provide evidence of the increasing prevalence of poor mental health in children and young people, some of which are referenced in NICCY's recent response to the Department of Health's consultation on its Protect Life 2 Strategy.<sup>12</sup>

As stated earlier in the paper, NICCY recommends that the final indicator set should be informed by the 'Child Rights Indicators' project taken forward by UNESCO for OFMDFM. With respect to the health indicators, it is essential that they are disaggregated against section 75 categories and also key characteristics that place children and young people at greatest risk of poor health and discrimination in access to health services. This detailed level of disaggregation will be essential for monitoring the delivery of this outcome for specific groups of children and young people. This includes children with a disability and those from different religious / ethnic backgrounds.

We also understand that there will be a wider suite of indicators developed that will reflect the areas that have been identified as requiring greatest effort. These additional indicators are essential as it is our view that the headline indicators do not fully reflect the range of priorities or issues highlighted in this section. This includes the need to focus on children and young people with a disability and the need to tackle the underlying social determinants of poor mental and physical health.

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<sup>11</sup> WHO (2014) Social Determinants of Mental Health,  
[http://www.who.int/mental\\_health/publications/gulbenkian\\_paper\\_social\\_determinants\\_of\\_mental\\_health/en/](http://www.who.int/mental_health/publications/gulbenkian_paper_social_determinants_of_mental_health/en/)

<sup>12</sup> <http://www.niccy.org/publications/2016/november/03/departement-for-health-s-strategy-protect-life-2/>

It is important that there is a commitment to ensuring that a suitable indicator for mental health of under 16s is available as soon as this Strategy becomes 'live'. There can be no delay. We understand that a psychological scale has been used with under 16s through kidscreen, this option should be considered as a matter of urgency. As a significant focus of this Strategy will be on addressing the underlying root causes of poor health with a focus on prevention and early intervention, it would be helpful for the Strategy to consider an indicator which draws on early signs of poor emotional and mental well being of children and young people. This could include a self reported scale of emotional well-being, examples include YLT / KLT surveys and the Young Person Behaviour and Attitude Survey.

Lastly, we welcome the focus of this section on the need for services to be more visible responsive and collaborative in meeting the health needs of children and young people. We would strongly recommend that indicators, whether headline indicators or part of the wider suite, measure the responsiveness of services including waiting time figures, self reported user satisfaction etc.

## **Outcome 2: The enjoyment of play and leisure**

This outcome identifies many of the key issues affecting children's access to play and leisure, but reflects less well some of the other aspects of Article 31 of the UNCRC, as highlighted in 6.5.1, i.e. the importance of rest and leisure, in the sense of having time where they are not involved in activities, work or study. It also does not adequately reflect the importance of children and young people being able to take part in sports activities, in cultural life and in the arts. This outcome should better reflect General Comment 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, and the recommendations in paragraph 74 of the 2016 Concluding Observations<sup>13</sup> (see also Appendix 1).

The sole indicator for this outcome only reflects play in a very limited sense and largely as applied to younger children. It fails to mention sports activities, cultural and arts activities, leisure activities for teenagers or time to rest and relax. This is clearly inadequate and a wider set of indicators should be adopted to reflect all of these activities, disaggregated to allow for tracking of outcomes for groups of children identified as particularly disadvantaged, including older young people, those in poverty, looked after children and those with disabilities. In addition, process indicators should be developed to track increases in spending on these activities and numbers of children and young people

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<sup>13</sup> CRC/C/GBR/CO/5, 3<sup>rd</sup> June 2016.



accessing them.

It is noted that, unlike other outcome areas, the commitment of the NI Executive and Government Departments relating to the 'Play and Leisure' outcome appear to be limited to 'the context of the allocation of resources'. Given the concerns about not taking play and leisure for granted and the stated value placed on this outcome in this Strategy, it is not appropriate that the NI Executive's commitment should be limited in this way.

### **Outcome 3: Learning and Achieving**

NICCY is pleased to see that, under this outcome, recognition has been given not only to article 28 of the UNCRC, which outlines children and young people's right to education, but also article 29 which relates to the aims of education and provides clarity on the purpose of education, going beyond solely academic achievement, i.e. that the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential. In so doing, Article 29(1) reflects the rights and inherent dignity of the child; it insists on the need for education to be child-centred, child-friendly and empowering and highlights the need for educational processes to be based upon these principles.

It is also very positive that the text under this outcome (and particularly under 'where is the greatest effort needed?') identifies groups of children and young people who are particularly disadvantaged. We note, however, that article 29 appears to be less well reflected in this section and, indeed, in the indicators. These focus entirely on academic attainment and not on the promotion of well-being or the broader development of children and young people's personality, talents and abilities.<sup>14</sup>

We note again with concern, that the 2016 Concluding Observations have not been addressed in the draft Strategy, including:

- Ensure that inclusive education is given priority over the placement of children with disabilities in specialised institutions and classes and make mainstream schools fully accessible to children with disabilities (para 56);
- Meaningful sexual and reproductive health education must be part of the mandatory school curriculum for all schools (para 64);
- Abolish the practice of unregulated admission tests to post primary education in NI (para 72a);

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<sup>14</sup> This focus on academic achievement appears to be reflected in the symbol chosen to represent this outcome: a mortarboard.



- Reduce the use of exclusions, abolish the use of ‘informal’ exclusions and ensure children can appeal against exclusions (paras 72b and c);
- Actively promote a fully integrated education system and monitor the provision of shared education to ensure that it facilitates social integration (para 72e); and
- Make children’s rights education mandatory (para 72g).

In relation to the proposed indicators listed for this outcome, we note that these match those proposed for the Programme for Government. NICCY had serious concerns about these and so we repeat these concerns in relation to the use of these indicators to monitor the delivery of the Children’s Strategy.

As stated above, there is an unbalanced emphasis on academic achievement and there are no measurements which relate to children’s enjoyment of education or the development of children and young people’s skills, talents and abilities within education. This needs to be addressed with more of a focus on Article 29(1) in the indicators. There is also a lack of emphasis on the well-being of children in schools and we therefore recommend the inclusion of a well-being measurement, particularly given increasing awareness of the importance of well-being in education, within the ‘Learning and Achievement’ outcome.

In addition, the indicators are focussed on early years (age 3) and GCSE level (age 16). There is a large part of a child’s life between these two points which also needs to be reflected in the indicators and actions which will be taken through the delivery plans. It is not sufficient to focus solely on two points in children’s lives only when proposing to achieve better outcomes for children. NICCY expects the Children and Young People’s Strategy to better reflect every stage of a child’s life in meeting this outcome and would recommend additional indicators to reflect beginning of primary school, transition to post-primary education and at age 18.

It will also be important to measure ‘distance travelled’. The general milestones may not be an appropriate measures of attainment for some children, for example some newcomer children with limited experience of education and language difficulties, or children who have experienced disruptions in their education for various reasons. Given the barriers these children face, it is critical that there are other measures to identify the progress they have made over time and to seek to ensure that they are being provided with the support they require to achieve their maximum potential.

#### **Outcome 4: Living in Safety and with Stability**

NICCY recognises that this outcome encompasses some of the most fundamental and wide ranging rights that should be afforded to children and young people: rights to life; to protection from harm, abuse and violence; rights to family life; and special protections for our most vulnerable children including those in care, asylum seeking and refugee children and those in contact with the justice system.

As with other areas, this outcome includes two aspects: safety and stability. We recommend that the Strategy pays greater regard to addressing stability in children's lives. For instance, the Strategy should reflect the importance of the full continuum of services and interventions that should be in place across this outcome, ranging from prevention and early intervention support, to protective and authoritative safeguarding, through to helping children and young people in their recovery from instability, violence and abuse. In doing so, the document should also better recognise the profound impact of living without safety or stability on children's lives, including into adolescence and adulthood.

In the general narrative, we welcome the inclusion of particular issues within the outcome such as the impact of paramilitary intimidation and violence; the need to effectively safeguard against Child Sexual Exploitation and the significance of transitions in children's lives. In regard to unaccompanied minors, NICCY is concerned that difficulty in identifying numbers is cited as the primary concern although a regional reporting process has been in place since 2012. We request to be updated if this is not operating as it should and note that more recent figures for separated children should be referenced.

In turn there are some notable absences from the Strategy, including reference to the particular barriers to safety and stability faced by some children, such as those experiencing multiple adversities and young carers, and a lack of recognition of the vulnerability of some groups to abuse, including disabled children and children who go missing.

In considering the section on areas identified as needing greatest effort, a clearer rationale for the areas cited should be evidenced. For example, while addressing neglect and domestic violence are important, sexual abuse (when sexual exploitation is referenced under the issues section) and physical abuse (which along with neglect is currently the reason four out of five children are placed on the Child Protection Register<sup>15</sup>) are not

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<sup>15</sup> Quarterly Child Protection Statistics for NI (October – December 2016); <https://www.health->

referenced. Following on from this, while we welcome recognition that youth homelessness should be addressed, we note with concern that homelessness amongst families is not included, particularly given the dramatic increase in children under 1 year recorded as homeless in the 2014-15 period.<sup>16</sup>

As referenced earlier in our response, NICCY highlights that the connection between areas identified as representing greatest need and the proposed indicators is weak. Within this outcome it is of particular concern that no child protection indicators and no indicators regarding 'looked after' children are included. While we acknowledge the importance of developing robust and manageable indicators, we recommended a broader set of data is tracked within this outcome, including self reported information from children and young people. In order to provide sufficiently rounded reporting against this outcome, examples of areas where data should be considered include: road safety and traffic accidents; child sexual exploitation (CSE); paramilitary assault, and separated children.

It is also acknowledged that information gathering is sensitive to the outcome area and here this should, for instance, explore capturing data relating to extended milestones or graduated transitions for children and young people who have lived without safety and stability. This may, for example, be seen in children achieving qualifications as they become older and in young people's access to and use of services beyond their 18<sup>th</sup> birthday. We note that the 'moving forward' section on 'stability and resilience' does not provide a data development agenda for this outcome and this must be addressed.

Throughout the draft Strategy, NICCY is disappointed that the 2016 Concluding Observations are largely invisible. This is a serious omission in relation to areas encompassed by the Living in Safety and with Stability Outcome. We seek assurance that the full range of Committee recommendations, which include taking action against harmful practices (such as FGM and honour based violence), ensuring protections for unaccompanied and other asylum seeking, refugee and migrant children, providing equal protection from physical punishment and resourcing effective family support, will be addressed by the Strategy.<sup>17</sup>

NICCY commends the NI Executive for the inclusion of young people involved with offending within this outcome area and endorses the statement that young people involved in offending must have better outcomes. We are, however disappointed at the lack of

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[ni.gov.uk/publications/statistical-releases-calendar](http://ni.gov.uk/publications/statistical-releases-calendar)

<sup>16</sup> List of Issues, Annex C: Full data, statistics and other information (Part III Follow-up)

<sup>17</sup> See appendix for the relevant Concluding Observations in full.

substance in this section as it appears to ignore the significant work undertaken in NI on Youth Justice over the last decade. The Independent Review of Youth Justice<sup>18</sup> made 31 recommendations of which 30 were accepted. However in December, 2015, the Criminal Justice Inspectorate of NI assessed that only 59% of the accepted recommendations had been achieved.<sup>19</sup> A number of significant recommendations remain including (amongst others): delay (rec 15), re-offending (rec 20) and the disproportionate number of looked after children unsentenced in custody (rec 19). NICCY understands that the eagerly-awaited Scoping Study will seek to address these outstanding issues. Therefore, NICCY is concerned that the only indicator regarding young people in the criminal justice system relates to first time entrants. We support the inclusion of this indicator but recommend that further indicators are added concerning outcomes for young people leaving the youth justice system.

During every examination of the UK Government the UN Committee on the Rights of the Child has consistently raised the issue of the Minimum Age of Criminal Responsibility, repeating its recommendations from 2002<sup>20</sup> and 2008<sup>21</sup> in 2016 when it said “*that the state party (should) raise the minimum age of criminal responsibility in accordance with acceptable international standards.*”<sup>22</sup> NICCY appreciates that this recommendation may not enjoy universal support in NI but there is a significant body of evidence including that contained in the Independent Review of Youth Justice<sup>23</sup> which makes a compelling case for a phased approach for NI. NICCY strongly suggests that commitments to implement Recommendations 29 and 30 of the Youth Justice Review are included in the Strategy.

## **Outcome 5: Economic and Environmental**

We note the division of this outcome into two, and agree that the two aspects of well-being are indeed distinct. Indeed, in the workshops NICCY held with civic society and with the NICCY Youth Panel in May 2016 on this outcome, many participants agreed that this outcome was comprised of two separate elements.

In relation to the Economic Well-being aspect, many of the key areas appear to have been addressed in the section outlining the issues. It is important however that, while the focus is on child poverty, this is recognised as being experienced due to living in a household on a low income. It may be that actions taken to increase family incomes generally, through

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<sup>18</sup> ‘A Review of the Youth Justice System in Northern Ireland’ DoJ, September 2011.

<sup>19</sup> Monitoring Progress on Implementation of the YJR recommendations, CJINI, Dec 2107

<sup>20</sup> Para 58(b), CRC/C/15/Add.188, 4 October 2002.

<sup>21</sup> Para 78(a), CRC/C/GBR/CO/4, 3 October 2008.

<sup>22</sup> Para 78(a), CRC/C/GBR/CO/5, 3<sup>rd</sup> June 2016..

<sup>23</sup> ‘A Review of the Youth Justice System in Northern Ireland’ DoJ, September 2011.

greater job creation, access to work or benefits, may be more appropriate for a general Poverty Strategy. However, the Children and Young People's Strategy should address costs associated with children accessing their rights to play, education, health, etc. and the inequalities experienced by economically disadvantaged children in relation to these. We would, however, strongly recommend that the Committee's recommendations in paragraphs 69 and 70 of the 2016 Concluding Observations, relating to the impact of 'Welfare Reforms' on children's standard of living be addressed through this outcome (see Appendix 1).

The use of the 'Child poverty' indicator is not appropriate in that the relative poverty measure is widely accepted as being the most meaningful single measure. The four measures identified in the Child Poverty Act 2010, i.e. Relative, Absolute, Persistent and Material child poverty measures together provide the most complete reflection of levels and extent of child poverty. We therefore recommend that all four indicators are included under this outcome. In addition, it will be important that indicators under each of the other outcomes are disaggregated to identify where children in poverty are experiencing less favourable outcomes, for example in relation to education and health.

In relation to Environmental Well-being, the Strategy does not provide a clear plan as to how this will be addressed. Certainly, it seems clear that children and young people generally have a stronger commitment to protecting the environment than adults. However, these statements are not reflected in the 'where is the greatest effort needed' section or in the indicators for this outcome. The 'What needs to be done' section is inconsistent in how it references environmental well-being: in relation to 'promoting the natural environment', a 'good family environment' and opportunities to access the natural environment. The 'data development agenda' section states that general measures of air quality and recycling relate to the general population rather than to children, and so the indicator that will be developed will measure children and young people's respect for the environment and will consider whether this diminishes with age.

We do not believe that this section as currently drafted adequately addresses children and young people's environmental well-being, and suggest that more work is done including with children and young people to consider what should be included in the Strategy in this area. This should include general measures of pollution, for example of air quality, and be informed by paragraphs 67 and 68 of the 2016 Concluding Observations which highlighted the impact of air pollution on children's health and proposed the NI Executive:

- Sets out a clear commitment, along with appropriate resources, to reduce air pollution, especially in areas near schools and residential areas.

- Places children's rights at the centre of a climate change strategy.<sup>24</sup>

### **Outcome 6: A positive contribution to society**

The text under this outcome provides a useful overview of some of the key issues relating to children and young people's article 12 right to have a say in decisions affecting them in relation to consultations on services, schools and community planning.<sup>25</sup>

As our previous advice has suggested, this outcome should also seek to provide opportunities for children and young people to volunteer within their communities and give consideration to lowering the voting age to 16.

Again the indicators for this outcome do not link well to the text. While there is an indicator for engagement in participation in voluntary and community work, there aren't any for participation in decision-making under this outcome, although we note that there is one under Outcome 7:

*Respect for views; Percentage of young people who feel they have a chance to give their views about the issues that affect them.*

This indicator should be moved to Outcome 6, and should be amended to reflect different contexts for decision making, i.e. whether young people have a chance to give their views on issues which affect them at home, in school, in their community, when receiving services and/or in government planning.

The indicator for participation in voluntary and community work should also be amended. The Strategy should seek to ensure that children and young people are able and facilitated to volunteer, if they want to, so the indicator should focus on the availability and quality of opportunities. While we recognise the potential benefits of volunteering, we are also very aware of competing demands on young people's time and do not believe that it is always appropriate to expect young people to participate in volunteering.

We are unable to provide comment on the 'self efficacy' indicator in this section as it is not clear what is meant by this. We are supportive of measuring young people's confidence and capability, although this measure may be more appropriate under Outcome 3:

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<sup>24</sup> See Appendix 1.

<sup>25</sup> We would urge caution, however, in the use of the 2014 School Omnibus survey statistic that found that 99% of schools responding to a question on school councils stated that they had one. While this is true, only one-third of schools replied to this question.



Learning and Achievement.

### **Outcome 7: Living in a society which respects their rights**

We welcome the focus of this outcome on raising awareness of UNCRC and negative stereotyping, however we feel that there are a number of important areas that have not been addressed. As mentioned above, Section 1 of the CSCA requires that, in determining the meaning of well-being, regard is to be had to any relevant provision of the UN Convention on the Rights of the Child. While, on one hand it could be argued that this outcome addresses all the rights contained in the UNCRC, NICCY believes that these should mostly be addressed through the other 7 outcomes, and that this outcome should focus on addressing children's rights under article 4 of the UNCRC:

*'States parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognised in the present Convention.'*

As we have outlined in our previous advice, the UN Committee on the Rights of the Child has provided extensive guidance on the processes required to implement children's rights, (termed 'General Measures of Implementation'), through its General Comment 5. These include:

- A comprehensive 'national strategy'
  - i.e. the Children and Young Person's Strategy in Northern Ireland;
- Co-ordination of implementation of Children's rights
  - the Committee has not provided a 'one size fits all' model, but has stated that a high-level unit, answerable directly to the 'Prime Minister or President' is the preferred approach;
- Knowledge and awareness of the UNCRC
  - training and capacity building on children's rights;
- Monitoring implementation
  - need for Child Rights Impact Assessments and evaluation;
- Data collection and analysis, and development of indicators;
- Making children visible in budgets;
- Co-operation with civil society; and
- Independent human rights institutions for children
  - i.e. NICCY in NI. These are complementary to, and independent of, effective government structures for children.

All these should be included under Outcome 7 of the Strategy and there should be



associated indicators to measure progress towards their full implementation. There are also Concluding Observations associated with each of the General Measures of Implementation listed above and attached in Appendix 1.

The section, 'Where is the greatest effort needed?' focuses on groups of children and young people for whom the realisation of their rights is more limited than others. NICCY believes that it is more appropriate for this section, highlighting discrimination in the extent to which the rights of different groups of children are realised, to be placed under Outcome 8 relating to the promotion of equality and good relations. Arguably, negative stereotyping could also come under Outcome 8 as this relates to discrimination on the basis of age.

It should be noted that, while it is very important that children are aware of their rights, the NI Executive also has a clear responsibility for raising awareness of children's rights with adults, particularly policymakers, professionals providing services to children and parents. Any indicators for UNCRC awareness need also to be measured with these groups.

### **Outcome 8: Living in a society in which equality of opportunity and good relations are promoted**

The text under this outcome correctly states that it contains two elements, relating to equality and good relations, although we would suggest the latter has not been conceptualised correctly. These two elements relate closely to the existing equality obligations under section 75 of the Northern Ireland Act 1998.

As we have stated in previous advice, the way in which this outcome area is framed regarding good relations is a matter of concern. It focuses on children and young people having, 'improved attitudes towards children and young people from different community backgrounds'. This outcome therefore appears to place an obligation on children and young people, rather than on Government. The need for the inclusion of equality of opportunity and good relations as an outcome area under the Children's Strategy should be reflective of children and young people not being able to access equality of opportunity and not being adequately considered with regard to good relations duties, all of which are obligations on Government.

In addition, the emphasis on 'fair and equal treatment' is a misunderstanding of what is meant by 'equality of opportunity,' which often requires proactive measures to be taken when considering certain particularly marginalised groups, rather than treating all children the same. This outcome area should be reframed, clearly placing an obligation on the NI Executive to ensure that all children and young people are protected from discrimination of

any kind, have access to equality of opportunity across all aspects of their lives and benefit fully from the promotion of good relations across a range of particular characteristics as detailed in the CSCA.

As mentioned above, the section, 'Where is the greatest effort needed?' in Outcome 7 focuses on groups of children and young people who experience discrimination. Since this relates better to the promotion of equality and good relations, this should be moved to Outcome 8, which contains very little on the promotion of equality of opportunity.

The text regarding good relations focuses on improving children's and young people's attitudes, rather than recognising that societal divisions are a legacy of the conflict over many decades and are not the responsibility of children and young people. We have consistently highlighted our opposition to the T:BUC objective to improve the attitudes of children and young people, as this places the onus of responsibility on children and young people, all of whom were born after the Good Friday Agreement in 1998. The NI Executive needs to address the more challenging task of improving good relations between adults and thus making Northern Ireland a safer and more inclusive place for all children and young people.

The proposed indicators focus solely on good relations, the first of which measures changes in attitudes to other young people and is therefore not appropriate. The other two reflect the degree of 'mixing' between young people of different backgrounds and perceptions of shared spaces. While these are important, we would suggest that other indicators are also be developed to explore how young people feel community divisions impact on their lives.

In relation to equality of opportunity, similar self-reported indicators could be developed asking young people whether they feel they can enjoy equality of opportunity. In addition, the indicators used elsewhere in the Strategy, in relation to Education, Poverty, Health and Safety etc. should be disaggregated by different characteristics to monitor how different groups of children and young people are having their rights realised, including their right to enjoyment of equality of opportunity.

It will also be important under this outcome to address situations where children and young people are being discriminated against due to their age. There should therefore be actions and child rights indicators relating to negative stereotyping and less favourable access to services, as this relates to the need for the introduction of an Age Discrimination (Goods, Facilities and Services) Act which applies to all age groups.

## The Equality Impact Screening

We are disappointed that the analysis of the Strategy for equality of opportunity has resulted in it being screened out, and that there are no plans to carry out an Equality Impact Assessment.

Given the significance of the Children and Young People's Strategy, NICCY would have expected all relevant screening documentation to conclude that the potential impact on enjoyment of equality of opportunity, as a result of the policy proposals contained in the Strategy, is major and therefore should be screened in for an EQIA. This would be in line with the Equality Commission's, "*Guidance for Implementing Section 75 of the Northern Ireland Act 1998*".<sup>26</sup>

With regard to the screening decision, the draft Strategy states that:

*'Although it is considered that there may be a minor impact on one or more of the equality of opportunities categories, this will be mitigated through screening of policies that are developed/revised in response to the Strategy.'*

We suggest that this is a misunderstanding of the intention of the screening and Equality Impact Assessment processes. The Strategy should have an impact on the lives of every child and young person in Northern Ireland particularly, but not solely, in relation to the outcome: 'Living in a society in which equality of opportunity and good relations are promoted'. We are extremely concerned as to how it can be concluded that the proposals contained in the Strategy will have only minor impacts on enjoyment of equality of opportunity or good relations on any children across the nine section 75 categories. NICCY does not agree with this conclusion, as surely the ambition for the Strategy is to have a significant impact, reducing inequalities facing disadvantaged groups of children and therefore we believe that the screening exercise has not been correctly carried out. We would therefore request that the screening process be carried out again and a comprehensive Equality Impact Assessment of the Children's Strategy be carried out.

## Conclusion

We are pleased at this further opportunity to inform the development of the new Children and Young People's Strategy as we believe it has the potential to ensure better coordination between Government departments and agencies and better outcomes for

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<sup>26</sup> Equality Commission, "*Guidance for Implementing Section 75 of the Northern Ireland Act 1998*", p 64.

children across Northern Ireland.

We hope that this advice is useful, and we would reiterate that it should be read alongside the previous advice provided by NICCY, particularly that from July 2016. If you should like to discuss any of this further, please do not hesitate to get in touch.

## Appendix 1: UN Committee on the Rights of the Child's Concluding Observations following the UK state Party examination 2016 by Children and Young People's Strategy Outcomes

Following the 2016 examination of the implementation of the UNCRC in the UK, the Committee made a comprehensive range of concluding observations in relation to better realising the rights of children and young people.

### Outcome 1: Physical and mental health

#### Health and health services

58. With reference to its General Comment 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party, the governments of devolved administrations, Overseas Territories and Crown Dependencies develop comprehensive and multi-sectoral strategies on child health:

- (a) With allocation of the maximum extent of available resources and a robust monitoring mechanism;
- (b) With a strong focus on eliminating inequalities in health outcome as well as in access to health services;
- (c) Addressing underlying social determinants of health.

#### Mental health

60. The Committee recommends that the State party:

- (a) Regularly collect comprehensive data on child mental health, disaggregated across the life course of the child, with due attention to children in vulnerable situations, and covering key underlying determinants;
- (b) Rigorously invest in child and adolescent mental health services and develop strategies at national and devolved levels, with clear time frames, targets, measureable indicators, effective monitoring mechanisms and sufficient human, technical and financial resources. Such strategy should include measures to ensure availability, accessibility, acceptability, quality and stability of such services, with particular attention to children at greater risk, including children living in poverty, children in care and children in contact with the criminal justice system;
- (c) Expedite the prohibition of placement of children with mental health needs in adult psychiatric wards or police stations, while ensuring provision of age-appropriate mental health services and facilities;
- (d) Support and develop therapeutic community-based services for children with mental health conditions;

(e) Review current legislation on mental health to ensure that the best interests and the views of the child are taken duly into account in cases of mental health treatment of children below the age of 16, in particular with regard to hospitalization and treatment without consent.

62. The Committee recommends that the State party:

- (a) Regularly collect data on the amount and regularity of psychotropic drugs (Ritalin, Concerta etc.) being prescribed to children, and make the data transparent;
- (b) Ensure that prescription of drugs is used as a measure of last resort and only after an individualized assessment of the best interests of that child, and that children and their parents are properly informed about the possible side effects of this medical treatment and about non-medical alternatives;
- (c) Establish a system of independent expert monitoring of the ADHD and related disorders diagnoses, and undertake a study on the root causes of their increase, also aimed at improving the accuracy of diagnoses.

### **Adolescent health**

64. With reference to its general comments No.4 (2003) on adolescent health and No. 15 (2013), the Committee recommends that the State party:

- (a) Develop and adopt a comprehensive sexual and reproductive health policy for adolescents, with particular attention to reducing inequalities and with participation of adolescents;
- (b) Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including academies, special schools and youth detention centres, in all areas of the State party. Such education should provide age-appropriate information on: confidential sexual and reproductive health-care services; contraceptives; prevention of sexual abuse or exploitation, including sexual bullying; available support in cases of such abuse and exploitation; and sexuality, including that of LGBT children;
- (c) Decriminalize abortion in Northern Ireland in all circumstances and review its legislation with a view to ensuring girls' access to safe abortion and post-abortion care services. The views of the child should always be heard and respected in abortion decisions.

### **Nutrition**

66. The Committee recommends that the State party:

- (a) Systematically collect data on food security and nutrition for children, including those relevant to breast-feeding, overweight and obesity, in order to identify root causes of child food insecurity and malnutrition;

- (b) Regularly monitor and assess effectiveness of policies and programmes on food security and nutrition of children, including school meal programmes and food banks, as well as programmes addressing infants and young children;
- (c) Promote, protect and support breastfeeding in all policy areas where breastfeeding has an impact on child health, including obesity, certain non-communicable diseases, and mental health, and fully implement the International Code of Marketing of Breastmilk Substitutes.

### **Children with disabilities**

56. With reference to its general comment No.9 (2006) on the rights of children with disabilities, the Committee recommends that the State party adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

- (a) Ensure full respect of the rights of children with disabilities to express their views and to have their views given due weight in all decision-making that affect them, including on access to and choice of personal support and education;
- (b) Set up comprehensive measures to further develop inclusive education, ensure that inclusive education is given priority over the placement of children in specialized institutions and classes, and make mainstream schools fully accessible to children with disabilities;
- (c) Provide children with disabilities with a comprehensive and integrated package of services for transition to adulthood, from a sufficiently early stage, by coordinating legislation, policy and programmes across relevant sectors, and ensure fully-informed decision by children with disabilities on their personal choice in the transition, by involving them in the design of services and by providing advice and information on available options.

### **Outcome 2: The enjoyment of play and leisure**

#### **Rest, leisure, recreation and cultural and artistic activities**

73. The Committee welcomes the initiative of the government of Wales to adopt a play policy and integrate children's right to play systematically in relevant legislation and other relevant policies. However, the Committee is concerned about:

- (a) The withdrawal of a play and leisure policy in England, and under-funding of play and leisure policies in Northern Ireland, Scotland and Wales;
- (b) Insufficient places and facilities for play and leisure for children, in particular those accessible for children with disabilities and children in marginalized and disadvantaged situations, as well as public space for adolescents to socialize.



74. With reference to its general comment No 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party, including the governments of devolved administrations:

- (a) Strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources;
- (b) Provide children, including those with disabilities and children in marginalized and disadvantaged situations, with safe, accessible, inclusive and smoking-free spaces for play and socialization and public transport to access such spaces;
- (c) Fully involve children in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at community, local and national levels.

### **Outcome 3: Learning and achievement**

#### **Allocation of resources**

12. In accordance with Article 4 of the Convention and Sustainable Development Goal 10, Targets 10.2 and 10.4, the Committee urges the State party to allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions.

#### **International cooperation**

17. The Committee recommends that the State party ensure that its international development cooperation supports the recipient States in guaranteeing the right to free compulsory primary education for all, by prioritizing free and quality primary education in public schools, refraining from funding for-profit private schools, and facilitating registration and regulation of private schools.

#### **Respect for the views of the child**

30. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

- (a) Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national level, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities.

(d) Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.

### **Freedom of the child from all forms of violence**

48. The Committee recommends that the State party:

(a) Intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, building capacities of students and staff members to respect diversity at school, improving students' conflict resolution skills, conducting regular monitoring of incidences of bullying at school, and involving children in the initiatives and monitoring aimed at eliminating bullying.

### **Family environment and alternative care**

52. The Committee recommends that the State party:

(f) Inform and consult with children from an early stage on plans for their care and transition and provide sufficient support for care leavers, including for accommodation, employment or further education.

### **Disability, basic health and welfare**

56. With reference to its general comment No.9 (2006) on the rights of children with disabilities, the Committee recommends that the State party adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

(a) Ensure full respect of the rights of children with disabilities to express their views and to have their views given due weight in all decision-making that affect them, including on access to and choice of personal support and education.

(b) Set up comprehensive measures to further develop inclusive education, ensure that inclusive education is given priority over the placement of children in specialized institutions and classes, and make mainstream schools fully accessible to children with disabilities.

### **Adolescent health**

64. With reference to its general comments No.4 (2003) on adolescent health and No. 15 (2013), the Committee recommends that the State party:

(b) Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including academies, special schools and youth detention centres, in all areas of the State party. Such education should provide age-appropriate information on: confidential sexual and reproductive health-care services; contraceptives; prevention of sexual abuse or exploitation, including sexual

bullying; available support in cases of such abuse and exploitation; and sexuality, including that of LGBT children.

### **Education, leisure and cultural activities**

72. The Committee recommends that the State party:

- (a) Enhance its efforts to reduce the effects of the social background or disabilities of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State party, including for newcomer children without experiences of formal education. In this regard, closely monitor and if necessary, regulate the establishment and management of academies and free schools in England, and abolish the practice of unregulated admission tests to post-primary education in Northern Ireland;
- (b) Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, forbid and abolish the practice of “informal” exclusions, and further reduce the number of exclusions by working closely with social workers and educational psychologists in school and using mediation and restorative justice;
- (c) Ensure that children have the right to appeal against their exclusion, and are provided with legal advice, assistance and, where appropriate, representation for those without means;
- (d) Abolish the use of isolation rooms;
- (e) In Northern Ireland, actively promote a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration;
- (f) Taking note of Sustainable Development Goal 4, Target 4.2 on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations;
- (g) Make children’s rights education mandatory.

## **Outcome 4: Living in safety and with stability**

### **Right to life, survival and development**

28. The Committee recommends that the State party:

- (a) Address underlying determinants of infant and child mortality, including social and economic deprivation and inequality;
- (b) Introduce automatic, independent and public reviews of unexpected death or serious injury involving children, including in custody, care and mental health care institutions in all the territory of the State party.

### **Measures used to deal with anti-social behaviour**

36. In order to fully guarantee children's right to freedom of movement and peaceful assembly, the Committee recommends that the State party:

- (b) Collect data on measures used against children, including children aged 10-11 years, to deal with anti-social behaviours, as well as dispersal, and monitor the criteria and proportionality of their use.

### **Torture and other cruel or degrading treatment or punishment**

39. With reference to the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and Sustainable Development Goal 16, Target 16.2, the Committee urges the State party to:

- (a) Prohibit the use of electrical discharge weapons, such as Taser guns, AEPs (Northern Ireland) and any other harmful devices on children and systematically collect and publish age disaggregated data on their use in order to monitor the implementation of such prohibition;
- (b) Abolish all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and ban the use of any technique designed to inflict pain on children;
- (c) Ensure that restraint is used against children exclusively to prevent harm to the child or others and only as a last resort;
- (d) Systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in order to monitor the appropriateness of discipline and behaviour management for children in all settings, including in education, custody, mental health, welfare and immigration settings.

### **Corporal punishment**

40. With reference to its general comment No. 8 and its previous recommendations, the Committee urges the State party, in all devolved administrations, Overseas Territories and Crown Dependencies, to:

- (a) Prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, such as "reasonable chastisement";
- (b) Ensure that corporal punishment is explicitly prohibited in all schools and educational institutions and all other institutions and forms of alternative care;
- (c) Strengthen its efforts to promote positive and non-violent forms of discipline and respect for children's equal right to human dignity and physical integrity, with a view to eliminating the general acceptance of the use of corporal punishment in child-rearing.

### **Violence, abuse and neglect**

42. With reference to its general comment No. 13 (2011) and Sustainable Development Goal 16, Target 16.2, the Committee recommends that the State party:

- (a) Revise the Children and Young Persons Act (1933) in order to protect all children under 18 years from child abuse and neglect;
- (b) Strengthen systematic data collection and recording of information on violence against children, including domestic violence, gender-based violence, abuse and neglect, in all settings, as well as information sharing and referral of cases among relevant sectors;
- (c) Increase the number of social workers and strengthen their capacity to address violence against children;
- (d) Give due weight to the views of children concerned in the responses to violence, including in criminal and family law proceedings;
- (e) Consider ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence.

### **Sexual exploitation and abuse**

44. The Committee recommends that the State party, including devolved governments, Overseas Territories and Crown Dependencies:

- (a) Systematically collect and publish comprehensive and disaggregated data on child exploitation and abuse, including through mandatory reporting, in all settings;
- (b) Develop and implement comprehensive multi-sectoral strategies on child exploitation and abuse, including online, to ensure effective prevention, early detection and intervention, at national as well as at devolved levels, in Overseas Territories and Crown Dependencies;
- (c) Implement the recommendations of the Marshall Inquiry into child sexual exploitation in Northern Ireland;
- (d) Further develop comprehensive services to support children who are victims or at risk of sexual exploitation and abuse;
- (e) Strengthen the capacity of law enforcement authorities and the judiciary to detect and prosecute child sexual exploitation and abuse, and grant effective remedies to the child victims;
- (f) Consider ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

### **Harmful practices**

46. With reference to its general comment No. 18 on harmful practices (2014), the Committee recommends that the State party:

- (a) Take effective measures to ensure that marriage of children of 16-17 years of age takes place only in exceptional circumstances and is based on the full, free and informed consent of the concerned children;
- (b) Continue and strengthen preventive and protection measures to address the issue of harmful practices, including collecting data, training of relevant professionals, awareness-raising programmes, provision of protection and care to the child victims and the prosecution of perpetrators of these acts;
- (c) Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned, and provide families with intersex children with adequate counselling and support;
- (d) Provide redress to the victims of such treatment;
- (e) Educate medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary interventions for intersex children.

### **Freedom of the child from all forms of violence**

48. The Committee recommends that the State party:

- (a) Intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, building capacities of students and staff members to respect diversity at school, improving students' conflict resolution skills, conducting regular monitoring of incidences of bullying at school, and involving children in the initiatives and monitoring aimed at eliminating bullying;
- (b) In the light of the recommendations resulting from the day of general discussion on digital media and children's rights, train children, teachers and families on the safe use of information and communication technologies, raise awareness among children on the severe effects that online bullying can have on their peers, and increase the involvement of social media outlets in the efforts to combat cyber-bullying;
- (c) Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks as well as from recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice.

### **Family environment**

50. The Committee recommends that the State party and the devolved governments conduct a rigorous child rights impact assessment of the recent reduction of funding for childcare and family support and adjust the family support policy in order to make childcare services available to all those who need it.

### **Children deprived of a family environment**

51. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that conditions directly and uniquely attributable to poverty should never be the sole justification for removing a child from parental care. The Committee recommends that the State party:

- a) Intensify its efforts to render appropriate assistance to parents and legal guardians, including informal kinship carers, in the performance of their child-rearing responsibilities;
- b) Ensure that the removal of children from their families is always subject to thorough investigation, is in accordance with the best interests of the child and is only used as a measure of last resort;
- (c) Wherever possible find a placement for the child which will facilitate contact with his or her biological parents and siblings;
- (d) Ensure that secure accommodation in Northern Ireland is only used as a measure of last resort and for the shortest possible period of time, address the reasons for repeated or lengthy stays in such accommodation, and develop alternatives to secure accommodation;
- (e) Take all measures necessary to provide stability for children in care, including efforts to retain social workers and to avoid unnecessary changes in placement;
- (f) Inform and consult with children from an early stage on plans for their care and transition and provide sufficient support for care leavers, including for accommodation, employment or further education;
- (g) Expedite the approval and enactment of the Adoption and Children Bill in Northern Ireland.

### **Children of incarcerated parents**

54. The Committee recommends that the State party:

- (a) Ensure that child protection authorities are always informed when a person who has a child (children) is imprisoned in order to avoid situations where children are left unattended;
- (b) Take into account the best interests of the child as a primary consideration when sentencing parents, avoiding, as far as possible, sentences for parents which lead to their being separated from their children.

### **Asylum-seeking, refugee and migrant children**

76. With reference to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:

- (a) Systematically collect and publish disaggregated data on the number of children seeking asylum, including those whose age is disputed;



- (b) Establish statutory independent guardians for all unaccompanied and separated children throughout the State Party;
- (c) Conduct age assessments only in cases of serious doubt through multidisciplinary and transparent procedures taking into account all aspects, including the psychological and environmental aspects of the person under assessment;
- (d) Cease the detention of asylum-seeking and migrant children;
- (e) Review its asylum policy in order to facilitate family reunion for unaccompanied and separated refugee children within and outside of the State party, including through implementation of the EU Dublin III regulation;
- (f) Provide sufficient support to migrant, refugee and asylum-seeking children to access basic services;
- (g) Review the Immigration Act (2016) in order to ensure its compatibility with the Convention;
- (h) Ensure that when the return of children occurs, this happens with adequate safeguards, including a formal best interests determination, effective family tracing that includes individual risk and security assessments, and appropriate reception and care arrangements.

### **Child victims and witnesses of crimes**

82. The Committee recommends that the State party fully implement the Committee's recommendations on the initial report of the State party (CRC/C/OPSC/GBR/CO/1), provided in its concluding observations on the Optional Protocol on the sale of children, child prostitution and child pornography in particular that the State party:

- (a) Ensure that all children up to 18 years of age are protected from all types of offence covered by the Optional Protocol and that domestic legislation throughout the State party, including in its devolved administrations, enables it to establish and exercise extraterritorial jurisdiction, without the dual criminality criterion, over all the offences covered by the Optional Protocol;
- (b) Strengthen the National Referral Mechanism for identifying trafficked and exploited children which is embedded in existing child protection procedures;
- (c) Establish mechanisms and procedures to protect the rights of child victims of offences covered by the Optional Protocol, including establishing a clear obligation of non-prosecution, and ensure that they are treated as victims rather than criminals by the law enforcement and judicial authorities;
- (d) Operationalize the provision of a competent and statutory guardian during the criminal justice process;
- (e) Revise its legislation to ensure that all children up to 18 years of age are protected from all types of offence covered by the Optional Protocol.

60. Rigorously invest in child and adolescent mental health services and develop strategies at national and devolved levels, with clear time frames, targets, measurable indicators, effective monitoring mechanisms and sufficient human, technical and financial resources. Such strategy should include measures to ensure availability, accessibility, acceptability, quality and stability of such services, with particular attention to children at greater risk, including (...) children in contact with the criminal justice system.

### **Administration of juvenile justice**

78. With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends the State party to bring its juvenile justice system, including in all devolved administrations, the Overseas Territories and the Crown Dependencies, fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:

- (a) Raise the minimum age of criminal responsibility in accordance with acceptable international standards;
- (b) Ensure that children in conflict with the law are always dealt with within the juvenile justice system up to the age of 18, and that diversion measures do not appear in children's criminal records;
- (c) Abolish the mandatory imposition of life imprisonment for children for offences committed while they are under the age of 18;
- (d) Establish the statutory principle that detention should be used as a measure of last resort and for the shortest possible period of time and ensure that detention is not used discriminatorily against certain groups of children;
- (e) Ensure that child detainees are separated from adults in all detention settings;
- (f) Immediately remove all children from solitary confinement, prohibit the use of solitary confinement in all circumstances, and regularly inspect the use of segregation and isolation in child detention facilities.

### **Best interests of the child**

26. With reference to its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party, in all parts of its territory:

- (a) Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children;
- (b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

## Outcome 5: Economic and environmental well-being

### Environmental health

67. The Committee is concerned at the high level of air pollution that directly affects child health in the State party and contributes to the negative impact of climate change affecting various rights of the child, both in the State party and in other countries.

68. With reference to Sustainable Development Goal 1, Target 1.5, the Committee recommends that the State party, including the devolved administrations in relation to devolved matters;

- (a) Set out a clear legal commitment, with appropriate technical, human and financial resources, to scale up and expedite the implementation of plans to reduce air pollution levels, especially in areas near schools and residential areas;
- (b) Place children's rights at the centre of national and international climate change adaptation and mitigation strategies, including through its new domestic climate strategy, as well as in the framework of its international climate change programmes and financial support.

### Standard of living

69. The Committee is seriously concerned that:

- (a) The rate of child poverty remains high with a disproportionate representation of children with disabilities, children living in a family or household with person(s) with disability, households with many children, and children belonging to ethnic minority groups, and affecting children in Wales and Northern Ireland the most;
- (b) The Welfare Reform and Work Act (2016), which amends the Child Poverty Act (2010), repealed the statutory target on the eradication of child poverty by 2020 and the statutory obligation of the UK Government and the governments of England, Scotland and Wales to produce child poverty strategies;
- (c) Recent amendments to the Tax Credits Act (2002), the Welfare Reform Act (2012) and the Welfare Reform and Work Act (2016) have limited the entitlement to child tax credits and social benefits (the "household benefit cap" and the "bedroom tax"), regardless of the needs of the households;
- (d) During the period of review, the number of homeless households with dependent children has increased in England and Northern Ireland, as well as the number of homeless families, including those with infants, staying in temporary accommodation in all four jurisdictions;
- (e) In Scotland, adequate and culturally sensitive accommodation for Roma, Gypsy and Traveller children remains insufficient.

70. The Committee draws the attention of the State party to the Sustainable Development Goal 1, Target 1.2, on poverty reduction and urges the State party to:

- (a) Set up clear accountability mechanisms for the eradication of child poverty, including by re-establishing concrete targets with a set timeframe and measurable indicators, and continue regular monitoring and reporting on child poverty reduction in all parts of the State party;
- (b) Ensure clear focus on the child in the State party's poverty reduction strategies and action plans, including in the new "Life Chances Strategy", and support production and implementation of child poverty reduction strategies in devolved administrations;
- (c) Conduct a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms introduced between 2010 and 2016 on children, including children with disabilities and children belonging to ethnic minority groups;
- (d) Where necessary, revise the mentioned reforms in order to fully respect the right of the child to have his or her best interests taken as a primary consideration, taking into account the different impact of the reform on different groups of children, particularly those in vulnerable situations;
- (e) Strictly implement the legal prohibition of prolonged placement of children in temporary accommodation by public authorities in England, Wales and Scotland, and enact similar legislation in Northern Ireland;
- (f) Take necessary measures to reduce homelessness and to progressively guarantee all children stable access to adequate housing which provides physical safety, adequate space, protection against the threats to health and structural hazards, including cold, damp, heat and pollution, and accessibility for children with disabilities;
- (g) In Scotland, introduce a statutory duty for local authorities to provide safe and adequate sites for Travellers, while ensuring meaningful participation of Roma, Gypsy and Traveller communities, including children, in planning and decision-making processes.

## **Outcome 6: Making a positive contribution to society**

### **Respect for the views of the child**

30. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

- (a) Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national level, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities;

- (b) Assess the impact and expedite the review of the reforms on legal aid in England, Wales and Scotland, and conduct child rights impact assessment of the proposed reforms in Northern Ireland and Jersey, in order to ensure that such reforms do not negatively affect children's access to justice, and guarantee effective participation of children in such assessment and review;
- (c) Expedite the establishment of Youth Parliaments in all devolved administrations and territories as permanent fora for children's effective engagement with national legislative processes on issues that affect them;
- (d) Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.

### **Voting**

32. The Committee encourages the State party and devolved administrations to conduct consultations with children on the voting age. Should the voting age be lowered, the Committee recommends that the State party ensure that it is supported by active citizenship and human rights education in order to ensure early awareness of children that rights are to be exercised as part of citizenship, with autonomy and responsibility, and that the measure does not lend itself to undue influence.

### **Freedom of association and peaceful assembly**

36. In order to fully guarantee children's right to freedom of movement and peaceful assembly, the Committee recommends that the State party:

- (a) Prohibit the use of mosquito devices (acoustic youth dispersal devices) in public spaces.

## **Outcome 7: Living in a society which respects their rights**

### **Legislation**

7. The Committee recommends that the State party:

- (a) Expedite bringing its domestic legislation, at the national and devolved levels as well as in the Overseas Territories and the Crown Dependencies, in line with the Convention in order to ensure that the principles and provisions of the Convention are directly applicable and justiciable under domestic law.
- (b) Expedite the enactment of a Bill of Rights for Northern Ireland, agreed under the Good Friday Agreement.

### **Comprehensive policy and strategy**

8. The Committee recommends that the State party:

- (a) Revise the UK-wide strategy, *Working together, achieving more* (2009) to cover all areas of the Convention and ensure its full implementation;

- (b) Adopt comprehensive action plans for the implementation of the above-mentioned strategy in England and Northern Ireland;
- (c) In Scotland, ensure the full implementation of the action plan *Do the Right Thing* (2009) and the National Action Plan for Human Rights (2013-2017);
- (d) In Wales, ensure the full implementation of the Programme for Children and Young People (2015).

In doing so, the Committee recommends that the State party allocate sufficient human, technical and financial resources, set up clear timelines as well as a monitoring and evaluation framework for the implementation of the strategy and the action plans, and pay special attention to children belonging to the most vulnerable groups.

### **Child Rights Impact Assessment**

9. The Committee recommends that the State party:

- (a) Introduce a statutory obligation at national and devolved levels to systematically conduct a child rights impact assessment when developing laws and policies affecting children, including in international development cooperation;
- (b) Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies.

### **Coordination**

10. The Committee reiterates its previous recommendation that the State party ensure effective coordination of the implementation of the Convention throughout the State party.

To this end, the Committee recommends that the State party:

- (a) In each of the devolved administrations, Overseas Territories and the Crown Dependencies, establish an appropriate statutory body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities across relevant sectors related to the implementation of the Convention;
- (b) Allocate sufficient human, technical and financial resources to the said coordinating bodies for their effective operation;
- (c) Strengthen coordination and evaluation of the implementation of the Convention at the national level.

### **Allocation of resources**

11. The Committee is seriously concerned at the effects that recent fiscal policies and allocation of resources have had in contributing to inequality in children's enjoyment of their rights, disproportionately affecting children in disadvantaged situations.

12. In accordance with Article 4 of the Convention and Sustainable Development Goal 10,



Targets 10.2 and 10.4, the Committee urges the State party to allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions. In this endeavour, the Committee recommends that the State party:

- (a) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget;
- (b) Ensure transparent and participatory budgeting through public dialogue, including with children;
- (c) Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic recessions;
- (d) Regularly conduct child rights impact assessments of budget and economic decision-making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children's rights;
- (e) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.

### **Data collection**

13. The Committee recommends that the government of Northern Ireland expedite the finalization of a Child Rights Indicator Framework, covering all areas of the Convention and taking into account the conceptual and methodological framework set out in the Office of the United Nations High Commissioner for Human Rights (OHCHR) publication entitled Human Rights Indicators: A Guide to Measurement and Implementation.

### **Independent monitoring**

14. The Committee welcomes the increased independence of the Children's Commissioners in the four devolved administrations of the State party and the many initiatives that they have taken to ensure the promotion and protection of the rights of the child. Nevertheless, the Committee is concerned that the powers of the Commissioners in Northern Ireland and Wales are still limited and that the Commissioner in Scotland has not started exercising its mandate to conduct investigations on behalf of individual children.

15. With reference to the Committee's general comment No. 2 (2003) on general measures of implementation, the Committee recommends that the State party:

- (a) Further strengthen the independence of established Children's Commissioners, in line with the Paris Principles, and enable them, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights;



(b) Allocate to the Commissioners in all jurisdictions the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner.

### **International cooperation**

16. In the context of international development cooperation the Committee is concerned about the State party's funding of low-fee, private and informal schools run by for-profit business enterprises in recipient States. Rapid increase in the number of such schools may contribute to sub-standard education, less investment in free and quality public schools, and deepened inequalities in the recipient countries, leaving behind children who cannot afford even low-fee schools.

17. The Committee recommends that the State party ensure that its international development cooperation supports the recipient States in guaranteeing the right to free compulsory primary education for all, by prioritizing free and quality primary education in public schools, refraining from funding for-profit private schools, and facilitating registration and regulation of private schools.

### **Children's rights and the business sector**

18. With reference to its General Comment No. 16 (2013) on State obligations regarding the impact of business on children's rights, the Committee recommends that the State party:

- (a) Integrate an explicit focus on children's rights, including the requirement for businesses to undertake child-rights due diligence, in the revised version of its first National Action Plan on Business and Human Rights;
- (b) Establish and implement regulations to ensure that the business sector, including in the context of public procurement, complies with the rights of the child.

## **Outcome 8: Equality of Opportunity and Good Relations**

### **Non-discrimination**

21. The Committee recommends that the State party:

- (a) Consider the possibility of expanding legislation to provide protection of all children under 18 years of age against discrimination on the grounds of their age;
- (b) Strengthen the oversight mechanism, including regular independent reviews, to assess and ensure that the implementation of the counter-terrorism and counter-extremism measures, including the Prevent Strategy (2011), will not have a discriminatory or stigmatising impact on any group of children;
- (c) Strengthen its awareness-raising and other preventive activities against discrimination and stigmatization, and, if necessary, take temporary special measures for the benefit of children in vulnerable situations.

22. The Committee recalls its previous recommendation that the State party take urgent measures to address the “intolerance of childhood” and general negative public attitude towards children, especially adolescents, within society, including in the media.

### **Right to life, survival and development**

28. The Committee recommends that the State party:

- (a) Address underlying determinants of infant and child mortality, including social and economic deprivation and inequality.

### **Respect for the views of the child**

30. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

- (a) Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national level, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities.

### **Health and health services**

58. With reference to its general comment no. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party, the governments of devolved administrations, Overseas Territories and Crown Dependencies develop comprehensive and multi-sectoral strategies on child health:

- (a) With allocation of the maximum extent of available resources and a robust monitoring mechanism;
- (b) With a strong focus on eliminating inequalities in health outcome as well as in access to health services;
- (c) Addressing underlying social determinants of health.

### **Education, including vocational training and guidance**

72. The Committee recommends that the State party:

- (a) Enhance its efforts to reduce the effects of the social background or disabilities of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State party, including for newcomer children without experiences of formal education. In this regard, closely monitor and if necessary, regulate the establishment and management of academies and free schools in England, and abolish the practice of unregulated admission tests to post-primary education in Northern Ireland;
- (b) Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, forbid and abolish the practice of “informal” exclusions, and further reduce the number of exclusions by working closely with social workers and educational psychologists in school and using mediation and restorative justice;
- (c) Ensure that children have the right to appeal against their exclusion, and are provided with legal advice, assistance and, where appropriate, representation for those without means;
- (d) Abolish the use of isolation rooms;
- (e) In Northern Ireland, actively promote a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration;
- (f) Taking note of Sustainable Development Goal 4, Target 4.2 on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations;
- (g) Make children’s rights education mandatory.

### **Freedom of the child from all forms of violence**

48. The Committee recommends that the State party:

- (c) Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks as well as from recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice.