

# Implementing Children's Rights

## Summary

Over the ten years since the establishment of the Office, the Children's Commissioner has provided advice to government not just in relation to *what* should be done to realise children's rights, but on *how* it should be done.

Article 4 of the UNCRC states that 'States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention'.

In relation to the **incorporation of the UNCRC into legislation**, we made the argument for this to be done through a Bill of Rights for Northern Ireland. The current position of the NI Office, however, is that this would not fall under the remit of a Bill of Rights.

In 2001 the Northern Ireland Executive committed to taking forward a **Children's Strategy**, and a 'framework for discussion' paper stated that 'the starting point for the strategy should be the UNCRC'. The Commissioner was involved in the comprehensive engagement process that informed the development of the draft strategy which was then released for consultation in November 2004. We responded to this by welcoming many positive aspects, but making some suggestions including removing the pairing of 'rights' and 'responsibilities' throughout the strategy. Unfortunately, following the consultation, the structure for the strategy was changed from being based on the UNCRC to reflect the five 'Every Child Matters' objectives developed in England. A sixth objective was included 'Living in a society which respects their rights' but no indicators were developed for this objective. The Commissioner provided advice in relation to the subsequent action plans developed to implement the strategy, and supported the participation of children and young people in relation to this. While the Children's Strategy remains in place, it no longer appears to be the mechanism for coordinating government delivery for children at the Departmental level. A new framework, Delivering Social Change, has been put in place as part of the 2012-15 Programme for Government. While this is not a children's strategy, a number of significant 'children and young person's early actions' have been initiated with a focus on poverty and social exclusion.

The Commissioner has highlighted problems in **'joining up' across government** in relation to delivering on children's rights, and has highlighted ways by which coordination could be improved. This included the proposal for 'Children's Champions' to be identified in each government department as a way of providing a contact point and coordinating delivery in children's rights. We have also advocated for a Statutory Duty to Cooperate in developing and delivering policies and services for children and young people.

NICCY has developed a **'Child Rights Impact Assessment'** process for reviewing the impact of policies and legislation and used this to provide advice in relation to a number of government strategies. We have argued for CRIA to be part of the EQIA process and continue to explore the possibility of this being incorporated into the EQIA.

As you will see in other areas of NICCY's '10 Year Impact', we have provided **training on the UNCRC** for a wide range of groups, largely through the 'train the trainer' model and has sought to raise the **awareness of the UNCRC** among children, parents and those working with children. We also have provided advice in relation to the **participation** of children and young people, both in terms of how this can be done, as well as holding government to account to do so.

The Commissioner has identified a major problem with the **availability of the appropriate data** to allow an assessment of the state of children's rights in Northern Ireland. Indeed, where data is available, too often it is not collected over time in such a way as to allow tracking of outcomes, nor is it sufficiently disaggregated to allow any differences in outcomes for vulnerable groups of children to be identified. A basic indicator set was developed for the 2006 Children's Strategy, and continue to be reported on. NICCY has also engaged with Children's Services Planners and OFMDFM about developing **child rights indicators** and has more recently advised OFMDFM on a set of child rights indicators which are yet to be published.

**Making children more visible in budgets** has been a key focus for the Commissioner. In 2007 NICCY, OFMDFM and DFP together published a report analysing public expenditure on children in Northern Ireland, comparing this with available data from England, Scotland and Wales. This report has been used a great deal by NICCY, non-governmental organisations and by government itself! Continuing this focus, we have, in 2013, commissioned an analysis of the process of budgeting and expenditure for children in government and its agencies in Northern Ireland. This will be released in early 2014.

## Conclusions

It is clear that there has been a great deal of activity in relation to the implementation of children's rights over the ten years NICCY has been in existence. It is important to note that NICCY's establishment is, in itself, one critical step in ensuring better implementation of children's rights. However, as Junior Minister Jonathon Bell stated at a Delivering Social Change stakeholder event in August 2012, 'process cannot masquerade as product', that is, the success of implementation measures must be in bringing about change for children.

In 2011 two reports were published which reviewed the effectiveness of children's rights implementation in Northern Ireland, one by Save the Children, the second commissioned from QUB academics by NICCY. They both found systemic failings in delivery for children, including a lack of a clear commitment to children's rights, problems in coordination and joined up working between departments, significant time delays in delivering on commitments for children, a lack of training and awareness on children's rights, insufficient data and limited meaningful participation of children and young people.

Having observed developments in Wales and Scotland, where the devolved governments have prioritised children's rights by putting commitments in legislation (draft legislation in Scotland) to implement children's rights, the Commissioner is pressing the Northern Ireland Executive to demonstrate its commitment to delivering effectively for children through a piece of child rights legislation. NICCY developed a joint project with Dr Byrne and Professor Lundy of QUB to draw from international learning and engagement with civil society stakeholders to scope the possible content of the legislation, including critical child rights implementation measures such as Child Rights Impact Assessments, measures to ensure coordination in planning and delivering children's services and annual reports mapping changes in outcomes for children. NICCY will take this work forward to build support for child rights legislation, to build consensus on its content and to seek agreement from the Northern Ireland Executive to take this forward.