



CHILDREN'S RIGHTS IN **NORTHERN IRELAND**

**RESEARCH COMMISSIONED BY THE NI COMMISSIONER FOR CHILDREN AND
YOUNG PEOPLE**

"I hope you can do something but if not, it's okay. But remember, I know we're just kids but we live in this world too. And if we don't say anything about it, who will?" (Girl, aged 10)

Research Team

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LIST OF ABBREVIATIONS

ACPO - Association of Chief Police Officers
CAMHS – Child and Adolescent Mental Health Services
CCEA - The Council for the Curriculum, Examinations and Assessment
CCMS - Council For Catholic Maintained Schools
CCNI – Child Care Northern Ireland now CiNI - Children in Northern Ireland
CESI - Centre for Economic and Social Inclusion
CJCO - Criminal Justice (Children) NI Order
CLC – Children's Law Centre
CO – Children (NI) Order 1995
COAC - Children Order Advisory Committee
CRC – United Nations Convention on the Rights of the Child
CRDU - Children's Rights Development Unit
CYPU – Children and Young Person's Unit
DARD – Department of Agriculture and Development
DE – Department of Education
DCAL - Department of Culture, Arts and Leisure
DEL - Department for Employment & Learning
DFES – Department for Education and Skills
DHSSPS – Department of Health, Social Service and Public Safety
DOCPEG - Designated Officers for Child Protection in Education Group
DSD - Department of Social Development
ECHR – European Convention on Human Rights
EHSSB – Eastern Health and Social Service Board
ELB – Education and Library Board
EPF - Executive Programme Fund
ETI - Education and Training Inspectorate
EWO – Educational Welfare Officers
FPA – Family Planning Association Northern Ireland
HSSB – Health and Social Service Boards
HSST – Health and Social Service Trust
ICESCR - The International Covenant on Economic, Cultural and Social Rights
ILO - International Labour Organisation
IY – Include Youth
JJC – Juvenile Justice Centre
NHSSB – Northern Health and Social Services Board
NICEM – Northern Ireland Council for Ethnic Minorities
NICIE – Northern Ireland Council for Integrated Education
NICCY – Northern Ireland Commissioner for Children and Young People
NIGALA – The Northern Ireland Guardian Ad Litem Agency
NIHE – Northern Ireland Housing Executive
NIHRC – Northern Ireland Human Rights Commission
NIO – Northern Ireland Office
NIPPA - NI Pre-School Play Group Association
NISRA - Northern Ireland Statistics and Research Agency
NSPCC – National Society for the Prevention of Cruelty to Children
OFMDFM – Office of the First Minister and Deputy First Minister
PAC – Parents Advice Centre

PACE - Police and Criminal Evidence (NI) Order 1989
PACT – Parents and Children Together
PECS - Pre Employment Consultancy Service
PSE NI - Poverty and Social Exclusion Survey for Northern Ireland
PSNI – Police Service Northern Ireland
RUC – Royal Ulster Constabulary
SC – Save the Children
SENT - Special Educational Needs Tribunal
SENAC - Special Educational Needs Advice Centre
SEND0 - Special Educational Needs and Disability Order
SHSSB - Southern Health and Social Services Board
SSI – Social Services Inspectorate
UDHR - Universal Declaration on Human Rights
VOYPIC – Voice of Young People in Care
WELB – Western Education and Library Board
YCS - Youth Conferencing Service
YJA – Youth Justice Agency
YOC - Young Offenders’ Centre

GLOSSARY OF TERMS

AEP – Alternative Education Provision
ASBO – Anti-Social Behaviour Order
ASD - Autistic Spectrum Disorder
CSP – Children Services Planning
EBD - Emotional and Behavioural Difficulties
EOTAS - Education Other Than At School
EMU - Education for Mutual Understanding
EQIA - Equality Impact Assessment
FE – Further Education
GUM - Genitourinary medicine clinics
GMI - Grant Maintained Integrated
IDG - Inter-Departmental Groups
JEDI - Joined in Equity, Diversity and Interdependence
KS1 – Key Stage 1
KS2 – Key Stage 2
KS3 – Key Stage 3
KS4 - Key Stage 4
LAC - Looked After Children
LGBT – Lesbian, Gay, Bi Sexual and Transgendered
MASRAM - Multi Agency Sex Offences Risk Assessment and Management
MLD – Moderate Learning Difficulties
NGO – Non-Government Organisation
PEPs - Personal Education Plans
PSI - Promoting Social Inclusion
SEN – Special Educational Needs
SLD -Severe Learning Difficulty
STIs - Sexually transmitted infections
TSN - Targeting Social Need
YWS - Youth Work Strategy

INTRODUCTION

The objective of this research, set by the Northern Ireland Commissioner for Children and Young People, is to highlight the gaps, problems and difficulties in the protection, promotion and implementation of children's rights in Northern Ireland. In identifying the areas where children's rights are underplayed or ignored, it aims to inform the Commissioner's understanding of the state of children's rights in Northern Ireland in 2004 and to assist his Office in the setting of priorities in the fulfilment of his statutory mandate to protect and promote the rights of children and young people in Northern Ireland. It is anticipated that the report will also inform the debate around the consultation on the Commissioner's priorities. While the research is an ambitious attempt to present a critical analysis of the extent to which children's rights are currently respected in the law, policy and practice of Northern Ireland, it was unfortunately outside its remit to identify the many examples where, as the research discovered, good work is taking place and models of best practice in the protection and promotion of children's rights are being used. Nevertheless, from the outset, the research team stressed its commitment to carrying out within a limited time scale the most comprehensive audit possible of the current state of children's rights in Northern Ireland

BACKGROUND TO THE RESEARCH

It is important to put this research into its current context within developments in children's rights in Northern Ireland. Two significant developments preceded the research – the establishment of the office of the Commissioner for Children and Young People and the decision to draft a strategy for children and young people.

The announcement of their intentions to bring forward proposals to establish an independent Commissioner for Children in Northern Ireland was made by the First Minister and Deputy First Minister on 29 January 2001. According to the First Minister: *"if there is one area on which there is common ground amongst all parties in the Assembly, it is surely our common desire for a better, more secure future for all our children"*.¹

Having decided that this was an area of high priority for the Assembly, and a matter of concern for many, the First Minister acknowledged that a means to achieving this objective was to follow best practice elsewhere and establish an independent Commissioner for Children for Northern Ireland. According to the Deputy First Minister, the Commissioner would act as the children's champion, making sure that the voices of children, so often marginalised and ignored, would be heard. Moreover, the Deputy First Minister went on to acknowledge that having a Commissioner alone would not be enough and that "to be truly effective, the establishment of a Commissioner for Children needs to be part of an overall strategy to address children's rights and needs" (ibid.). Thus, while within the strategy the Commissioner will act as an independent champion for children, "other elements of the strategy will be needed to ensure a joined up approach to children's matters within Government and the Assembly; to give children and young people themselves a strong voice, and to ensure that legislation and policy continue to be shaped by research and best practice" (ibid.).

Northern Ireland Commissioner for Children and Young People

Following these historic statements to the Assembly, a Children and Young People's Unit (CYPU) was established within OFMDFM to implement the commitments of the First Minister and Deputy First Minister. The consultation process for establishing an office of Commissioner for Children and Young People began with the publication of a consultation paper in September 2001. Following a period of consultation with the children's sector, and with children and young people, the Commissioner for Children and Young People Bill was laid before Parliament on 19 December 2002, finally receiving Royal Assent on 27 February 2003. Nigel Williams was appointed as Northern Ireland's first Commissioner for Children and Young People in June 2003, following an interview process in which young people played a key role. He took up office on 1 October 2003.

In accordance with the legislation the Commissioner's principal aim is "to safeguard and promote the rights and best interests of children and young persons" defined as those under 18 or those with a disability or leaving care up to the

¹ The full speech can be found on the website of the Children and Young People's Unit (OFMDFM) at www.allchildrenni.gov.uk.

age of 21. The Commissioner's Office is independent of Government, but the Commissioner must report to the Assembly and Parliament about his work and how the budget is spent. While detailed powers are set out in the legislation, the Commissioner emphasises three main areas of work:

- Promoting children's rights – the Commissioner will be guided by the UN Convention on the Rights of the Child (CRC).
- Complaints and legal action – the Commissioner can deal with individual complaints from children and young people or their parents/guardians about any government service that impacts on children for whom he has responsibility. Where appropriate, the Commissioner can initiate legal proceedings on behalf of a child or young person if a general principle is at stake.
- Research and inquiries – the Commissioner has the power to undertake general inquiries where he believes children's rights are being violated. This may be an informal inquiry or more formal with the powers of the High Court to summons witnesses, obtain documents and enter premises. He can also respond to requests from the Assembly and Parliament to look at issues and is required to review the ways that those providing services for children listen to complaints and take account of children's views.

Research on Children's Rights

The Commissioner has made a commitment to be guided in his work and its priorities by thorough research. To this end, on 1 October 2003, the Commissioner announced his plans for a major study of the state of children's rights and welfare in Northern Ireland in order to find out:

- whether there are particular issues or fields of activity where children's rights are being ignored or underplayed;
- whether there are parts of Northern Ireland where children are especially undervalued or underserved;
- how Northern Ireland compares on issues with both the rest of the UK and elsewhere in Europe.

This report is the product of that research.

Strategy for Children and Young People

The second commitment made by the First Minister and Deputy First Minister in January 2001 was to develop a comprehensive strategy on children and young people in Northern Ireland with a view to securing greater implementation of the CRC and putting in place mechanisms to ensure a more integrated approach to children's rights issues. However, progress on the strategy, which is being developed by a high level inter-departmental steering group, has been relatively slow to date. A preliminary stage - the Future Search Event - took place in Belfast in November 2002 and a Working Paper on the Emerging Strategy was published for consultation in October 2003. The process of consulting on the draft strategy has not yet been fully completed.

An NGO forum was convened for the duration of the consultation exercises on the children's commissioner and the children's strategy to represent the views of children's organisations throughout Northern Ireland, and to act as a conduit of information both to and from the wider children's sector in Northern Ireland. It also served to provide advice to OFMDFM on the role and remit of a Children's Commissioner and the children's strategy and to advise on appropriate mechanisms for involving children and young people. The Young People's Advisory Forum was also established to help in the consultation and appointment process for the Commissioner for Children and Young People and to develop proposals for the strategy. The group, consisting of 25 young people aged between 12 and 18, was set up in October 2002, with membership expiring in June 2004. Currently, the Forum is being reconstituted for the next phase of the strategy's development.

Other Developments

While the establishment of the Office of Commissioner for Children and Young People and the drafting of the children's strategy are the two principal developments to take place in Northern Ireland in the area of children's

rights, other work has been ongoing which has an impact on children's rights. In particular, developments flowing from the Belfast Agreement – the adoption of the statutory equality duty under S. 75 of the Northern Ireland Act 1988 and the drafting of the Bill of Rights by the NI Human Rights Commission which itself shares a remit with the Children's Commissioner – have potential to enhance the level of protection of children's rights in Northern Ireland. The equality duty, administered by the Equality Commission, has the capacity to promote the duty to consult with children and young people. In particular, it requires the public sector to carry out equality impact assessments of its policies in order to determine who among the nine categories (including 'age') is adversely affected and must therefore be consulted as part of this process. Moreover, a Bill of Rights which gives comprehensive, detailed and enforceable protection to children's rights could lead directly to higher standards of treatment for children who have suffered disproportionately during Northern Ireland's violent past.

METHODOLOGY

For the research to be as inclusive as possible, we collected information from community organisations, and sought the views of representatives (those who spoke on behalf of children's organisations) and front line workers from a range of organisations in the NGO and statutory sector. We also invited children and young people from across Northern Ireland to participate in the research. The overarching aim was to gather information relating to children's lives and particular areas in which their rights might be underplayed with regards to the home environment and alternative care, the community in which they live, health, welfare and material deprivation, education, play and leisure and youth justice and policing. More general issues regarding children having a say in decisions that affect their lives were explored in all of these categories and often separately when discussing issues around implementing a children's rights approach. The overall aim was to collect comparable information across various groups using a variety of appropriate techniques of data collection.

THE SAMPLE

Policy Makers, Professionals and Volunteers

The views of over 350 policy makers, professionals, practitioners and volunteers representing a range of child, youth and related organisations and agencies throughout Northern Ireland were generated through focus groups and one-to-one interviews. While we invited a wide range of people to be involved in the research through sending letters and e-mails of invitation to partake in focus group interviews, individual interviews or written submissions, not everyone responded. A full list of agencies and organisations whose views are represented in the report is listed in Appendix 2.

In order to maintain anonymity, most comments used in the research have been referenced as, for example, "an NGO worker said..." or "an NGO representative remarked..." or "an Educational Welfare Officer commented ..." etc. In many cases this was because most of the data was obtained through focus group interviews where it was not always possible to attribute quotations to individual persons. The level of detail used to describe professionals, however, varies throughout the report in accordance with what was necessary to protect anonymity. For example 'legal professional' can refer to a barrister, solicitor or a judge. In some instances where there is only one organisation working in a particular area, the organisation is identified by name. In such cases, permission was obtained to cite this source.

School Children

Research and consultation with children often focuses on either those who are perceived as most vulnerable or those who are in well-established youth organisations and are used to offering and articulating their views. It was important, therefore, to ensure that the views of children in a variety of schools across Northern Ireland were represented. In total, 1064 school children from 27 schools drawn from the five Education and Library Boards (ELBs) contributed to this research through drawing pictures, writing stories, designing posters or undertaking tasks which were appropriate to their level of understanding. This included children in mainstream schools, special schools and Irish medium schools. A breakdown of the schools sample in terms of techniques of data collection, gender, age, school type, religion and location is provided in Table 1, Appendix 1b.

Children Accessed outside Schools

On the basis that not all children are in mainstream education and given that those within mainstream education may, for various reasons, be unwilling to disclose sensitive information about their lives, children and young people were also accessed through a variety of other means. We conducted focus group interviews with 107 children and young people from various youth and community groups across Northern Ireland. A breakdown of the groups accessed is provided in Appendix 2.

ETHICS

Policy Makers, Professionals and Volunteers

All research participants were informed of the aims of the research, both verbally and in terms of an information leaflet, and advised that any quotes or points they raised in the course of our discussions would be anonymous in the report and any other publications/presentations of the research. Full consent was gained to take notes and/or tape-record interviews.

School Children

In accordance with child protection and research guidance, all those involved in data collection with children and young people under went a PECS check. Similarly, in accordance with usual school and research practice, consent to take part in the research was sought and gained from parents/guardians (see Appendix 1a). Irrespective of parental consent, all children were advised that they were under no obligation to take part in the research and that they were free to change their mind regarding participation at any point during the process of data collection. Children were informed that what they told us through pictures, posters, stories and discussion groups etc. would inform the Commissioner's priorities about the areas and issues of children's lives that he should work on. They were told that some quotes from their stories and some drawings and posters would be used in the final report to the Commissioner and in other ways, and that the Commissioner might also choose to display some of this information in his offices. It was made very clear that all names and other possible identifying features would be removed from the material used in this way. To emphasise this point we asked children to choose a pseudonym for themselves (gender appropriate) and to write this and their age on the back of their picture, poster or story².

Time was taken at the beginning of each exercise to explain in appropriate language and through the use of examples that any information given would be dealt with in a confidential manner. Additionally, the circumstances under which we might have to share some information with someone else were clearly explained (i.e. concerns about safety of children – child protection issues). For older children, an information leaflet in the form of a comic strip produced by Barnardo's explaining anonymity and confidentiality was given to all children to read before any task began.

Whilst explaining the aims of the research, time was taken to explain the issues of consent, confidentiality and anonymity. We checked with children that they fully understood these procedures before beginning data collection, and they were encouraged to raise questions at any point throughout the process of data collection. This ensured that consent was informed and ongoing.

Children Accessed outside Schools

All children and young people accessed outside the formal school setting gave consent to take part in the research themselves. Having said this, due to the young age of some of the children in the Portuguese and Travelling communities, parental consent forms were sent to the organisations through which we accessed these children. Consent from these children was also sought following the same process as that with children in the school setting. Children and young people who took part in focus group discussions gave their consent for these to be tape recorded and the research aims, consent, confidentiality and anonymity procedures were explained in the same manner as outlined above.

² Not all children complied with this and wrote real names or no name at all. This was particularly true of the poster task when the group was made up of both boys and girls. This has resulted in the use of a code called 'mixed gender group'.

In keeping with a children's rights approach, all children who took part in the research were given a leaflet³ which outlined their key rights under the CRC and contained the web address of the Northern Ireland Commissioner for Children and Young People. A number of teachers also expressed an interest in the research and agreed that they would explore the issue of children's rights further in class time and assist the children in accessing the website.

TECHNIQUES OF DATA COLLECTION

Policy Makers, Professionals and Volunteers

The majority of interviews and focus groups conducted with policy makers, professionals, practitioners and volunteers used a general interview schedule (see Appendix 3). This particular schedule asked respondents to highlight examples of issues where children's rights were underplayed and ignored in relation to the six main themes of the research. Where specific information was sought on one particular theme, the interview schedule was tailored to probe the expertise of the respondent. All who took part were also asked for copies of relevant reports and data and for further contacts. Where possible and where consent was given, interviews were tape recorded and transcribed, otherwise detailed notes were taken. Focus group and individual interviews lasted between one and two hours.

Consulting with Children and Young People

As consultation with children and young people was a key aspect of the research, appropriate methods which allowed children to express their views in keeping with their age and ability were designed, piloted and employed.

Pilot Exercise with School Children

The aim was to make the process of contributing to the research interesting, engaging and fun for all children involved. In order that this was achieved and that all children understood what was being asked of them, methods were piloted in two schools located in a working class and middle class area respectively. Two hundred and forty three children aged between five and 11 years participated in the pilot study.

This exercise revealed that children were able to express their views through our chosen methods but that some class discussion was necessary before beginning the task. This discussion was centred around the themes of the research which included things children considered unfair about school, about living in a family, about their area/community and about the play and leisure facilities in their neighbourhood. Children were also asked about decisions they would like to have a greater say in and about the words and images that came to mind when they heard the words 'crime' and 'police'. The ideas generated from this discussion were written on the blackboard/whiteboard as examples of the types of issues that children could raise in their submissions to the research. This exercise proved extremely useful in providing children with a clear idea of examples which they could raise in their submission to the research. However, it became apparent that these points should be wiped from the blackboard/whiteboard before the task began as there was the risk that children would simply copy what was in front of them, rather than choosing what issue/s were most important to them.

This process also revealed that the best method was to let children choose the way in which they wanted to convey their views. While we were aware that not all children would be comfortable writing stories and may prefer to draw pictures, we found that the opposite was also true, that some children preferred to write rather than to draw. The exercise also ironed out small issues regarding the use of child friendly language and examples, and as a result the final methods were refined in accordance with the lessons learned from this exercise. A number of techniques were used to collect the data and are summarised below.

³ This flyer was downloaded from the NICCY website.

Individual Drawings

Individual drawings were used primarily with younger children (i.e. those aged between five and seven years who were in Key Stage 1), although children from other age groups opted for this method. In total, 154 children expressed their views through pictures. After a class discussion on what children considered to be unfair in regards to the research themes (i.e. schools, home life, their community, play/leisure and/or views of crime and policing), pupils were asked to draw a picture highlighting the one issue they would like the Commissioner to address. To assist with the interpretation of children's drawing, all pupils were asked to write in their own words, what their drawing depicted. Where children had difficulty doing this, one of the researchers asked them to describe their picture and their comments were written verbatim.

Stories

Stories were used across all age groups but were offered primarily as a method to those at Key Stage 2 (i.e. children aged between 8 and 11 years) and above. Pupils were advised that spelling and grammar were not an issue and they were encouraged to write their own views in their own words. It was made very clear that this was not a test and that there was no right or wrong answer, and children were free to write about as many issues as they wanted. Story-writing was particularly useful in that it allowed children the option to write about personal issues that they perhaps could not express in pictures or would not feel comfortable sharing in a group setting. Additionally, this medium is particularly familiar to primary school aged children and has been found to be an appropriate and useful method of data collection (Leonard, 2004). A total of 388 stories were collected with all extracts from stories being presented in children's own words and language (verbatim).

Group Posters

Posters were more likely to be drawn by children in Key Stage 3 (i.e. those aged between 12 and 14 years) and Key Stage 4 (i.e. those aged between 15 and 16 years). The poster task was a little different to the other techniques of data collection in that it was undertaken in groups (of at least 4 students) and the poster was on a particular topic (i.e. either school, home, crime/policing, community, play/leisure). Tasks were written on colour-coded cards and a representative from each group randomly chose a colour. In this respect, then, children were not wholly free to discuss whatever they wanted but were limited to a certain category. This technique was adopted to ensure that information was gathered across all of the research themes. Similar task cards, using age appropriate forms of wording were used for primary and post-primary school children while gaining information on the same issues (as displayed in Appendix 1).

Posters were the chosen method of the majority of the children, particularly older children in primary schools and children in post-primary schools. It was suggested that they discuss what was to go into their poster as a group in order that the views of everyone were represented. It was also requested that any pictures drawn be supported with written text.

Although teachers were often present during data collection, as this was the policy of many schools, in the main they left the researchers to undertake data collection freely. On occasions, however, children preferred to ask their teachers questions, spelling or to write on their picture for them. With regards to children in Irish Medium schools, all of the techniques were translated into Irish and data collection was undertaken by a fluent Irish speaker. All collected data was translated back into English for the purpose of analysis but is presented in both English and Irish in the report. The same data collection technique was used with Portuguese children and their views are presented in both Portuguese and English in the report.

Children with Moderate Learning Disabilities (MLD)

Teachers in Special Schools provided an invaluable source of guidance in terms of designing methods which allowed children to express their views freely. Much time was taken before the commencement of data collection to discuss methods and the wording of tasks with teachers and it was suggested by one school that we meet, interact and engage with the children before data collection commenced. This helped to introduce us to the children, establish some level of rapport and prepared them for our later visits to work with them on the research.

It was decided that children aged between 7 and 13 years would draw pictures (a favoured technique of data collection among those with Special Educational Needs) and children between the ages of 14 and 16 years would design posters. On the advice of teachers, and in light of research evidence suggesting that children with MLD often have difficulties “retaining and applying previous learning” (Costley, 2000: 164), it was also decided that anything written on the board during the discussion stage would be left there in order to help with spelling and to remind the group of the sorts of issues they might want to include.

The wording, font and layout of the poster tasks were amended while still gathering the same information (see Appendix 1). To encourage children to write on posters and pictures themselves and in their own words, blank squares of paper were given out and if a child wanted a word/phrase spelt a teacher or researcher would write it for them and they would then copy this on to their picture/poster.

Children with Severe Learning Difficulties (SLD)

As some children with Severe Learning Difficulties cannot always communicate through speech and may also have mobility problems, methods which both engaged these children and allowed them to express their views were adopted. As Butler et al. (2003: 25) state, “the child’s right [to be heard] is not dependent on his or her ability to *express* views, but to *form* them” (original emphasis), and it is the researcher’s duty to develop methods which enable all children to express their views. The research team visited the school in advance of the exercise to design a collection tool. This meant that there was ample opportunity to meet most of the children who would be involved in the task on a number of occasions. Again, this aided in establishing rapport and a level of trust and understanding with these children, but it also allowed us to gauge, to some extent, the child’s ‘communication capabilities’ (Detheridge, 2000), which was imperative to the designing of appropriate techniques of data collection.

Again the support and advice of teachers was invaluable in helping devise such methods. For the children aged between 8 and 14 years a game was devised. First, a series of pictures representing key issues under each of the themes was created using a specially designed computer package within the schools, with which all of these children were familiar. The key issues were based on a preliminary analysis of the schools data. The children then sorted the pictures according to what they thought were fair and unfair and those that they thought unfair were posted into Dusty Bin (a brightly coloured plastic bin with a smiley face and stickers). A free option was also included so that they could add anything else they wished. The task took place in small groups with a teacher and at least two researchers present as children often needed one-to-one guidance. Prior to commencing the sorting of the pictures, the researchers talked the children through what they understood by the words ‘fair’ and ‘unfair’ and ensured that they understood the task in hand (details of the method may be found in Appendix 1c).

The teachers advised that the older children with Severe Learning Disabilities were keen to discuss the issues in a group setting and so we carried out a number of discussion groups with those aged between 17 and 19 years. Again, previous research suggests that groups discussions and interviews are an appropriate method to collect information from those with learning difficulties as they often find it easy to relax in the company of those they know and ‘have the support of friends who would encourage each other to take part and to discuss issues’ (Costley, 2000: 166). We found this to be true of our own experiences in that some young people would help others articulate their views and encourage them to open up. All of the young people involved in the discussion groups were capable of expressing their views verbally but rather than holding a focus group we decided to use a more interactive approach using flip charts and coloured pens to write their views as they told them to us. For practical and ethical reasons, it was decided not to ask for the consent to tape-record these discussions. We had not met these young people prior to the day of data collection and felt that, as strangers, to arrive with tape-recorders may be off-putting and intrusive.

Children who participated in the research outside school

Submissions from children accessed outside the school setting were collected using a variety of techniques, including hiring art facilitators who worked with young children helping them to express their views through drawings and photographs and conducting focus group interviews.

Primary research was also conducted with more vulnerable groups of children and young people depending on the extent to which the group was under-researched and on the basis of whether access could be obtained. In some cases, however, a decision was taken not to interview certain groups of children due to time restrictions, difficulties

in gaining access, the need to establish rapport, the sensitive nature of the research and/or because recent good quality research had been published on a particular group and some had been 'over researched' or were suffering from 'research fatigue' during our period of data collection. For these reasons, other vulnerable groups were not approached on the basis that it may not be in the best interests of the child and doing so could possibly jeopardise further in-depth research with this particular group of children/young people. The primary techniques of data collection used with more vulnerable groups were tape-recorded focus group interviews.

With regards to focus group discussions, these ranged in size from two to 12 participants, usually with two researchers present. Although normal practice is to keep numbers to a maximum of eight when working with teenagers, on a number of occasions more young people than anticipated turned up and we felt it inappropriate to turn young people away. Prior arrangements (e.g. room bookings, tape-recorders etc.) also meant that it was often not possible to divide the group and carry out two separate focus group discussions. Focus group interviews lasted between one and two and a half hours. A general interview guide was adopted (see Appendix 3) which covered at least all of the issues which were covered in the schools research. Questions were relatively unstructured and open-ended in order to allow children and young people to talk at length about those issues which were of most importance to them. There was also room for participants to raise any other issues they wanted and to discuss these in detail.

In keeping with a children's rights approach, we invited a PECS approved peer researcher to assist with the collection of data in several focus group interviews on Alderson's advice that empowering a young person to take the lead in research can often yield high quality data (cited in Kirby, 1999). This is because peer researchers may be able to communicate more effectively with participants especially if they have some understanding and/or insight into the issues which are being researched (McCartan, 2004). Peer researchers also have the benefit of being able to critique research questions/findings from a 'youth perspective' which is often distinctive to that of an adult. For example, the peer researcher was encouraged to raise issues/questions that she thought appropriate as a means of further prompting participant responses. Although the time constraints in this project meant it was possible to use only one previously trained peer researcher, their involvement in this research was aimed at empowering young people to exercise their right to participation as a means of sharing in the development of knowledge for social action (Checkoway and Rishard-Schuster, 2003).

ANALYSING AND PRESENTING THE DATA

Although all data was collected using a variety of qualitative techniques, there was a level of structure to this that enabled analysis through our main research themes (i.e. implementation; family life and alternative care; education; health, welfare and material deprivation; play, leisure and the arts and youth justice and policing). Content analysis allowed these key issues and others which arose through the data to be identified. These key issues were coded thematically to ensure that all of the issues raised (whether in the form of a story, picture, poster, discussion group, Dusty Bin task, interview or focus group) were categorised into one of the main project themes.

With regards to the schools data, this allowed for the frequency of the key issues to be explored by theme. Due to the variety of techniques of data collection employed in schools it is not possible to highlight the priority issues for children and young people across all themes (e.g. to say that more children raised unfairness in the family more than in school), but instead we can identify the priorities issues within themes (e.g. that the issue of most concern regarding school was 'having no say in decisions'). This is the case because some methods of data collection allowed children to raise issues across all themes (e.g. pictures, stories and discussion groups), while others limited or directed children to highlight key issues within a particular theme (e.g. they may have been asked to design a poster only on things they thought unfair about school). It should also be noted that figures and percentages relating to the schools data within the report are relative rather than absolute. That is, they refer to the total number of responses relating to a certain issue, rather than the total number of children raising that issue. Again, this is because some children were free to raise multiple issues. This, however, does not detract from the overall aim of highlighting the issues of primary importance to children within each theme area, and as previously demonstrated, a broad range of methods which allowed multiple or single responses was necessary for working with such a wide variety of children and young people.

When reading the report it should be noted that all primary NICCY data is presented in **Comic Sans** font. Any direct quotations and/or paraphrasing from secondary sources such as, existing research reports, academic literature, legal and policy documentation and key statistics remains in font Times New Roman and full references are provided within the text.

THE REPORT

The research team's primary task was to identify areas where children's rights are being ignored or underplayed. A huge body of evidence across all aspects of children's lives was collated. In order to ensure that this was addressed coherently throughout the report and made accessible to the reader, the material in each chapter is presented according to a common format. Each chapter begins with a short introduction which outlines the relevant international standards and provides an overview of key developments in the area. This is followed by an analysis of a range of specific topics. In each case, the aim is to set out: (a) a summary of the international standards; (b) the context, including the key developments in law, policy and practice; (c) key issues which emerged in the research; (d) an overview of the area. Each chapter concludes by identifying a necessarily limited number of priorities, the basis for which is explained below. Ciara Davey, Clare Dwyer and Siobhan McAlister contributed to the writing of each of the six chapters. However, primary responsibility for individual chapters was vested in specific members of the research team (as set out below). Writing styles in the report may vary therefore.

The findings have been presented in six chapters as follows:

1. *General Measures of Implementation*: this focuses on the structures and systems necessary to ensure the promotion and protection of the rights of every child in Northern Ireland and looks also at the importance of listening to and engaging with children as part of this process (Ursula Kilkelly);
2. *Family Life and Alternative Care*: this analyses the extent to which children's rights are ignored or underplayed in the family as well as in the alternative system of care provided by the state (Rosemary Kilpatrick);
3. *Health, Wealth and Material Deprivation*: this looks at the role of socio-economic factors in the protection of children's rights and examines poverty, health care, housing and environmental issues (Linda Moore);
4. *Education*: this analyses the extent to which the rights of children in, to and through education are protected and promoted (Laura Lundy);
5. *Leisure, Play, Recreation, Culture and the Arts*: this analyses provision for children and young people in these areas (Laura Lundy);
6. *Youth Justice and Policing*: this analyses the areas within the criminal justice and policing systems in which the rights of children and young people are undermined (Phil Scraton).

It was a challenge to summarise yet fully represent the enormous wealth of material collated via both primary and secondary research methods. Thus, while the objective of the research project was to identify where violations are most serious, or where promotion is needed most, the scope of the project has resulted in a far greater list of problems and issues than it is reasonable to expect NICCY to tackle in a single strategy. It is expected, however, that the research will act as a resource far beyond its original task, i.e. to inform the setting of priorities by the Commissioner for Children and Young People. Details are presented below regarding how these issues were analysed so as to provide a more targeted list of key priorities to the Commissioner. The following section identifies the cross-cutting themes of the research and the key issues and problems which are common to most, if not all, individual sections of the report.

SIGNIFICANT CROSS CUTTING THEMES

The Legacy of the Violent Conflict

The long history of conflict and political violence has shaped, if not defined, Northern Ireland and its people, who have suffered its negative effects and consequences in many ways. While the impact of the conflict on Northern Ireland's children and young people has not yet been fully identified and acknowledged, it is nonetheless widely recognised that in addition to young people killed or injured in the conflict, more than a generation of young people

have been exposed, both directly and indirectly, to pervasive sectarian prejudice, violence, conflict and hostility (Muldoon et al., 2000). Despite the fact that “a substantial proportion of young people in Northern Ireland have firsthand experience of the conflict” the extent of its impact on their psychological wellbeing is still not clear (ibid.: 8). The optimistic and widely held assumption that young people have shown impressive psychological resilience over the past 30 years does not preclude problems emerging in wider society, in families and in young people’s lives. This has recently been brought into very sharp focus by the high number of suicides among young men in North Belfast. What is clear, however, is that the understanding of the long-term effects of political violence on young people is underdeveloped and more research, particularly longitudinal, is needed to fully understand the needs of young people as Northern Ireland slowly emerges from conflict.

The importance of securing a positive and safe future for children as the only way to redress the harm caused by the violent conflict is recognised in the Belfast Agreement. The Agreement recognises that young people from areas most affected by the ‘Troubles’ face particular difficulties (1998: 18), and the report of the NI Victims Commission also calls for a focus on children and young people as a vital part of “looking forward to a brighter future as well as backward to a divisive past”. (1998: 42) Olara A. Otunnu, the Special Representative of the United Nations Secretary-General for Children and Armed Conflict who has visited Northern Ireland several times has expressed similar sentiments. According to Otunnu, following his visit here in 2001, “Northern Ireland will have a far better chance for a durable peace if young people are a priority in that process” and he urged political leaders and policy makers to “take advantage of the present phase of the peace process to address the pressing basic issues affecting children” (UN, 2001: 1). On his earlier visit, he met with political leaders to address the basic concerns of children in Northern Ireland, particularly social and educational integration, youth unemployment, substance abuse and poverty, improved access to health facilities and housing, increased access to counselling, and improved administration of child protection and juvenile justice. He also recommended the inclusion of children’s rights in the Bill of Rights and expressed strong support for the proposed Office of Commissioner for Children pointing out that “the lessons learned from other post-conflict situations demonstrate that in the absence of such a body it is easy to overlook children's rights, but children and the wider society eventually pay a high price for such neglect” (UN, 2000: 1). The Special Representative stated:

“The government need to provide more support for families and parents affected by violence, living in segregated environments and hampered in their own ability to build bridges with neighbouring communities. Educators and other members of civil society working to encourage cross community links need to be given adequate and sustained support” (UN, 2000: 14).

Similar to the conclusions of other more specialised research projects, evidence collated during this audit confirms the impact of 30 years of violent conflict and sectarianism on children and young people. Like other reports, this research did not immediately identify the conflict as a problem or issue for all children and young people (in the schools research) but it is clearly pronounced and a priority for those living in high conflict or interface areas. Young people in these areas raised the issues of rioting, punishment attacks by paramilitaries, negative attitudes to the police, joy riding, the availability of alcohol and drugs, and the lack of amenities and safe social spaces (see also Leonard, 2004, forthcoming). While young people interviewed across Northern Ireland shared some of these concerns – principally the lack of play and leisure facilities - the main issues that concerned children and young people consulted were not directly related to the conflict. They included not being able to influence decisions in school and in the family, pressures of school, and bullying. Yet, an important factor is the extent to which attitudes to the conflict and the problems it causes have become normalised and an accepted part of life in Northern Ireland (Smyth et al., 2004). It is reasonable to conclude that normalisation results in the invisibility of these issues in the priorities of children and young people. Additionally, this research did not specifically set out to generate information on views, attitudes and experiences of the conflict, particularly among children and young people. This also, in part, accounts for the relatively small numbers of children raising these issues (i.e. in comparison to other research where this was the primary focus of the investigation). Essentially, it was left to children and young people to raise, and they emerged most clearly in response to the themes of ‘area and community’ and ‘crime and policing’.

Community workers in the most economically disadvantaged communities in Northern Ireland emphasised the significance of the ‘emotional effects of the conflict’. They stressed the ‘dire need’ for appropriate medical intervention to support children and a reconsideration of how children in conflict with the law are defined and criminalised. They also identified a lack of recognition of the ‘generational hand-down of trauma’. One worker commented: “We’re facing issues relating to the children of the children; transgenerational trauma which

affects education attainment, mental health and social participation ... children actually learning the symptoms of trauma". She stated that the cases dealt with by her organisation showed that such experiences were "not taken into the equation in terms of schooling or criminal justice issues".

It is clear, therefore, that the impact on young people of growing up in a segregated society, where the education system is also heavily divided along religious lines, is stark. Far from being "havens of peace" in an otherwise "conflict affected society" (ibid.: 103) the heavily segregated educational system where 95% of children attend either a Catholic or a predominantly Protestant School is considered by many to exacerbate the legacy of sectarianism and division. Schools have to deal with the impact on their pupils of the wider divisions in society while at the same time are expected to improve community relations through the education process. On occasion, the conflict has spilled over into schools. Holy Cross, where terrified children were forced to endure the threats and intimidation of violent protesters while on their way to school for several months in 2001, stands out as the most poignant example. While the complaints of a mother of one of these children that the policing strategy resulted in her child suffering inhuman and degrading treatment contrary to Article 3 ECHR were not upheld in the High Court in 2004 (although the judge would not conclude that the treatment did not amount to inhuman and degrading treatment), it is nonetheless clear that the event, constituted an egregious violation of the rights of these children.

Poverty

The relative impoverishment of Northern Ireland compared with its UK and European counterparts is well documented. Children in this jurisdiction have a far greater chance of living in poverty than their peers in England, Wales and Scotland and those living in interface areas, in West Belfast and in parts of Derry/Londonderry suffer disproportionately compared with children and young people living elsewhere in Northern Ireland. Pockets of extreme deprivation exist across Northern Ireland, where long term unemployment as a percentage of total unemployment is much worse than any region of the UK (See Chapter 3). Those living in deprivation and at risk of extreme poverty in Northern Ireland include the children of lone parents, families of large children, children with disabilities, the unemployed and members of the Traveller community (Adelman et al., 2003; Hillyard et al., 2003). As well as being deprived of basic needs, families living in poverty run a higher risk of premature death and suffer more from a wider range of health problems than other socio-economic groups. The targeted attempts by the UK Government to tackle poverty via back-to-work schemes and provision of child care places, have not been extended to Northern Ireland.

The association between educational underachievement and socio-economic class means that secondary schools, attended by those who 'fail' the 'eleven plus' examination, tend to be populated by young people from more socially disadvantaged backgrounds, whereas pupils attending grammar schools tend to be from more affluent families (Gallagher and Smith: 2000). Concern has been expressed at the poor levels of attainment in secondary schools, particularly boys in single-gender schools (NI Affairs Committee, 1997) and a study of school exclusion (Kilpatrick et al., 1999) highlighted that pupils who received multiple suspensions or were expelled were more likely to be boys attending secondary schools in receipt of free school meals and known to a range of support agencies. Given this profile, it is also likely that these are the young people who will also have experienced the political conflict more directly (ibid.: 15).

The Impact of the Experience in the Care and Justice System

The connections between poor socio-economic background, low educational attainment and involvement with social services are well established in Northern Ireland. Studies have found that almost 50% of care leavers had no qualifications six months after leaving care (Pinkerton & McCrea, 1996) comparing unfavourably with the equivalent school population. Research also suggests that looked after children and young people are overrepresented in figures on suspension and expulsion in Northern Ireland (Kilpatrick et al., 1999) and it is clear from Youth Justice Board research (2003), supported by the direct experience of NGOs who work with marginalised young people in Northern Ireland, that those who are out of school are more likely to engage in offending behaviour. The cross-over of young people between the alternative care and justice systems is also a problem and the inappropriate and overuse of detention for looked after children has been criticised (SSI, 2003; See Chapter 6).

In Northern Ireland, young people at risk of social exclusion include children who leave school early, have a disability, come from poor social-economic backgrounds or have spent time in residential care or in a Juvenile

Justice Centre. Failure to break the cycle or the chain of events that leads these young people to become so marginalised and to provide them with the necessary support to promote their development of positive choices and opportunities, leaves families and communities to carry the significant burden of deprivation onto the next generation. Failure to respect the rights of all children including those at serious risk of social exclusion - children and young people from socially disadvantaged areas, those with a learning disability or with special needs, those who have been truanting, or excluded from school, those from a care background or with a negative parenting experience, young people who have come into conflict with the law, are misusing drugs or alcohol or undertaking unsafe sexual behaviour - comes at a much higher cost. In particular, the failure to respect their rights and meet their needs in a non-discriminatory way causes disillusionment and disaffection among young people that is extremely difficult to redress. Listening to their voices and respecting their views is an essential part of remedying the significant disadvantage they face, but in addition, their rights in the areas of education, health, alternative care and youth justice (as highlighted throughout this research) must be prioritised.

Clearly, it is not practical to propose that the Children's Commissioner's Office address the multitude of problems faced by children at risk of social exclusion or children at risk of or already living in extreme poverty. However, it is open to the Commissioner to engage with young people at risk of social exclusion, and to reach out to those who are already marginalised both through their NGO representatives and directly. The Children's Commissioner is also in a strong position to tackle the egregious violations faced by these children in a strategic way through awareness raising, lobbying for change including the full implementation and incorporation of the CRC and advising Government on the implications for children's rights of law and policy in the area. He might also raise with Government the impact of failing to fully resource and support positive initiatives, particularly among NGOs that operate without core funding, and the lack of a strategic and co-ordinated approach to providing services in these areas.

Children in the Traveller Community

While issues of concern facing ethnic minority children are identified throughout the report, the egregious breaches of the rights of children in the Traveller community make a particularly compelling case for priority treatment. They were identified as issues of concern by the Committee on the Rights of the Child which, in its response to the UK's first report under the Convention, expressed grave concern about the failure to protect the rights of these children (UN, 1995: 21). In 2002, the Committee again expressed concern about the unequal enjoyment of a range of rights of Traveller children and recommended a comprehensive strategy to be developed with specific and well targeted actions aimed at eliminating all forms of discrimination including racism (UN, 2002: 23). As highlighted throughout this research, the impact of racism, exclusion and discrimination against Traveller children cuts across all areas of their lives and there are concerns that their rights are being regularly violated in the areas of education, poverty, health care, housing and family support. One interviewee commented on the small number of Traveller children within NI (the latest census records that Travellers account for 0.1% of the population of whom half are children) and observed that: "**addressing their needs isn't beyond the capacity of government, if the political commitment and goodwill exists**". The 1999 Promoting Social Inclusion (PSI) Working Group Report on Travellers was greeted positively within the sector. However, very few of its recommendations have been realised. Instead, responsibility for taking the issues forward has been delegated to the Traveller thematic sub-group within the OFMDFM Race Strategy. One NGO representative commented:

"When Irish Travellers were chosen as a priority group under the PSI Initiative, there was a lot of optimism... Five years on, the social and economic conditions faced by most Travellers have at best stood still, and for many have actually got worse - and the optimism about government's intentions have evaporated."

Clearly, working with other bodies strategically to guarantee the right of Traveller children to enjoy all of their CRC rights without discrimination must be a matter of priority for the Commissioner's office.

Children with Disabilities

Northern Ireland has a higher incidence of disability than other regions in the United Kingdom. The most recent statistics (1995) estimate that there were approximately 14,600 children and young people with disabilities in Northern Ireland (PPRU, 1996). Moreover, a significant proportion of children have severe disabilities: it is

estimated that 10 in 10,000 children in Northern Ireland have a severe disability compared to 8 in every 10,000 in England (Office of National Statistics, 2004). The significant difficulties experienced by these children were a recurring theme throughout research interviews conducted with social workers, teachers, advice-workers and health care professionals. The capacity of children with disabilities to enjoy their rights under the CRC and other international treaties is limited in many major respects. These are highlighted throughout the report. However, the major areas of concern can be summarised as follows: the lack of respite care provision (Monteith et al., 2000; Kelly, 2002; McConkey et al., 2003); limited opportunities for play, leisure and social interaction (McConkey and Smyth, 2000; Monteith et al., 2002); the need for appropriate and inclusive education (Educable, 2000; Dyson, 1999); and inadequate support for children and their families when they are diagnosed (Mencap, 1997; McKeever, 2000). More generally, there is an absence of current data on the prevalence and circumstances of children with disabilities, a lack of co-ordination of services, and a need for a more concerted effort to involve children in the decisions which are made about their lives. It is clear that protecting and promoting the rights of children with all forms of disability must be a priority for the Children's Commissioner. In this regard, it is important to note the relatively weak provision made in the CRC for the rights of children with disabilities (UN, 2002). Until the long awaited UN Convention on the Rights of People with Disabilities emerges, therefore, it is important to look beyond the CRC to standards established by the UN Standard Rules on the Equalization of Opportunities for the Disabled.

Civil Rights and Freedoms

The CRC is clear that children and young people have the right to protection of their civil and political rights, such as the right to privacy (Art. 8) and freedom of expression (Arts. 12, 13), religion (Art. 14) and association (Art. 15), as well as rights of a social, cultural and economic nature, such as the right to health care (Art. 24) and adequate standard of living (Art. 27). Current challenges to the civil rights and freedoms of young people deserve attention as a cross-cutting theme in the research, as one which children and young people themselves have expressed much concern. In addition to participation, which is dealt with below as well as throughout the research, concern has been expressed about the extent to which the civil rights and freedoms of young people are increasingly ignored or underplayed. Some of the issues raised in the research were as follows:

- there is a lack of safe social space, where children can spend time together, play and have fun; provision for sports facilities in Northern Ireland is inadequate and there is a lack of things to do for young people, who have been critical of the quality and level of youth service provision (Chapters 3 and 5);
- the high visibility of young people on the streets where they may 'hang out' is often perceived as 'anti-social behaviour' (Chapters 5 and 6);
- the introduction of Anti Social Behaviour Orders to Northern Ireland threatens to criminalise such behaviour by young people and place them at risk of paramilitary attack (Chapters 1 and 6);
- children and young people feel that their privacy is not respected in school, at home, or in custody and secure care (See Chapters 2, 4 and 6);
- young people cannot object to undertaking religious education in schools, and the curriculum currently focuses exclusively on Christian religions (Chapter 4).

Overall, there appears to be a lack of understanding of the importance of the rights of children and young people to personal space, to associate with others and to express themselves through play and leisure. There is a need for NICCY to focus attention on these concerns and to broaden understanding of them from a rights perspective.

Resources

At various points throughout the research, the inadequacy of resources or funding is raised as a significant barrier or problem in the full and effective implementation of the CRC. Failure to provide sufficient funding has hampered the sustainability of important projects and the mainstreaming of positive initiatives. In practical terms, this means that certain categories of children, as well as individuals in other groups do not enjoy effective protection of their rights. This is a particular problem in relation to issues viewed as resource intensive, such as providing integrated services for children with disabilities. However, there are other areas where the scale of the problem is large but the number of children affected is small. In such areas, which include the rights of Traveller children and unaccompanied minors or refugee children, the allocation of modest resources could dramatically improve these children's enjoyment of their rights. Moreover, in other areas, such as the provision of children's rights training to those working with and for children, the knock-on effect would result in substantial awareness raising of children's rights

in the statutory sector ensuring a multiplier effect among society as a whole, and added value that would ensure the benefits of the funding provided extended well beyond its specific purpose. The same is true of incorporating children's rights into the existing citizenship curriculum in schools.

Failure to provide adequate resources to NGOs which provide essential services to children and young people, and their families and communities ultimately represents a failure to protect and promote the rights of children. As many NGOs highlighted in this research, the provision of project funding instead of core funding means time is wasted filling out application forms and making existing projects fit the funding, rather than the other way around. Loss of funding often means that a positive initiative or vital support service must be withdrawn.

Putting in place effective systems to co-ordinate and monitor the provision of services and the implementation of the CRC is not a relatively expensive exercise, and would undoubtedly lead to long-term economic efficiency. Effectively addressing implementation issues is the key to protecting and promoting the rights of not just this generation of children, but also the next. In legal terms, an important part of the duty to implement social and cultural rights under the Convention (Art. 4) is to do so "to the maximum extent of available resources". This does not mean that a resources deficit is a defence to the failure to implement children's rights standards, but rather ensures that wealthy nations, like the UK, spend more because they can afford to do so. The link between the economic well-being of the country and the extent of the duty to protect and promote the rights of its children is clear. Moreover, Article 4 also requires progressive realisation of rights, meaning that progress must be made continuously towards further implementation of the CRC, always ensuring higher standards of children's rights protection. It also means that existing resources must not be employed in a discriminatory manner.

While there are areas where more funding is required to provide adequate levels of rights protection, the solution to the problem is not necessarily to provide more resources. More frequently, it is about exercising political power and choices, and making policy and legal decisions in a manner informed by the duty to protect and promote the rights of all children. This duty flows from the CRC, a binding and international treaty to which the UK is committed, but it is also a moral imperative as children represent the society of tomorrow.

Training and Awareness of Rights

It is clear that there is a serious information gap in relation to the rights of children and young people among children and young people themselves, their parents and families and the many statutory, non-governmental and professional bodies and people who work with and for them, both directly and indirectly. At one level, the lack of awareness and understanding of children's rights reflects the absence to date of a full public debate in Northern Ireland about these issues. However, it is also a symptom of the Government's persistent failure to conduct a public awareness campaign and to introduce mandatory children's rights training for statutory agencies with responsibility for implementing children's rights as well as those involved in the provision of services to children and young people and their families. Professionals working in fields of law, social work, health care, education, policing and detention should be required to significantly revise their educational and training curricula to incorporate the CRC and discussion of the many challenges implementing a children's rights approach rights brings to their daily work and lives. There is also a paucity of information about the entitlements of children and young people in a variety of areas. Children do not have access to adequate information in child-friendly forms and this is a serious problem for children in the criminal justice system, looked after children, lesbian, gay, bisexual and transgendered young people, and children with disabilities. Complaints procedures and remedies for violations of children's rights are not adequately accessible to children and young people and there is a clear need for more independent advocacy services for looked after children, children in the criminal justice system, children in private family law proceedings and unaccompanied minors. While it should take stock on where the expertise and experience lies, particularly among the NGO sector in Northern Ireland, NICCY's statutory duty to protect and promote the rights of children and young people means that it has a substantial role to play in disseminating information on their rights to children and young people and providing training and education and support to those who work with and for children and young people.

Listening to Children and Making their Voices Count

Children's lack of information and understanding about their rights, and the language required to articulate them, means that, when consulted about potential violations in their lives, they do not always actively respond. Children do, however, have a strong understanding of injustice. This sense of injustice is arguably most strongly felt with

respect to the failure on the part of adults to treat them with respect, particularly to listen to their views and to give them due weight. This principle, enshrined in Article 12 of the CRC, is fundamental to the realisation of all children's rights and it is appropriate, therefore, that not being heard, not being allowed to participate in decisions made about them and not being consulted about changes to their lives, big and small, is the single most important issue to children in Northern Ireland. The conclusion that Northern Ireland does not listen to its children or, worse, that it affords them only minimalist, tokenistic opportunities to participate and engage with adults is a theme which cuts across all themes within the research. Examples of the violation of Article 12 are highlighted throughout the chapters on implementation, family and alternative care, health, wealth and deprivation, education, play and leisure and youth justice and policing. There is no other single issue that is so commonly and widely identified by children and young people and the adults who work with and for them. Put simply, when children and young people were asked in the schools research what was most unfair about their lives, by far the most pressing issue to emerge was having limited influence on the decisions that affected them.

An obvious difficulty is the existence of a cultural problem, which requires a fundamental attitudinal shift among adults who hold the balance of power in the relationship dynamic with young people. As one NGO representative put it: "this is not just about raising awareness of rights" but also "about creating cultures of understanding". Both are necessary before meaningful progress will be made in the implementation of Article 12. To quote an AEP worker:

"Some of the young people I've met are really disheartened by life, you know. Really broken. They feel that they live in a community that doesn't listen to them, in a family that don't listen to them, in a system that didn't listen to them and now they come to us [AEP] and they think, what would you listen to us for? I think that is a big issue, self esteem and just being valued as a citizen or a member of your community".

Listening to all children and young people, valuing their opinions and ensuring that they inform decisions about their rights and well-being, as well as the development of law and policy in all areas must be a priority for the Commissioner's Office.

This research was also committed to listening to the voices of children and young people in Northern Ireland and to this end, it asked over 1,000 children and young people about the types of decisions they would like to have a greater say in and to raise issues they considered unfair with regard to school, living in a family, their local area/community and the play and leisure facilities in the vicinity where they lived. Children and young people were also asked to comment on the images which came to mind when they heard the words 'crime' and 'police'.

While their views are highlighted throughout the report which is fully informed by their concerns, this section details the main priorities and concerns raised by these children and young people in each of the above research themes:

- In relation to the family, the most pressing issues raised by children and young people included being treated differently to siblings, having no say in family decisions in a range of matters such as moving house and the time at which they had to go to bed. Issues relating to parents (in regards to being over-protective, issues around privacy and lack of say in decisions around divorce/separation) were also raised.
- In relation to the theme of area/community, the most pressing issue concerned the poor state of the area in which children and young people lived. Here criticism was most strongly directed towards issues such as litter, graffiti, vandalism, poor street lighting and dog dirt. Concerns about crime/safety were also raised by many young children and young people with those living in rural communities voicing the strongest criticism of the general lack of amenities available in their area.
- The main priority raised by children and young people in relation to school concerned having no say in decisions such as the sport and recreational clubs offered by their school, issues around uniform, teachers, school dinners, lack of resources/facilities, school rules, subject choice and the poor state of the school building. Criticism of the academic pressures exerted on children and young people also emerged as a priority concern, as did the issue of bullying.

- Widespread criticisms of the lack of age appropriate facilities in relation to play space, youth clubs, sport and arts also emerged as a key concern of children and young people of all different ages from all different areas in Northern Ireland. In their submissions to this research, concerns were raised about being able to safely access existing play and leisure space on account of the dilapidated state of the current facilities and fears of the "bad boys" (older youths) who often occupied play spaces.
- Asked what came to mind in response to the words 'police' and 'crime', they raised issues of safety, drugs, drinking, joyriding and noise. They expressed concerns regarding police effectiveness in their communities. Younger children were less critical and their views appeared to be more influenced by media representations of the police.

The above concerns were widely shared by children from the Portuguese and Traveller community as well as children from Special and Irish Medium schools. In addition, specific concerns raised by these particular groups of children included:

- A request from children living in the Portuguese and Traveller communities for greater understanding and appreciation of their culture.
- A request from children attending special educational needs schools to address the issue of the "custard" and "banana" buses which transported them to and from school. A sizeable majority also raised the issue of bullying as a priority concern.
- A request from children attending Irish Medium schools to improve the lack of teaching resources/sporting facilities in their schools and to provide a suitable local post-primary Irish medium school which would assist their transition from primary to post-primary education.

PRIORITIES

In addition to identifying the areas where children's rights are underplayed or ignored in Northern Ireland, the research also highlights the issues which should become priorities for the Commissioner for Children and Young People. Each chapter thus concludes with the issues considered to be currently most pressing from a children's rights perspective and these represent recommendations to the Children's Commissioner for the priorities for his Office. Judgments have been made on the basis of the information we gathered comprising the views of children and young people, the concerns of those working with and for children, analysis of legal and policy documents, statistics, and existing research. Also taken into account were the following factors in determining which issues should be priorities:

- Those of most concern for children and young people;
- Situations representing egregious breaches of children's rights, in particular areas where children are being exposed to physical or mental harm;
- Situations which raise a question of incompatibility with one or more of the fundamental guiding principles of the Convention (non-discrimination, best interests of the child, life, survival and development and participation);
- Where the breach has the capacity to undermine the child's enjoyment of other rights;
- Concerns raised by the Committee on the Rights of the Child in its Concluding Observations on the United Kingdom in 2002, which have not yet been remedied.

KEY PRIORITIES

The following priorities were identified from this analysis of the children's rights issues of most serious concern in Northern Ireland in 2004. While the Office of the Commissioner, for various reasons, will not be in a position to resolve all of these issues, there is clearly much that the Office can do to raise these concerns with those that have statutory responsibility and to raise awareness and understanding of these issues from a children's rights perspective.

The priorities may also inform the development of short, medium and long-term strategies in the three principal areas of NICCY's work: promotion of children's rights, complaints and legal action, and research. While the Commissioner is strongly encouraged to make full and effective use of all his powers, how these priority areas are pursued by the Commissioner is a matter for him and his Office.

General Measures of Implementation

- Given that children's rights and particularly the Convention's guiding principles are inadequately protected in NI law, it is recommended that a key priority for the Commissioner's Office should be to lobby intensively for incorporation of the CRC into domestic law, as well as for the inclusion of a strongly worded and detailed clause protecting the rights of children and young people in the Bill of Rights for Northern Ireland. NICCY should also promote the return of the children's strategy to its original objective of the mechanism through which the CRC is to be implemented in Northern Ireland.
- In addition to using all of its powers to monitor the compatibility of law and policy with the Convention, NICCY should also promote the development of children's rights indicators or impact analysis for law, policy and budgetary decisions. It should lobby for a high level, cross-departmental statutory/Assembly committee and/or Minister for Children with the power and resources to effectively co-ordinate implementation of the Convention and children's rights more generally.
- Raising awareness of the Convention and children's rights among children and young people, and adults, including those working with and for children, all of whom require on-going training on children's rights, should be a priority of the Commissioner's office.
- NICCY should work to establish itself as the central point for information on children's rights in Northern Ireland and should work strategically to ensure that all children and young people have effective access to information about their rights in child sensitive forms.
- The Commissioner needs to address the serious lack of child-sensitive complaints procedures and independent advocacy services for children and young people, possibly consulting with NGOs on what precisely can be done to fill these gaps and how existing mechanisms can be appropriately adapted.
- The practice of producing and maintaining up-to-date and disaggregated data across government departments needs to be mainstreamed. Priority should be given to producing an annual, comprehensive publication on the state of children's rights in Northern Ireland.
- NICCY should take a leading role in promoting the right of all children to be heard and have their views taken into account in individual decisions as well as law, policy and in the political system generally. It should establish firm links with representative NGOs as well as with children and young people directly involving them in a meaningful way in the work of the Office. The Commissioner should also work with the Equality Commission on ways to maximise the potential of S. 75 in respect of the age criterion and seek to collate and disseminate best practice on how to consult with children and young people. It should promote the right of children to be heard via the use of schools councils, and youth councils in local authorities, city councils and in the NI Assembly.

Family Life and Alternative Care

- An overarching family policy with a focus on positive parenting and preventative strategies, particularly in the early years, needs to be developed and implemented in collaboration with the voluntary and community sector.
- A programme of multi-disciplinary training at all levels, combined with a co-ordinated approach to interagency working at practice level should be put in place.
- The issue of recruitment and retention of social work staff in all areas of family and child care and the lack of specialist staff, particularly in the area of therapeutic work and child and adolescent mental health needs to be addressed.
- There needs to be a continuing, high profile drive for the removal of physical punishment in the family.
- Within the area of child protection the overall procedural and legislative framework is under-developed. There is a need to invest in structural improvements and to strengthen the functions of Area Child Protection Committees. Such improvements should include a regional assessment framework and clearer criteria for establishing thresholds to determine significant harm.
- Continued efforts need to be made to address issues specifically associated with the progress of Children

Order cases through the court system. These include, addressing the problem with continued delays, the lack of separate representation in private law proceedings for children and young people and greater use of family mediation and/or alternative dispute resolution projects.

- The scarcity of foster placements results in lack of choice for children when being placed. This scarcity must be remedied if the child's wishes and/or needs are to be met.
- The proposals for the development and restructuring of residential care are welcome but issues regarding current provision in this area remain to be addressed in the interim period.
- In secure accommodation urgent steps should be taken to bring the operation of the Independent Review mechanism into line with international standards specifically Article 5 ECHR.

Health, Welfare and Material Deprivation

- Statutory agencies must be encouraged to respond to the evidence based link between poverty and poor health in children, young people and their families.
- The rates of benefit and minimum wage for 16 & 17 year olds must be raised and accessible information must be provided on the range of benefits and entitlements available to them.
- Multi-agency approaches must be developed to guarantee appropriate services to meet the physical and mental health needs of children and young people.
- Child and adolescent centred health care services in which children and young people have the opportunity to fully participate in decisions about their health care must be developed.
- Urgent provision of fully resourced and appropriately staffed mental health services for children in care, secure accommodation and custody throughout Northern Ireland must be put in place.
- The serious lack of adequate accommodation and support for 16 and 17 year olds leaving care or who are otherwise homeless must be addressed.
- Regionally based, accessible and comprehensive sexual health services for young people including age appropriate awareness raising should be promoted.
- Inequalities and discrimination in health care policies and practices for children from ethnic minorities, children with disabilities and GLBT young people should be challenged.
- Community safety strategies and initiatives to accommodate and recognise the physical and mental health needs of children and young people should be developed.

Education

- Children with special educational needs should have learning their educational needs assessed promptly and appropriate educational provision made for them.
- All staff should be adequately trained in identifying and managing bullying behaviour; incidents should be properly monitored and recorded; and appropriate support should be put in place for all children involved.
- Children educated outside mainstream schools must have access to high quality, full-time education.
- Children's views must be given due weight in all decisions affecting them, through (a) the enactment of a statutory obligation on schools and other professionals working in education to take pupils' views into account and (b) training and support for all staff in relation to the implementation of Article 12 of the CRC.
- There must be a strategy to secure equal access to effective education for Traveller children.
- There should be a concerted strategy to address issues relating to the impact of the conflict and religious segregation in schools.

Leisure, Play, Recreation, Culture and the Arts

- The right to play must be given a higher profile through the implementation of a Northern Ireland Strategy on Play.
- The various types of provision across Northern Ireland should be mapped in order to identify particular locations where children's access to various forms of play, leisure, recreation and the arts is limited.
- There must be a greater emphasis on providing inclusive social opportunities for marginalised children and young people, particularly those who have disabilities and those living in rural communities.

- There is a need to create safe space for children and young people in the areas where they live and in play, youth and leisure facilities.
- Children and young people should be involved in planning decisions about play, leisure, recreation and the arts.
- There is a need for a more concerted effort to tackle the problems of community segregation in play, youth, sport, recreational and arts activity and to harness the potential of each of the various sectors in promoting tolerance.

Policing and Youth Justice

- The use of plastic baton rounds as a means of riot control should be abolished.
- A co-ordinated strategy for the reduction of child deaths through violence should be introduced, recording all crimes committed against children and monitoring, investigating and prosecuting cases of violence against children.
- The minimum age of criminal responsibility should be raised and age-appropriate welfare and justice interventions established.
- The detention of children in custodial and care institutions should be used as a measure of last resort and children are at all times should be held separately from adults.
- The use of restraint in custodial and care settings should be reviewed and solitary confinement should be abolished.
- Policing strategies should be initiated that gain the confidence of children and young people through effective consultation and challenging differential and discriminatory treatment.
- Given their incompatibility with the principles and provisions of the CRC, anti-social behaviour orders should be withdrawn.
- Appropriate training that meets the needs of children as vulnerable witnesses should be provided for the police, lawyers and judges.
- An appropriately resourced and integrated framework of mental healthcare and therapeutic provision should be established, directed towards the physical and psychological recovery of children who are survivors of violence, abuse, trauma and self-harm.
- Self-harm and suicides of children and young people should be researched and an informed, multi-agency strategy developed identifying and responding to children 'at risk'.
- Restorative justice initiatives should be monitored to ensure that in policy and practice they offer an effective alternative to punitive measures.
- Workable protocols through which state agencies and community-based restorative justice programmes can work co-operatively should be advanced.
- There should be an end to all community punishments and exiling of children and young people administered by paramilitaries and vigilante groups.
- Building on existing initiatives, fully-resourced programmes for the children and families of prisoners and ex-prisoners should be consolidated and expanded.
- Community-based initiatives for combating drugs and alcohol abuse should be implemented alongside effective policing strategies targeting the supply of drugs into Northern Ireland.