**Northern Ireland Commissioner for Children and Young People (NICCY)**

**Response to TEO on the ‘Strategy for Victims and Survivors of the Troubles/Conflict’ consultation**

**February 2024**

**Introduction**

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 (NI). 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.

NICCY also has a mandate under Article 8, to make representations or recommendations to any Body or Person relating to the rights and best interests of Children and Young Persons. The Commissioner’s remit includes children and young people up to 18 years, and 21 years, if the young person has a disability or has experience of being in the care of the State. In carrying out his functions, the Commissioner’s paramount consideration is the rights of the child or young person, having regard to their wishes and feelings. In exercising his functions, the Commissioner has regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

The Commissioner welcomes this opportunity to respond to the consultation on The Executive Office’s (TEO) ‘Strategy for Victims and Survivors of the Troubles/Conflict’ (the ‘Strategy’). NICCY does not wish to make comments on the specific proposals outlined in the consultation document in detail, but rather wishes to alert you to the need to ensure that the experiences and views of children and young people are adequately reflected in the Strategy.

While children and young people in NI today have been born and are growing up in a time of relative peace and stability, the impact of the conflict is still heavily felt. Segregation and community division continue to impact on daily life for many children and young people. Research clearly shows unacceptable levels of child poverty, mental ill health, educational and health inequalities in the areas that have suffered most as a result of the NI conflict. To sustain a stable and more peaceful future requires cognisance of the reality of children’s lives and the continuing impact of the legacy of the conflict on young people growing up in NI today.

**Children’s Rights**

As outlined about, despite having been born since the Belfast/Good Friday Agreement, many children and young people’s rights are impacted by the ongoing legacy of the conflict in NI, notably the following United Nations Convention on the Rights of the Child (UNCRC) Articles:

Article 12 - That children have the right to participate in decision-making processes that may be relevant in their lives and to influence decisions taken on their behalf.

Article 13 – That children have the right to get and share information, if it is not damaging to them or others. In exercising the right to freedom of expression, children are responsible for respecting the rights, freedoms and reputations of others.

Articles 14 - the freedom of thought, conscience and religion, 15 – the freedom of association and article 17 - access to diverse information and to the mass media also relate to their right to have a say in decisions affecting them.

Article 19, in relation to the protection from violence, holds that:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child;

Such protective measures should, as appropriate, include effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and as appropriate, for judicial involvement.

Article 37 states that children must not be tortured, sentenced to the death penalty or suffer other cruel or degrading treatment or punishment. Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible. They must be treated with respect and care and be able to keep in contact with their family. Children must not be put in prison with adults.[[1]](#footnote-2)

Last year, the Committee on the Rights of the Child in its periodic examination of the UK State Party’s compliance with its obligations under the UNCRC, expressed its concern at the fact that, in NI children face violence, including shootings, carried out by non-State actors involved in paramilitary-style attacks, and recruitment by such non-State actors.

It recommended that the State Party:

* Develop measures aimed at preventing violence against children in alternative care, children with disabilities, asylum-seeking, refugee and migrant children and children belonging to minority groups;
* Ensure that all children who are victims or witnesses of violence have prompt access to child-sensitive, multisectoral and comprehensive interventions, services and support, including forensic interviews and psychological therapy, with the aim of preventing the secondary victimization of those children, and allocate sufficient resources for the implementation and expansion of the barnahus and similar models;
* Ensure a child rights and trauma care-based approach in the provision of support services for victims, including the Bairns’ Hoose standards in Scotland, and that such services and support are also available for and address the specific needs of all victims of violence;
* Ensure that all child victims of violence, including sexual abuse, are allowed, as child witnesses, to provide video-recorded evidence for testimony and cross-examination during the pretrial stage in judicial procedures as a default process, and that they have access to appropriate therapy without delay;
* Strengthen efforts to train professionals working with and for children, including social workers, law enforcement authorities and the judiciary, to identify and effectively respond to cases of violence, including sexual exploitation; and
* Ensure the systematic collection and analysis of data on child protection issues and violence against children to inform the implementation of national strategies on violence and child sexual abuse, including by: (i) creating a national database for missing children; (ii) collecting data on cases that have been reported, investigated and prosecuted; and (iii) ensuring that 16- and 17-year-old persons are considered as children in the disaggregation of data on sexual exploitation and abuse.[[2]](#footnote-3)

It is clear from this that Government has international obligations to children to protect them from harm and provide programs to support children who may be in danger of experiencing harm.

The realisation of children’s rights is central to moving towards a positive future in NI. It is critical that this Strategy recognises children and young people as victims and survivors of the conflict within the context of this Strategy.

**Recommendation 1: That the Executive’s obligations to children under the UNCRC inform its proposals for dealing with the legacy of the past and the fulfilment.**

**Effects of the Conflict on Children**

The ongoing legacy of the conflict adversely affects children and young people in Northern Ireland through social division, segregated housing and education, sectarianism, and ongoing paramilitary violence. In communities disproportionately impacted by the conflict and its legacy, high rates of child poverty, socio-economic deprivation, low investment and educational under-attainment create particular conditions of vulnerability and detrimentally affect children’s life chances.

According to the Commission for Victims and Survivors, around 40,000 people experienced injury because of the conflict, 3,720 families were bereaved. These numbers do not include those with caring responsibilities for people living with injury and trauma who often do not recognise or identify themselves as victims. An estimated 200,000 adults in NI have mental ill health because of the conflict.[[3]](#footnote-4)

More recently, there has been increasing recognition of the consequences of transgenerational trauma for children and young people in NI, whereby children’s poor psychological health may be a consequence, at least partially, of the trauma experienced by their parents and other family members. NICCY notes that within the Strategy Equality Screening document, the 2017 Omnibus survey found that one in four of the NI population said that either they or a family member continued to be impacted by a conflict-related event, and that Commission for Victims and Survivors research found that almost one in three adults are victims and survivors of the conflict.[[4]](#footnote-5) These figures, amongst others, show the continuing impact of the conflict on children and young people in NI.

**Recommendation 2: That the Strategy recognises children and young people as victims *in and of themselves.***

Research has found that of those in NI suffering poor mental health, 15% of these are as a direct result of the conflict.[[5]](#footnote-6) The 2015 ‘Towards a Better Future’ research also revealed the ongoing impact of trans-generational trauma and adverse childhood experiences (ACEs) and highlighted that children continue to suffer the consequences of poor mental health associated with conflict trauma and living under the ongoing threat of paramilitaries. It showed that traumatic experiences, such as exposure to violence, in combination with economic deprivation, undermine parent and caregiver capacities for facilitating real time interactions with their children.[[6]](#footnote-7) A recent report by Queen’s University, Belfast has recommended governmental commitment through a trauma informed strategy for NI. The authors cited the establishment of a regional Trauma Informed Approach resource centre or hub and a trauma-related training framework promoting learning and best practice consistency across services and settings as being required.[[7]](#footnote-8)

The transmission of narratives derived from memories of conflict and violence can also impact adversely on identity in the social sphere and convey or amplify perceptions of threat, fear and exclusion.

The key findings to emerge from the study are as follows:

* The interactions which happen in the first three years of any child’s life are vital to their development and long-term mental well-being. Trauma related psychopathology in parents limits their ability to act as co-regulators for their children. This increases the likelihood of the child developing behavioural problems that in turn increases the risks of harsh or violent parenting practices;
* Traumatic experiences, such as direct exposure to harsh discipline and violence can have a devastating impact on the child’s development;
* There is a subgroup of the Northern Ireland population who have been affected by years of violence in Northern Ireland, whose children may be at increased risk of experiencing toxic stress;
* Children who experience toxic stress are at increased risk of developing poor health; and
* The effects of the years of violence had a specific impact upon particular groups of children. Children of victims and survivors, ex-paramilitaries and police officers have been impacted directly as a result of their parents’ experiences.[[8]](#footnote-9)

The 2021 ‘*It Didn’t End in 1998’* research investigated the continuing transgenerational impacts of the conflict on the lives of children and young people aged between 14 - 24 and their parents throughout NI and the Border Region of Ireland. It adopted a ‘two-generation approach’ exploring and identifying the experiences and needs of current generations of children and young people affected by the Conflict’s legacy and their relationships with older generations, many of whom have lived experience of the worst years of the conflict.[[9]](#footnote-10)

Importantly, for this Strategy, it found that young people’s knowledge of the conflict was learned through a range of sources, most notably in the context of school and family accounts. Although their level of understanding was questioned by some adult participants, by virtue of not having lived through the conflict, young people had considerable knowledge and demonstrated capacity to talk about sensitive and challenging issues.

Through family and community accounts, much of what young people know and think about the conflict is established prior to any formal learning. Whilst learning in school could fill gaps in detail from other accounts of the conflict, more typically what was learned, and the way in which it was learned depended on school, subject choices, Teachers’ views and the capacity and/or willingness to engage young people in sensitive and potentially emotive discussions.

Such discussion could, of course, be challenging for Teachers who have not received adequate training or for whom discussions of the past could act as a trigger, particularly if they have not dealt with their own related issues. Nevertheless, learning in school could be selective, partial, lacking in depth or absent. The analysis demonstrates that despite long standing concerns related to avoidance of teaching of the conflict, the seeming neglect to address history in primary schools and a focus on historic societies elsewhere children’s opportunities to discuss and make sense of ‘the Troubles’ are limited, and participants were aware of the potential of ‘bias’, ‘romanticisation’ and ‘sectarian’ views in information sharing.

NICCY also wishes to draw the attention of the consultation to the recommendations made within the research, particularly those relating to the services and support for victims and survivors, and the importance of children and young people’s voice and engagement in the future.[[10]](#footnote-11)

In 2023, the Young Life and Times Survey and Kids Life and Times Survey found that the wellbeing of children aged 11 in NI is at its lowest level since 2010, and that 45.2% of 16-year-olds have a probable mental illness. ACEs and childhood adversities create vulnerabilities, and we need to redouble our efforts to reduce trauma exposure and address the social determinants of poor mental health.[[11]](#footnote-12)

The trauma experienced by children who are victims or witnesses of paramilitary style attacks is significant. Research published in 2021 for the Commission for Victims and Survivors found that while some young people alluded to the impact of paramilitary presence and violence on their mental health, more often this is manifested in fear, insecurity, paranoia and coping mechanisms employed to preserve psychological and physical well-being (e.g. mental and physical avoidance). Parents, youth and community workers could identify more vividly the impacts – bed-wetting; anxiety; evidence of trauma; substance use as a coping mechanism; destructive behaviours.[[12]](#footnote-13) A study by Dr Colm Walsh on child criminal exploitation included discussion over mental health issues, on the individual, the family and wider community as likely to increase ‘incentives’ for organised criminal networks to extend their operations, including the recruitment of children and young people into criminal harm.[[13]](#footnote-14)

NICCY therefore supports the inclusion of ‘trauma informed practice’ and ‘victims centered services’ within the Strategy, to increase the understanding of trauma and its impact. NICCY welcomes the intention of TEO to carry out research to maintain and develop our understanding of the current needs of victims and survivors and to conduct, as necessary, further research into the impact of transgenerational and intergenerational trauma to ensure adequate services and support are available and raise awareness of the transgenerational transmission of trauma, however, highlights the previous research that has already been conducted in this field relating to children and young people, with the associate recommendations.

**Children as victims of violence**

The presence of paramilitary-style groups in certain communities is an ongoing legacy of the conflict NICCY is deeply concerned about the harm these organised groups inflict on children and young people, through intimidation, abuse, exploitation, and coercive control. Unfortunately, due to gaps in data, the specific nature, scale and impact of paramilitary activity, criminal or sexual exploitation on children and young people in certain communities is not fully clear.

In previous advice to Government, we have raised a range of concerns about young people’s safety related to their exploitation, threats of and actual assault, threats to life; coercion into criminal activities, the recruitment of young people into paramilitary style or criminal gangs and other associated concerns.

NICCY has repeatedly called for a unified strategic response to protect children from harm, including abuse, violence, coercion and exploitation by organised gangs and groups as follows:

* Raise awareness of child abuse and exploitation in this context: and build confidence in the role of statutory agencies to support and protect children, families and communities;
* Prevent harm and abuse to children and young people: through sustained activity to reduce community vulnerability to violence and exploitation, including those actions set out in the Action Plan on Tackling Paramilitary Activity, Criminality and Organised Crime;
* Protect and intervene where children are abused and exploited: ensuring that robust safeguarding procedures are in place and that agencies are working together to protect children and support their recovery. This will require the ongoing involvement of children’s social care in all aspects of the strategic response and the review of key guidance and procedures, including Co-operating to Safeguard Children and Young People and Working Arrangements for the Welfare and Safeguarding and Trafficking and Modern Slavery procedures to make sure that consistent definitions and agreed referral and response pathways to all forms of harm, including criminal exploitation, are in place.
* Pursue those who seek to harm, abuse, and exploit children: through effective identification, disruption, investigation and prosecution of offenders. This will require the review of available criminal offences and arrangements to assess where these and approaches to investigation and prosecution may need strengthened.
* This strategic response must be supported by data which identifies the numbers of children known to be at risk and directly affected. CYP, families and community and voluntary organisations should be involved in the development of this strategic response.[[14]](#footnote-15)

**Recommendation 3: Given a new generation of victims are being created through ongoing coercive control and criminal exploitation of children and young people by criminal gangs under the auspices of ‘paramilitarism’, that the joining and linking up with other Departmental and Government Strategies such as ‘A Fresh Start’, and work by the Executive programme for tackling paramilitary activity and organised crime, must be prioritised.**

**Recommendation 4: A Child Rights Impact Assessment (CRIA)must be carried out on this draft Strategy, which would support the systematic assessment and communication of the impact of a proposal or measure on the rights, needs and interests of children and young people.**

**Children and young people’s access to information and education**

Children’s knowledge of the NI conflict and opportunities to discuss and make sense of our history are limited. Research has found that the three main influences on young people’s knowledge and understanding of the past are their parents (52%), school (47%) and relatives (25%).[[15]](#footnote-16) While school is an important source of information for learning about the past, unless young people study GCSE History they will learn little specifically about the ’Troubles’ in formalised education through the curriculum.[[16]](#footnote-17)

To normalise our history and to move forward as a society emerging from conflict, it is vital that we can as a society arrive at a ‘shared narrative’ about the conflict which should be taught in schools to provide pupils with less subjective accounts of our past. This is important as children have a right to that information/education, they need to be equipped with the concepts and language to encourage them to make sense of our history and to become architects of a shared and better society. NICCY welcomes the reference to this within the draft Strategy.

NICCY welcomes the inclusion of working with other sectors and Departments to build on existing and create new formal and informal education programmes to enhance knowledge and mutual understanding about the transgenerational impacts of the conflict within the Strategy. This will necessitate changes to the curriculum taught within schools and the provision of safe and open spaces for discussion to be had. Enabling this will require the roll out of trauma informed education throughout schools and the development of trauma informed services.

Youth services may be best placed to engage children and young people in discussions on the conflict and may be already dealing with much of the transgenerational impact and legacy. It is vital that actions associated with this Strategy engage the community and voluntary sector, as well as other Departments and agencies working in this area.

NICCY also agrees that mental health services need to be sensitive and responsive to legacy issues. This should be facilitated through engagement with the relevant Government Departments and Mental Health Champion.

**Conclusion**

NICCY recognises that the Strategy sets out the high-level outcomes for victims and survivors and that there is room for change through the monitoring and reporting structures, and mid-way review. However, more detail is required to ensure specific actions are taken forward, and by whom, especially on those identified by stakeholders as requiring attention or at risk of not achieving the outcomes. There are no clear indicators to show whether the Strategy has delivered outcomes for victims and survivors and detail on funding and resourcing at this stage.

The Strategy is an important mechanism to support victims and survivors in NI. It is vital that children’s rights are embedded in this, given the way the conflict impacted the lives of children at the time, and continues to do so today.

NICCY also acknowledges the current developments and legislative context within which this new Strategy sits, namely a returned NI Executive and the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, and the adverse impact that this legislation has, and will have, on victims and survivors. NICCY in principle agrees with the approach outlined within the draft Victims and Survivors Strategy, however, would advise that children and young people need to be recognised as victims in and of themselves within same.

**Summary of recommendations**

**Recommendation 1: That the Executive’s obligations to children under the UNCRC inform its proposals for dealing with the legacy of the past and the fulfilment.**

**Recommendation 2: That the Strategy recognises children and young people as victims in and of themselves.**

**Recommendation 3: Given a new generation of victims are being created through ongoing coercive control and criminal exploitation of children and young people by criminal gangs under the auspices of ‘paramilitarism’, that the joining and linking up with other Departmental and Government Strategies such as ‘A Fresh Start’, and work by the Executive programme for tackling paramilitary activity and organised crime, must be prioritised.**

**Recommendation 4: A Child Rights Impact Assessment (CRIA)must be carried out on this draft Strategy, which would support the systematic assessment and communication of the impact of a proposal or measure on the rights, needs and interests of children and young people.**

1. UN Convention on the Rights of the Child. Available at: [Convention on the Rights of the Child | OHCHR,](https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child) accessed on 22/2/24. [↑](#footnote-ref-2)
2. UNCRC (2023), ‘Concluding Observations on the combined sixth and seventh periodic report of the United Kingdom of Great Britain and Northern Ireland’. Available at: <https://digitallibrary.un.org/record/4013807?ln=en>, accessed on 22/2/24. [↑](#footnote-ref-3)
3. See: [What we do - Commission for Victims & Survivors (cvsni.org). Accessed on 22/2/4.](https://www.cvsni.org/our-work/what-we-do/) [↑](#footnote-ref-4)
4. The Executive Office ‘Section 75 Equality Screening Victims and Survivors Strategy’. Available at: [Equality Screening- Victims and Survivors Strategy (executiveoffice-ni.gov.uk),](https://www.executiveoffice-ni.gov.uk/sites/default/files/consultations/execoffice/equality-screening-victims-and-survivors-strategy.pdf) accessed on 20/2/24. [↑](#footnote-ref-5)
5. Prepared for the Commission for Victims and Survivors by Ulster University, (2015), “Towards A Better Future: The Trans-generational Impact of the Troubles on Mental Health”. Available at: [Layout 1 (cvsni.org),](https://www.cvsni.org/wp-content/uploads/2022/11/2015-Research-Towards-A-Better-Future-The-Trans-generational-Impact-of-the-Troubles-on-Mental-Health.pdf) accessed on 22/2/24. [↑](#footnote-ref-6)
6. Ibid., p.12 [↑](#footnote-ref-7)
7. See: [Queen’s study calls for trauma informed strategy for Northern Ireland | News | Queen's University Belfast (qub.ac.uk).](https://www.qub.ac.uk/News/Allnews/featured-research/implementing-trauma-informed-strategy-northern-ireland.html) Accessed on 22/2/24. [↑](#footnote-ref-8)
8. Prepared for the Commission for Victims and Survivors by Ulster University, (2015), “Towards A Better Future: The Trans-generational Impact of the Troubles on Mental Health”, p.13-14. Available at: [Layout 1 (cvsni.org),](https://www.cvsni.org/wp-content/uploads/2022/11/2015-Research-Towards-A-Better-Future-The-Trans-generational-Impact-of-the-Troubles-on-Mental-Health.pdf) accessed on 22/2/24. [↑](#footnote-ref-9)
9. McAlister, S. et al. ‘It Didn’t End in 1998’ Examining The Impacts Of Conflict Legacy Across Generations’ (2021). Available at: [Filetoupload,1224477,en.pdf (qub.ac.uk),](https://www.qub.ac.uk/research-centres/CentreforChildrensRights/CCRFilestore/Filetoupload%2C1224477%2Cen.pdf) accessed on 22/2/24. [↑](#footnote-ref-10)
10. Ibid. [↑](#footnote-ref-11)
11. See: [Factors Affecting Mental Health and Wellbeing in Children and Young People in Northern Ireland | Mental Health Champion Northern Ireland (mentalhealthchampion-ni.org.uk). Accessed on 22/2/24.](https://www.mentalhealthchampion-ni.org.uk/publications/factors-affecting-mental-health-and-wellbeing-children-and-young-people-northern) [↑](#footnote-ref-12)
12. McAlister, S. et al. ‘It Didn’t End in 1998’ Examining The Impacts Of Conflict Legacy Across Generations’ (2021), p.29. Available at: [Filetoupload,1224477,en.pdf (qub.ac.uk),](https://www.qub.ac.uk/research-centres/CentreforChildrensRights/CCRFilestore/Filetoupload%2C1224477%2Cen.pdf) accessed on 22/2/24. [↑](#footnote-ref-13)
13. Walsh, C. (2022), ‘From Contextual to Criminal Harm: Young People’s Perceptions and Experiences of Child Criminal Exploitation in Northern Ireland’ p.21. Available at: <https://pureadmin.qub.ac.uk/ws/portalfiles/portal/431364356/Criminal_harms_final_2_.pdf>, accessed on 22/2/24. [↑](#footnote-ref-14)
14. NICCY (2021), ‘Child Criminal Exploitation – Safeguarding Children and Young People from Abuse and Exploitation’. Available at: <https://www.niccy.org/publications/advice-to-government-child-criminal-exploitation-safeguarding-children-and-young-people-from-abuse-and-exploitation/>, accessed on 22/2/24. [↑](#footnote-ref-15)
15. J. Bell, U. Hansson and N. McCaffery, Community Relations Council, (2010), “The Troubles Aren’t History Yet” Young People’s Understanding of the Past. Available at: [‘The Troubles Aren’t History Yet’ Young People’s Understanding of the Past | Community Relations Council (community-relations.org.uk),](https://www.community-relations.org.uk/publications/troubles-arent-history-yet-young-peoples-understanding-past) accessed on 22/2/24. [↑](#footnote-ref-16)
16. See: [Response to the Northern Ireland Office’s (NIO’s) Consultation Paper Addressing the Legacy of Northern Ireland’s Past - Niccy. Accessed on 22/4/24.](https://www.niccy.org/publications/response-to-the-northern-ireland-offices-nios-consultation-paper-addressing-the-legacy-of-northern-irelands-past/) [↑](#footnote-ref-17)