

## INTRODUCTION

The Office of the Commissioner for Children and Young People (NICCY) was established in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland.

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

This briefing outlines the key issues affecting children and young people across Northern Ireland, and the actions required to address them. It is important to note key legislative and policy mechanisms relating to the implementation of children's rights in general.

### 1. The Children's Services Cooperation Act 2015 (CSCA)

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

### 2. The Children's Strategy 2020-2030

In response to the requirements of the CSCA, the Executive published a Children and Young People's Strategy in 2020. This is an important high-level Strategy which should provide strategic direction for all of the work of the Executive, NI departments and agencies on behalf of children and young people.

The Children's Strategy should be the mechanism for delivery for children on the Programme for Government, providing a framework for co-ordination and to invest in early intervention.

### 3. The Concluding Observations of the UN Committee on the Rights of the Child

In 2023 the UN Committee on the Rights of the Child examined the periodic report of the UK Government on how it, and the devolved governments, had implemented the UN Convention on the Rights of the Child. It raised many concerns, a number of which particularly focused on Northern Ireland. It is vital that these are implemented without delay.

### 4. Rights approaches to delivering for children in Northern Ireland

If the Executive and Assembly are to deliver effectively for children, they must ensure that they make children visible in budgets; seek children's views and take them into account; and gather, disaggregate and publish data to allow scrutiny of the effectiveness of actions and services.

Child Rights Impact Assessments (CRIAs) must be conducted in the development of all policies, legislation and services relating to children. Full incorporation of the UNCRC is critical to allow children to access justice and effective remedies if/when the rights are breached.

## Tackling Child Poverty

Most recent government data (2021-22) suggests one in five children in Northern Ireland (21%) are living in poverty. The cost-of-living crisis will have made this worse. Poverty has a severe impact on every aspect of their lives, including their health and educational outcomes. Two in three children (63%) in poverty live in households where at least one parent is working.

NICCY calls on the Executive to commit to eradicating child poverty, and produce an ambitious Anti-Poverty Strategy which includes the following actions:

- Increasing incomes, including through a new child payment for families in poverty of £20 per child per week, and by mitigating the ‘welfare reform’ cuts targeted at families, such as the two-child limit;
- Reducing household costs, including a restoration of ring-fenced discretionary support, ensuring education is truly free and providing free transport for all children; and
- Ensuring all families can access affordable, accessible, high-quality childcare.

Lead Responsibility: **DfC, DE, DoF, DfI**

## Education

Every child has the right to a high-quality education that enables the development of their personality, talents and mental and physical abilities to their full potential. The Executive must address educational inequalities and remove all barriers to full participation through:

- Prioritising urgent transformation of, and investment in, the Special Educational Needs and Disability system and commencement of the new framework;
- Investing in the implementation of A Fair Start Action Plan to tackle persistent educational under-achievement;
- Ensuring all children have access to mandatory, comprehensive, age-appropriate Relationship and Sexuality education;
- Taking an early intervention approach to emotional health and wellbeing;
- Introducing measures to proactively tackle bullying in schools and improve monitoring; and
- Implementing statutory guidance on the use of restrictive practices in educational settings to ensure the protection of children in all settings.

Lead Responsibility: **DE, DfE, DoH**

## Health

Every child has the right to the highest attainable standard of healthcare. The systematic issues impacting health in NI have led to delays in accessing services and supports, including age appropriate, local facilities. This includes Early Years and Early Intervention provision, as well as support for those with chronic needs and disabilities. Availability and suitability of mental health support remains a concern, with increasing rates of ill-health, emotional difficulties, and substance use and dependency. The Executive must remove all barriers to timely and appropriate healthcare through:

- Implementing the recommendations of NICCY’s Mental Health and Health Waiting List Reviews and adopting a rights-based approach to delivery of services;
- Providing necessary resources for the full delivery of the Mental Health Strategy, including increasing CAMHS funding;
- Ensuring children and adolescent healthcare services are considered in the rollout of the Integrated Care System; and
- Adopting an early intervention approach grounded on public health and psychosocial support, instead of the current medicalisation and institutionalisation model.

## Justice

Lead Responsibility: **DoH, DE**

The Youth Justice Review (2011) made several recommendations to address failings in NI’s youth justice system. A number of significant actions remain outstanding. The Executive must ensure full implementation of the Youth Justice Review and progress issues identified in NICCY’s Statement on Children’s Rights NI (2023), specifically through:

- Introducing a Youth Justice Bill as a priority;
- Raising the minimum age of criminal responsibility to 16. Further services should be developed and resourced to meet the needs of children who have entered the criminal justice system, or about to be;
- Addressing delay and implementing Statutory Time Limits;
- Amending the use of bail and remand (and the disproportionate impact depending on community background); and
- Addressing issues with policing of children and young people including stop and search and Spit and Bite Guards.

Lead Responsibility: **DoJ, DoH**

## Legacy of the Conflict

The impact of the conflict continues to significantly affect the lives of children and young people in NI. Young people across communities report continued activity by non-State forces and recruitment to criminal organisations, often through coercion. The Executive must urgently address this through:

- Ensuring effective protection of children and young people from grooming, recruitment, exploitation, violence or mistreatment in their communities, by criminal gangs;
- Prohibiting the use of children as Covert Human Intelligence Sources
- Addressing the continuing impacts of the conflict, including trauma, mental ill-health, poverty and educational under-attainment and the provision of support services to children and young people in their communities; and
- Ensuring young people have the space and support to discuss and understand the legacy of the past enabling them to play a central role in building a peaceful future in NI.

Lead Responsibility: DoJ, **TEO**, DE, **DoH**, DfC, NIO

## Participation of Children and Young People

Children and young people have a right to have a say in decisions affecting them, and for their views to be given weight. There is a lack of support and investment in existing participation and a lack of understanding at a policy level, of meaningful engagement with children and young people in the development of legislation, policies, strategies, action plans and service delivery.

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

- Establishing and investing in structures for the meaningful participation of children and young people in the development of policies, strategies, legislation and service delivery, including a national Participation Mechanism and associated policy;
- Passing legislation for and extending the age range of the NI Youth Assembly; and
- Lowering the voting age to 16

Lead Responsibility: **DE**, All Depts

## Safeguarding

Over 20,000 children were known to Social Services as a child in need in 2023. The Independent Review on Children's Social Care clearly demonstrated the increasing demands for and pressures on children's social care services. The marginalisation of some young people can lead to criminal and sexual exploitation. The Executive must protect children and young people through:

- A public health approach to tackling Child Sexual and Criminal Exploitation, including Trafficking and establishing a Barnahus model in Northern Ireland;
- A children's rights and early intervention approach informing the transformation of our children's social care system;
- A new funding model for the community and voluntary sector; and
- Reviewing all relevant safeguarding legislation to ensure that children and young people are properly protected in law from all forms of abuse and harm.

Lead Responsibility: **DoH**, **DoJ**

## Tackling Discrimination

Children and young people face discrimination on the grounds of their age, race, religion, sex, politics and other characteristics and do not have the same legal protections as adults.

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

- Introducing Age Discrimination legislation (Goods, Facilities and Services) which includes the protection of children and young people;
- Ensuring that all children and young people have access to at least equivalent safeguards under the mental health and mental capacity frameworks in NI;
- Legal reform to provide children with equal protection to adults from all forms of assault, including physical punishment, and providing better support to parents and families; and
- Expand the abuse of trust provisions in all environments and extracurricular activities.

Lead Responsibility: **TEO**, **DoJ**, **DoH**

## Asylum Seeking and Refugee Children

Over recent years a decline in political commitment to children and young people seeking international protection and an increase in anti-immigration political rhetoric has resulted in punitive legislative measures such as the Nationality and Borders Act 2022 and Illegal Migration Act 2023. NICCY is deeply concerned that these increase risks of exploitation for children, and so the Executive must:

- Ensure our child protection systems are resourced to effectively support children and young people in need;
- Provide collective political leadership in tackling racism and xenophobia;
- Ensure that the views of children and young people inform policy making; and
- Deliver on a fully costed and resourced Refugee Integration Strategy and Racial Equality Strategy.

Lead Responsibility: **TEO, DfC, DoH**

## Homelessness

The extent of homelessness and housing insecurity amongst children and young people in NI is difficult to ascertain. Those with multiple complex needs, who are disabled, care experienced, LGBTQI+ and/or young parents are at increased risk of homelessness. The Executive must:

- Introduce Homelessness Prevention Legislation, prioritise and fund the eradication of homelessness and housing insecurity;
- Introduce measures to ensure housing is affordable and address shortfall in housing;
- Ensure suitable support for young people with disabilities, care leavers and young people subject to immigration control is available, including support specific for mental health, addiction and human trafficking; and
- Ban the use of unsuitable, unregulated accommodation for young people.

Lead Responsibility: **DfC, DoH**

## Climate and Environmental Justice

The rights of children and young people can only be safeguarded within the means of a living and sustainable planet. The UNCRC's 2023 Concluding Observations recognised environmental health and the impact of climate change on the rights of the child. General Comment 26 specified that States have responsibility not only for protecting children's rights from immediate harm, but also against violations in the future. The Executive must address the adverse effects of environmental degradation, and:

- Commit to the full implementation of the Climate Change (Northern Ireland) Act 2022 and just transition approach;
- Invest in the meaningful participation of children and young people including the right to information, to protest, challenge and access legal complaints mechanisms; and
- Undertake Child Rights Impact Assessments and child's rights approach to all climate actions.

Lead Responsibility: **DAERA, TEO, DfC**

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

**If you would like further information, or have any questions please contact NICCY at:**

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