

Workshop 8

Equality and Good Relations



Children's Services Co-operation Act (NI) 2015

Well-being of children and young persons

1.—(1) The functions conferred by this Act are to be exercised for the purpose of improving the well-being of children and young persons.

(2) For this purpose the “well-being” of children and young persons includes—

(a) physical and mental health;

(b) the enjoyment of play and leisure;

(c) learning and achievement;

(d) living in safety and with stability;

(e) economic and environmental well-being;

(f) the making by them of a positive contribution to society;

(g) living in a society which respects their rights;

(h) living in a society in which equality of opportunity and good relations are promoted between persons who share a relevant characteristic and persons who do not share that characteristic.

(3) In this section “relevant characteristic” means a characteristic mentioned in any of paragraphs (a) to (d) of section 75(1) of the Northern Ireland Act 1998.

(4) In determining the meaning of well-being for the purposes of this Act, regard is to be had to any relevant provision of the United Nations Convention on the Rights of the Child

Section 75(1) of the Northern Ireland Act 1998

Section 75 of the Northern Ireland Act 1998 requires a public authority in carrying out its functions relating to Northern Ireland, to have due regard to the need **to promote equality of opportunity between:-**

- (a) persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- (b) between men and women generally;
- (c) between persons with a disability and persons without; and
- (d) between persons with dependants and persons without.

Section 75(2) of the Northern Ireland Act 1998

Without prejudice to these obligations, a public authority is also required, in carrying out its functions, to have regard to the desirability of **promoting good relations** between persons of different religious belief, political opinion or racial group.

CSCA – Promotion of equality of opportunity and good relations **between persons who share a relevant characteristic and persons who do not share that characteristic**

“Relevant characteristic” means a characteristic mentioned in any of paragraphs (a) to (d) of section 75(1) of the Northern Ireland Act 1998 – broader good relations obligation than section 75(2)

Who does the CSCA Apply to?

Section 9

“Children’s authority” is defined under the CSCA as any of the following — a Northern Ireland department, a district council, a Health and Social Care trust, the Regional Health and Social Care Board, the Regional Agency for Public Health and Social Well-being, the Education Authority, the Northern Ireland Housing Executive, the Police Service of Northern Ireland, or the Probation Board for Northern Ireland;

“Children’s service” is defined under the CSCA as any service which is provided (whether by a children’s authority or by any other person or body) wholly or mainly to or for the benefit of—
children and young persons generally, or
children and young persons of a particular description or with particular needs;

“Other children’s service provider” means any person or body, of whatever nature, who provides a children’s service or is engaged in activities which contribute to the well-being of children or young persons (but does not include a children’s authority)

UNCRC

Preamble to the Convention

“Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity...”

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

UNCRC

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

UNCRC

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

UNCRC

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity...

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

Concluding Observations 2008

25. The Committee recommends that the State party ensure full protection against discrimination on any grounds, including by:

- a) Taking urgent measures to address the intolerance and inappropriate characterization of children, especially adolescents, within the society, including in the media;
- b) Strengthening its awareness-raising and other preventive activities against discrimination and, if necessary, taking affirmative actions for the benefit of vulnerable groups of children, such as Roma and Irish Travellers' children; migrant, asylum-seeking and refugee children; lesbian, bisexual, gay and transgender children (LBGT); and of children belonging to minority groups;
- c) Taking all necessary measures to ensure that cases of discrimination against children in all sectors of society are addressed effectively, including with disciplinary, administrative or – if necessary – penal sanctions.

*Concluding Observations United Kingdom of Great Britain and Northern Ireland,
CRC/C/GBR/CO/4, 3 October 2008*

Concluding Observations 2008

33. The Committee recommends that the State party, in accordance with article 12 of the Convention, and taking into account the recommendations adopted by the Committee after the day of general discussion on the right of the child to be heard in 2006:

- a) Promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child;
- b) Support forums for children's participation, such as the United Kingdom Youth Parliament, Funky Dragon in Wales and Youth Parliament in Scotland;
- c) Continue to collaborate with civil society organizations to increase opportunities for children's meaningful participation, including in the media.

Concluding Observations 2008

55. The Committee recommends that inequalities in access to health services be addressed through a coordinated approach across all government departments and greater coordination between health policies and those aimed at reducing income inequality and poverty.

57. The Committee recommends that additional resources and improved capacities be employed to meet the needs of children with mental health problems throughout the country, with particular attention to those at greater risk, including children deprived of parental care, children affected by conflict, those living in poverty and those in conflict with the law.

65. The Committee would like to highlight that an adequate standard of living is essential for a child's physical, mental, spiritual, moral and social development and that child poverty also affects infant mortality rates, access to health and education as well as everyday quality of life of children...

Concluding Observations 2008

67. The Committee recommends that the State party:

- a) Continue and strengthen its efforts to reduce the effects of the social background of children on their achievement in school;
- b) Invest considerable additional resources in order to ensure the right of all children to a truly inclusive education which ensures the full enjoyment to children from all disadvantaged, marginalized and school-distant groups...
- f) Intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, peace and tolerance;
- g) Strengthen children's participation in all matters of school, classroom and learning...
- i) Take measures to address segregation of education in Northern Ireland;

Your Voice Matters

Engagement with 500+ Children and Young People

Equality and Good Relations Issues Arising

- Lack of Awareness of Rights – not taught at School
- Negative Stereotyping of Children in the Media and Society Generally
- LGBT Rights and Awareness in Schools
- Age Discrimination in Accessing GFS
- Lack of Tolerance of Children and Young People
- Lack of Genuine Engagement with Children and Young People

Your Voice Matters

Equality and Good Relations Issues Arising

- Segregated Lives and Education
- Poor Experiences Accessing CAMHS
- Impact of Poverty on Education
- No information on the Conflict
- Paramilitary Threat and the Influence of Paramilitaries
- Children and Young People not feeling Safe in their Communities

Questions for Consideration

1. What are the issues affecting children generally that should be addressed under this outcome?
2. Are there specific issues affecting particular groups of children?
3. Where are the gaps in our knowledge?
4. What do children and young people think about this issue?
5. Who needs to be involved in addressing this outcome?
6. What other work is currently being taken forward in relation to this outcome?
7. Is it possible to focus down on a few initial priority areas for this outcome?