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To whom it may concern

Thank you for the opportunity to comment on the proposals as set out in the Stopping Domestic and Sexual Violence and Abuse in Northern Ireland. Violence in the home is one of the most pervasive human right challenges. We welcome the renewed focus these proposals for Government action brings to the issue and the understanding that domestic and sexual violence is a complex area which can manifest in many different forms, and can lead to far reaching, life changing negative consequences. This response is not intended to be comprehensive but has highlighted a number of specific points which are relevant to areas that I have been working on more closely. A general point that I would make is the importance of child rights proofing all relevant proposals.

Both forms of violence and abuse are contraventions to the fundamental human rights of every human being. As the Northern Ireland Commissioner for Children and Young People, I am particularly concerned for the needs of these most vulnerable members of our society, who because of their age are still developing physically, socially and emotionally.

Rights Based Approach

In particular in exercising my function, I must have due regard to any relevant provisions of the United Nations Convention on the Rights of the Child. Although the totality of the convention is concerned with the protection of children and the promotion of life, provisions of particular relevance with respect to violence, abuse and neglect are included within articles 3, 6, 19, 37(a) 39 and 34. As duty bearers of the UNCRC, the State has a particular obligation to safeguard children's rights and to take protection measures when these rights are infringed.

Article 3 places a specific requirement on the State to ensure the child such protection as is necessary for his or her well being. Article 6 is a child inherent right to life, survival and development. Article 19 places an onus on States to take all appropriate measures to protect children from all forms of violence, abuse, neglect or exploitation. Article 37(a) addresses the wider context of cruel, inhumane or degrading treatment or punishment. Article 39 places a further requirement on States to promote the recovery and social integration of children who have been victims of abuse outlined in other articles.

All articles should be interpreted with regard to the 4 general principles- a child's rights to survival and development (Article 6) to not to be discriminated against (Article 2), for all actions to be taken in the best interests of the child (Article 3) and for a child or young person to have a right to say what they think in all matters concerning them and that what they have to say be taken seriously (Article 12).

The Legal Framework

The draft strategy has set out clear definitions for domestic and sexual violence and abuse. We would ask that the legal framework in Northern Ireland is reviewed to ensure that violence and abusive behaviours as outlined in the definitions, are as far a possible, within the reach of the law. There has been a call for the legal framework to intervene at an earlier point, where controlling behaviour and intimidation of victims are evident.

The UN Committee on the Rights of the Child alongside NICCY has repeatedly expressed concerned that children have less protection under the law with respect to physical punishment than their adult counterparts because certain forms of physical punishment against children within the home remain legal, for example, 'reasonable' or 'moderate' chastisement (The Law Reform (Miscellaneous Provisions) Northern Ireland Order (2006). It also breaches the principle of equal protection under the law (Council for Europe). Further related information on this issue is available from the NICCY website.

Supportive of the Over-arching Approach

NICCY is supportive of the five key strands of work, in particular the focus on early intervention and prevention; exploring the role of schools; the necessity of integrated working across government departments, public authorities and with the community and voluntary sector; and the focus on support for children and young people irrespective of their involvement i.e. witness, victim or perpetrator. Although children and young people will be much less likely to perpetrate, we welcome the understanding of the need for special protection measures for those that display harmful behaviour. We ask that this multi-faceted approach to the needs of children and young people is reflected in all strands of the work coming from this Strategy.

A Child Protection Issue

We welcome the fact that the Strategy recognises domestic violence as being a child protection issue. The specific needs of children and young people must be considered in their own right. Interventions that support children who are exposed to domestic violence are crucial in minimising long term harm, this has not always been well articulated or addressed in policy and practice. I have recently commissioned research which drew attention to the correlation between early childhood adversities and adolescent suicide and accidental death. The research emphasised the importance of children and young people being able to access properly coordinated and sustained services, which can support and protect them from the impact of adverse experiences. The report is available from <http://www.niccy.org/Publications/policyandresearchreportsandpapers/publications-from-2012/StillVulnerableTheImpactofEarlyChildhoodExperiencesonAdolescentSuicideandAccidentalDeath>

We welcome the development of the child focused domestic violence multi-agency risk identification tool and safety planning with children (6yrs +) and young people who are living with domestic violence and abuse in their families. We also trust that planning work around the Victims Charter will also ensure that due attention is given to the specific considerations for victims who are children and young people.

Consultation with Children and Young People

NICCY is strongly of the view that children and young people should be consulted about all matters that affect them and for their views to be taken seriously; this includes informing the drafting of public policy. NICCY would seek assurances that children and young people were engaged in both the pre-consultation phase and will be during the consultation phase. Furthermore, in taking forward all strands of work coming from this Strategy, it is important that age appropriate information is made available and services and support developed that are child centred and accessible. Children and young people should be consulted when developing materials, support and services for their peer group to ensure they are meaningful and effective. The Participation Network supports Government Departments and public bodies to engage with children and young people in public decision making.

The Role of the Education System

As the single statutory service which is in daily contact with the majority of children and young people, schools have a prime opportunity to raise awareness and educate on a range of social issues. It is positive that the Strategy has highlighted the role schools have in educational awareness, prevention, early intervention as well as identifying and safeguarding children who are suspected / known to be at risk.

As Commissioner I have engaged on this issue with the Minister for Health and the Pupil Support Team within the Department of Education which has a remit in policy and service development in child protection, safeguarding, emotional health and well being. I have emphasised the role of schools in providing age-appropriate and effective education with respect to the full range of relationship and sexual education for all children and young people. I have highlighted the opportunity that the review of the sexual education curriculum brings to addressing gaps in provision. I have also raised my concerns on the voluntary nature of some of the guidance to schools, which means that some schools may provide whilst others can choose not to. My concern is that this invariably leads to inequalities in opportunities and inconsistency in approach and implementation.

I welcome the work commissioned by the Department of Education to look at how teachers and the whole school communities can be assisted to deliver an effective prevention education programme. However, I am concerned that the roll out of the training for teachers is expected to take up to 5 years, whilst children and young people currently in schools across Northern Ireland would benefit from these issues being part of their education now. In recognising the role that schools can play in the social and emotional well being and development of children, I also recognise that it is important that sensitive topics are addressed in a carefully planned way which includes teachers being adequately equipped and informed in how to deal with issues that may arise as a consequence of

such topics being discussed in the classroom.

Child Sexual Exploitation

Child Sexual Exploitation is an area of particular concern for me, it is a gross violation of young people's fundamental rights to safety from harm and challenges all agencies involved in children's lives to ensure they are effectively protecting them from abuse. The three main strands of work that are ongoing through the independent expert led inquiry, PSNI investigation and SBNI thematic review are aiming to identify key learning points and opportunities for improvement and closing gaps in protection for children and young people. We trust that action plans for this strategy will take cognisance of the recommendations.

Data Collection/ Recording Systems

Collecting reliable data on this issue is challenging due to it often being a hidden problem. However, information gathering is needed in order to better understand the problem and the response that is needed i.e. the prevalence of the issue; the number of children that are witnesses; victims or perpetrators of such violence; and the range of support and services that are accessed.

Action Plans and Budgeting

We understand that action plans will be developed in order to achieve goals that help to deliver on these overarching objectives. NICCY would ask that particular attention is given to ensuring a rights based approach underpins the framework; maintaining a clear outcomes focus throughout the development, implementation and evaluation of the strategy. I would also like to see an action plan developed against this Strategy which are designed in such a way that progress can be clearly monitored to include a timeline against actions and budget. Please don't hesitate to contact my Office if you require clarification on any of the issues raised in this submission.

Yours sincerely



Patricia Lewsley-Mooney
Commissioner for Children and Young People