



## **NICCY Monitoring Table**

### **UNCRC Committee's – Concluding Observations 2016 [Northern Ireland]**

In compliance with the Commissioner for Children and Young People Order (2003) Northern Ireland, NICCY has a duty (under Articles 7 (2) and (3) to keep under review the adequacy and effectiveness of law, practice and services for children and young people in this jurisdiction. In fulfilling these functions the Commissioner has to have regard to the United Nations Convention on the Rights of the Child. Following the 5<sup>th</sup> periodic examination of the UK State Party in 2016, we will be monitoring progress on delivery and implementation of the Committee's Concluding Observations and Recommendations by Northern Ireland's Government. To this end we requested that Government Departments input to this monitoring table on areas of responsibility and we are grateful to the Department of Education for collating this across departments. We have also provided commentary throughout as necessary. It is our intention that such monitoring be carried out in parallel with our 'Statement on Children's Rights in NI' publication.

NB: This Monitoring Table is issued with the following caveat from Department of Education Permanent Secretary on behalf of NI Government Departments, *"responding to the concluding observations is the responsibility of the Northern Ireland Executive and in the absence of Ministers, therefore, Departments cannot provide an update on how they have responded to or plan to respond to the concluding observations. The information in the table therefore represents the position in relation to the issues raised by the UN Committee in its report, and the relevant work that is being taken forward, but the work has not been initiated in response to the concluding observations and should not be interpreted as such"*.

## UN Committee on the Rights of the Child - Concluding Observations recommendations

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UN Committee on the Rights of the Child Concluding Observations 2016	Juris- diction	Current position on the issues raised by the UN Committee in its Concluding Observations	NICCY's comments on 'current position' provided by NI Depts
<p>10. The Committee recommends that the State party:</p> <p>(a) Introduce a statutory obligation at the national and devolved levels to systematically conduct a child rights impact assessment when developing laws and policies affecting children, including in international development cooperation;</p> <p>(b) Publish the results of such assessments and demonstrate how they have been taken into consideration in the proposed laws and policies.</p>	<p>All</p> <p>All</p>	<p>This would require Executive/Ministerial consideration.</p> <p>Under Section 75 of the Northern Ireland Act 1998, Departments and other public authorities must consider the impact of their policies on nine Section 75 groups, including age so the impact of any policy or legislation on children and young people must be screened and if appropriate an Equality Impact Assessment carried out.</p>	<p><b>Progress has not been possible due to the lack of a Northern Ireland Executive.</b></p> <p>Example of where the impact on children was not adequately considered or equality impact assessment under S75 was weak:</p> <p>Mental Health: Protect Life 2 Strategy proposals were published without a children and young people version of the policy proposals or a consultation plan for engaging with young people. A thorough screening process under EQIA processes wasn't completed. (These concerns were outlined in a letter to DoH on 6 Octo 2016- Ref: 16/GL/KY/051)</p> <p>Age GFS consultation – no assessment of equality impacts on children under 16 as it was assumed that this group were unaffected by the proposed legislation as they would be outside the legislative protections. NICCY took a successful complaint to ECNI on a range of grounds and ECNI recommended that TEO carry out an additional consultation with under 16s to supplement the findings of the original consultation exercise.</p> <p>Domestic Violence Abuse and Disclosure Scheme – no screening or equality impact assessment relating to under 16's. Proposal to extend the scheme to all age groups. NICCY challenged this successfully.</p> <p>Changes to Welfare Reform legislation, including the 'Two Child Limit' in relation to Universal Credit and Child Tax Credits. This has a significant detrimental impact on children and their families, despite children being the age group most at risk of poverty.</p>
<p><b>Coordination</b></p> <p>11. The Committee reiterates its previous recommendation that the State party ensure effective coordination of the implementation of the Convention throughout the State party. To that end, the Committee recommends that the State party:</p> <p>(a) In each of the devolved administrations, overseas territories and the Crown dependencies, establish an appropriate statutory body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities across relevant sectors related to the implementation of the Convention;</p> <p>(b) Allocate sufficient human, technical and financial resources to the said coordinating bodies for their effective operation;</p> <p>(c) Strengthen coordination and evaluation of the implementation of the Convention at the national level.</p>	<p>All</p> <p>All</p> <p>All</p>	<p>(a) This would require Executive/Ministerial consideration.</p> <p>(c) Department of Education officials liaise with their counterparts in England, Scotland and Wales on a regular basis.</p>	<p><b>Progress has not been possible due to the lack of a Northern Ireland Executive.</b></p>
<b>Allocation of resources</b>	All		

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<p>13. In accordance with article 4 of the Convention and targets 10.2 and 10.4 of the Sustainable Development Goals, the Committee urges the State party to allocate the maximum extent of available resources for the implementation of children's rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions. In this endeavour, the Committee recommends that the State party:</p> <p>(a) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget;</p> <p>(b) Ensure transparent and participatory budgeting through public dialogue, including with children;</p> <p>(c) Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic recessions;</p> <p>(d) Regularly conduct child rights impact assessments of budget and economic decision-making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children's rights;</p> <p>(e) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.</p>	<p>All</p> <p>All</p> <p>All</p> <p>All</p> <p>All</p>	<p>The draft Programme for Government (PfG) has established the budget priorities which will reflect and drive the Executive's improvement agenda. Within this context there is a proposed outcome to "Give our children and young people the best start in life".</p> <p>Departments are provided with budgets through the Executive's Budget process. Within these budgets it is for individual departments to develop their spending plans. In doing so departments must ensure that equality considerations are mainstreamed into the policy decision process.</p> <p>As with the PfG, the draft Children and Young People's Strategy has been developed using the Outcomes Based Accountability model. This approach is designed to provide a stronger emphasis on impact rather than focusing on the amount of money spent or the number of programmes delivered. Progress will be measured at a population level against a number of headline indicators rather than tracking expenditure or individual budget lines.</p>	<p>NICCY was pleased that this Indicator was included in the PFG, although our advice on this emphasised our assessment of the indicators as insufficient to measure the change required. We are aware of changes being made to these indicators, nor have we received a response to our advice. For example, in NICCY's response to the PfG under 'physical and mental health' we raised concerns about no measure of mental health for under 16's having been found, and it is our understanding that this has not been rectified.</p> <p>Please see comment under Paragraph 9. While NICCY is supportive of an emphasis on outcomes for children, it is important to also monitor the resources committed to implementing children's rights. Statistical changes at a population level can be very gradual, so inputs in the form of budgets and services should be monitored. This also ensures compliance with child rights budgeting obligations under Article 4 UNCRC.</p>
<p><b>Data collection</b></p> <p>14. The Committee recommends that the Government of Northern Ireland expedite the finalization of a child rights indicator framework, covering all areas of the Convention and taking into account the conceptual and methodological framework set out in the Office of the United Nations High Commissioner for Human Rights publication entitled "Human Rights Indicators: A Guide to Measurement and Implementation".</p>	NI	Phase 1 of the child rights indicator framework has been developed in respect of monitoring outcomes and related indicators, however, more work is required and agreement to monitor processes will require a Ministerial decision to proceed.	<p><b>Progress has not been possible due to the lack of a Northern Ireland Executive.</b></p> <p>Phase 1 of the child rights indicator framework was completed in 2014, so the delay in progressing Phase 2 cannot be due to a lack of Executive Ministers. In NICCY's advice on the Children and Young People's Strategy, we have stated that the child rights indicator framework developed should be adapted to monitor delivery of the Strategy, as the draft Strategy did not appear to make use of the extensive work conducted to develop a child rights indicator framework. It is hoped that this will be rectified in the final version of the Strategy.</p>
<p><b>Independent monitoring</b></p> <p>16. With reference to the Committee's general comment No. 2 (2003) on general measures of</p>			

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<p>implementation, the Committee recommends that the State party:</p> <p>(a) Further strengthen the independence of established Children's Commissioners, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and enable them, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights;</p> <p>(b) Allocate to the Commissioners in all jurisdictions the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner.</p>	<p>All</p> <p>All</p>	<p>(a) The Department for Communities (DfC) is currently undergoing a wide ranging review of its Arms Length Bodies, including NICCY. However any decision on changes to the status of the Commissioner would require Ministerial approval.</p> <p>(b) As sponsor department for NICCY, DfC continue to provide funding to NICCY in line with the overall budget parameters approved by the Department of Finance.</p>	<p><b>Progress has not been possible due to the lack of a Northern Ireland Executive.</b></p> <p>This has been a recommendation over the previous three examinations, so the current suspension of Government is not the reason this has not happened to date. Indeed, NICCY has commissioned or carried out a review of our founding legislation in 2006 and subsequently in 2013, to advise the Executive of important changes required to ensure it can operate effectively, as required by the legislation. However, no decision has been forthcoming to date and we are due to submit a third report on this matter in 2018/19.</p> <p>NICCY has received successive cuts year on year to the budget and staff resource has also fallen accordingly.</p>
<p><b>International cooperation</b></p> <p>18. The Committee recommends that the State party ensure that its international development cooperation supports the recipient States in guaranteeing the right to free compulsory primary education for all, by prioritizing free and quality primary education in public schools, refraining from funding for-profit private schools, and facilitating registration and regulation of private schools.</p>	UK		
<p><b>Children's rights and the business sector</b></p> <p>19. With reference to its General Comment No. 16 (2013) on State obligations regarding the impact of business on children's rights, the Committee recommends that the State party:</p> <p>(a) Integrate an explicit focus on children's rights, including the requirement for businesses to undertake child-rights due diligence, in the revised version of its first National Action Plan on Business and Human Rights;</p> <p>(b) Establish and implement regulations to ensure that the business sector, including in the context of public procurement, complies with the rights of the child.</p>	<p>UK</p> <p>All</p>	<p>England lead</p> <p>(b) The Public Contracts Regulations 2015 make it mandatory to exclude a business which has been convicted of child labour or human trafficking, and a Contracting Authority can exclude tenders if it is aware of violations of obligations, by a tenderer, in the areas of social, labour law or environmental law.</p> <p>Central Procurement Directorate (CPD) is making further refinements to its standard set of conditions of contract to be used across all Centres of Procurement Expertise in Northern Ireland, which already reference human rights duties. Within these refinements there are standard clauses on The Human Rights Act (HRA) 1998 and the Modern Slavery Act (MSA) 2015. These clauses ensure that a contractor must use all reasonable endeavours to ensure that its staff shall, at all times, act in a way which is compatible with the Convention rights within the meaning of Section 1 of the HRA. It also ensures</p>	



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		<p>that the Contractor and its staff do not engage in any activity, practice or conduct which constitutes an offence under the MSA, and that they comply with all applicable anti-slavery and human trafficking laws including the MSA.</p> <p>CPD is also developing a Procurement Guidance Note on Human Rights in Public Procurement. This Note is designed to highlight potential areas of risk to human rights in the procurement process and ways to mitigate against them e.g. where human rights are violated and/or abused due to illegal child labour, human trafficking, excessive working hours and health and safety breaches.</p>	NICCY welcomes this proposals and would request the publication of a timeframe for implementation.
20. The Committee recommends that the State party raise the minimum age of marriage to 18 years across all devolved administrations, overseas territories and Crown dependencies.	All	Department of Finance officials are currently taking forward work on this policy area. To date this has included a review of the legal position internationally, and of statistical information on marriages in Northern Ireland that involve persons under the age of 18. It is intended that this work will inform Ministers in developing and deciding policy in this area.	It is positive that officials are reviewing this matter in the absence of Ministers so that actions can be taken when Ministers are in place.
<b>Non-discrimination</b>  22. The Committee recommends that the State party: <ul style="list-style-type: none"> <li>(a) Consider the possibility of expanding legislation to provide protection of all children under 18 years of age against discrimination on the grounds of their age;</li> <li>(b) Strengthen the oversight mechanism, including regular independent reviews, to assess and ensure that the implementation of the counter-terrorism and counter-extremism measures, including the Prevent Strategy (2011), will not have a discriminatory or stigmatising impact on any group of children;</li> <li>(c) Strengthen its awareness-raising and other preventive activities against discrimination and stigmatization and, if necessary, take temporary special measures for the benefit of children in vulnerable situations.</li> </ul>	<div>All</div> <div>UK</div> <div>UK</div>	<div> <p>(a) Public consultation on proposals to extend age discrimination legislation to the provision of goods, facilities and services for those age 16 and over closed on 8 October 2015. Ministerial agreement will be required to finalise the policy content of any proposed legislation on the options available for bring forward any future legislation.</p> <p>The Victim Charter, which is on a statutory footing, sets out that in providing services (where the victim is a child or young person) that the best interests of the child or young person will be a primary consideration.</p> </div> <div> <p>(b) The counter-terrorism measures and counter-extremism measures, including the Prevent Strategy (2011) are matters for Westminster Departments.</p> </div> <div> <p>(c) Under the Department of Education's I-Matter programme, posters, diary inserts and leaflets on issues such as self-esteem were produced for school and pupil use. The range of materials is under review and there will be an opportunity to expand the material to include issues such as this.</p> <p>The draft Children and Young People's Strategy includes an outcome that 'children live in a society in which equality and good relations are promoted' and identifies groups of young people most likely to face inequality. Subject to Executive adoption of the Strategy, the final Strategy is expected to include indicators in respect of attitudes to others, engagement between young people of different community backgrounds, and shared spaces.</p> </div>	<p>In the consultation on Age GFS there was no assessment of equality impacts on children under 16 as it was assumed that this group were unaffected by the proposed legislation as they would be outside the legislative protections. NICCY took a successful complaint to ECNI on a range of grounds and ECNI recommended that TEO carry out an additional consultation with under 16s to supplement the findings of the original consultation exercise. While Ministerial approval will be necessary for legislation, the statutory equality obligations are on Government Departments and the supplementary consultation has still not happened to date. TEO is now substantially outside the timeframe for this taking place as recommended by ECNI.</p> <p>Further cuts to the education budget have just been announced. We would need to receive a commitment from the Department that there are available resources to expand the iMatter documentation in the current funding climate.</p> <p>Children's Strategy delay has meant that no progress has been made on the equality and good relations duty to date. This is particular necessary in schools who are not currently designated under section 75 of the NI Act 1998.</p> <p>Mental Capacity Act – Under 16s are not included in the legislation and therefore will not have access to the same protections and safeguards as adults – see Mental Capacity section for more information. Throughout the development of the Mental Capacity Act the Department has been clear that the inclusion of 16 and 17 years olds in the Act would mean that the Act would apply to 16 and 17 year olds in the same way as adults. However, the Children's Chapter in the Code of Practice states that The Age of Majority Act 1969 provides that a person who is 16 or over may consent to surgical, medical or dental treatment without parental consent, it does not remove the right of the parent or guardian to consent on behalf of a 16 or 17 year old. This means that, where a 16 or</p>

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			<p>17 year old lacks the capacity to consent to an act which requires their consent, responsibility for the provision of consent will transfer to their parents. With the exception of deprivation of liberty, all other acts will require consent.</p> <p>Therefore, 16 and 17 year olds who come within the scope of the legislation due to their lack of capacity will be unable to access any of the protections and safeguards in the Act unless all persons with parental responsibility for them fail or refuse to give their consent to an act. This is extremely unlikely to happen in many cases, meaning that the vast majority of 16 and 17 years olds will have no access to the protections and safeguards contained in the legislation either. Given the introduction of an additional stage before a 16 or 17 year old can have access to the safeguards and protections of the legislation, these young people are at a significant disadvantage to adults who automatically have access to the safeguards and protections of the Act when they lose capacity.</p> <p>Department for Education (2017) Post-primary school experiences of 16-21 year old people who are lesbian, gay, bisexual and/or Transgender. Young people raised concerns about discrimination and intolerance in schools. A range of recommendations were made in this report to be addressed by DE.</p>
23. The Committee recalls its previous recommendation that the State party take urgent measures to address the "intolerance of childhood" and general negative public attitude towards children, especially adolescents, within society, including in the media.	All	The draft Children and Young People's Strategy recognises that children and young people are often negatively stereotyped due to their age. Subject to Executive adoption of the Strategy, it is expected the final Strategy will include an indicator about this.	<p><b>Progress has not been possible due to the lack of a Northern Ireland Executive.</b></p> <p>The Action Plan for the Children's and Young People's Strategy must include coordinated and sustained actions across a range of agencies to tackle negative stereotyping of children and young people.</p>
25. The Committee recommends that the Government of United Kingdom further encourage the governments of overseas territories to fully abolish discrimination under the law against children who are "non-belongers", including migrant children, and children born out of wedlock.	OT	N/A	
<b>Best interests of the child</b>			
<p>27. With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party, in all parts of its territory:</p> <p>(a) Ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions and in all policies, programmes and projects that are relevant to and have an impact on children;</p> <p>(b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.</p>	<p>All</p> <p>All</p>	<p>(a) and (b) - This is already reflected in legislation and guidance that relates to safeguarding and child protection:</p> <p><u>The Children (Northern Ireland) Order 1995</u> is the overarching legislation setting out the requirements for professional practice in relation to children and young people. It identifies the welfare of the child as being of paramount importance and sets Prevention and Protection as two of the five key principles.</p> <p><u>The Education and Libraries (Northern Ireland) Order 2003</u> which places a statutory duty on Boards of Governors to (inter alia) safeguard and promote the welfare of pupils.</p> <p>Every School a Good School (ESaGS), the Department of Education's school improvement policy, has 'child centred provision' as one of its key principles. It stipulates the interests of pupils rather than institutions must be at the centre of efforts to improve educational achievement and tackle underachievement.</p>	<p>In relation to health and social care, the information provided does not identify how effectively the legislative framework ensures the best interests of the child is consistently interpreted and applied in all proceeding, decisions, policies, programmes and projects or how effective procedures are to make sure relevant persons determine best interests and ensure this is given due weight.</p> <p>Cuts to education funding are expected to hit children in poverty hardest and cuts to services put into place to reduced educational inequalities for children who are socio-economically deprived e.g. Extended Schools are likely to be affected. There will be another £6 per pupil cut to schools and this will impact on the ability of schools to educated children, and meet their needs, especially children with SEN and AEN.</p> <p>Departmental policy e.g. the Sustainable Schools policy is putting pressure on schools to increase enrolment figures year on year to remain sustainable. Schools are passing this pressure onto children in attempting to score highly in league tables. Children are under increasing pressure in schools. Additionally, NICCY has concerns about no statutory</p>

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		<p>The Education and Training Inspectorate (ETI) has developed the Inspection and Self-Evaluation Framework (ISEF). All phases in education and training which are inspected by ETI will use the same key elements within the ISEF during inspection. In creating this common framework the ETI aims to extend the principles of openness and transparency so that all stakeholders are working together to promote improvement for all learners. The ISEF is designed to provide a balance of inspection and reflection on academic and vocational achievement but also the wider skills and dispositions that learners require to live and work in the world today. It is also designed to promote an inclusive learning environment where all learners have access to high quality provision. The safety of children and young people is paramount, therefore safeguarding/child protection is a core element of the ISEF as is the care and welfare of learners.</p>	<p>schools counselling for primary school pupils and the adequacy of schools counselling in post-primary schools.</p> <p>Action short of strike began in January 2017. Currently 4 of the teachers unions are taking part. Because of action short of strike the ETI can't award performance levels or observe teaching. According to ETI, action short of strike is predominantly impacting on the primary sector. In 250 Primary main inspections, 20% of schools failed to provide safeguarding assurances on day of inspection. ETI also stated that it is aware of unions writing to Board of Governor's asking them to support teachers and not engage in inspection processes. This is happening in some schools, despite the legal obligations on Boards of Governors. Sometimes ETI staff can get into schools to talk to teachers who assure them that the children at the school are safe and they accept that lower assurance. According to ETI, there is no doubt that this is impacting on the education of children.</p> <p>It is disappointing that the revised aims (Justice (NI) Act, 2002, amended in 2015) of the Youth Justice system to include best interests has not been included by government in this section</p>
<p><b>Right to life, survival and development</b></p> <p>29. The Committee recommends that the State party:</p> <p>(a) Address underlying determinants of infant and child mortality, including social and economic deprivation and inequality;</p>	All	<p>(a) Actions are included in the NI Executive's <b>Child Poverty Strategy</b> (published in March 2016) towards the outcomes 'Children in Poverty are Healthy' and 'Children in Poverty live in safe, secure and stable environments', including actions to improve and promote children's physical and mental health, address health inequalities and prevent/reduce accidents. Annual reports on the strategy are published.</p> <p>The issue of Infant and child mortality is currently being addressed through a number of approaches, outlined below.</p> <p><b>NI Maternity Strategy</b> This has a particular focus on promoting better health in pregnancy and scaling up delivery of a range of actions and initiatives to improve maternal health and reduce health inequalities, including for example implementation of the Saving Babies Lives Care bundle.</p> <p><b>Healthy Child, Healthy Future</b> Healthy Child Healthy Future (HCHF) is the Universal Child Health Promotion Programme in Northern Ireland, from pregnancy to 19 years. It is a public health programme, which offers every family information and guidance to support parenting, and make healthy choices, which enables children and their families to achieve optimum health and wellbeing. Comprehensive assessment of need identifies where additional support and interventions are required. It is recognised that there are Nursing workforce challenges in relation to the full delivery of the HCHF programme.</p> <p><b>Family Nurse Partnership</b> The Family Nurse Partnership (FNP) Programme is an intensive, preventive, one to one home visiting programme for young, first time mothers from early pregnancy until their child reaches two. Its main aims are to improve pregnancy outcomes, child health and development through working with the parents to help them build up their own skills and resources to parent their</p>	<p>The actions listed are welcome – it would be helpful to provide evidence of impact on outcomes for children. See response to 29(b). Child death reviews must be systematically conducted without delay to identify underlying determinants of infant and child mortality, to inform appropriate measures to address these.</p>



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(b) Introduce automatic, independent and public reviews of unexpected death or serious injury involving children, including in custody, care and mental health-care institutions in all the territory of the State party.	All	<p>child well. The Family Nurse Partnership programme is operating in certain areas within the five Health and Social Care Trusts, the proposed plan is to roll the FNP programme across Northern Ireland, subject to additional resources being available.</p> <p><b>Making Life Better</b> This is the NI strategic framework for public health, which focuses on collaborative working on the broad range of social, economic and environmental factors which influence health and wellbeing and inequalities in health, and which has a particular emphasis on Giving Every Child the Best Start.</p> <p>Further collaborative working underway and planned through the new outcomes based draft Programme for Government (Outcome 14 - We give our children and young people the best start in life) and in the development of the Executive's Children and Young People's strategy</p> <p>(b) These arrangements are already in place for children's custodial facilities in NI.</p> <p>All child deaths occurring in hospitals or the community are subject to multi-disciplinary review and reported to the Health and Social Care Board detailing any lessons learned and actions agreed.</p> <p>Within the Health and Social Care System in Northern Ireland, any cases involving serious injury to, or the unexpected death of, a service user - including a looked after child or a child on the child protection register - are required to be reported and investigated as a Serious Adverse Incident (SAI). There is a regional system, managed by the Health and Social Care Board and Public Health Agency, for reporting SAIs, identifying and disseminating learning arising from them, and implementing actions required to improve practice and reduce the risks of recurrence as a result of the learning identified.</p> <p>In cases where a child has died or been significantly harmed and any of the following apply:</p> <ul style="list-style-type: none"> <li>• abuse or neglect of the child is known or suspected;</li> <li>• the child or a sibling of the child is or has been placed on the register maintained by HSC trust which lists each child resident in the area of the trust who, following an investigation by that trust under Article 66 of the Children (Northern Ireland) Order 1995, is subject to a plan to safeguard that child from further harm and promote his health or development; or</li> <li>• the child or sibling of the child is or has been looked after by an authority within the meaning of Article 25 of the Children (Northern Ireland) Order 1995;</li> </ul> <p>the Safeguarding Board for Northern Ireland has a statutory duty to undertake a case management review (CMR). The purpose of the CMR process is to examine the organisational systems and processes, identify learning and make recommendations aimed at improving practice.</p> <p>In addition to these existing arrangements, the Department of Health is in the process of establishing a Child Death Overview Panel for the purpose of systematically gathering comprehensive data on children's deaths from all relevant organisations and professionals; and reviewing and analysing the</p>	<p>29a. Making Life Better- we have been informed that a children and young people action plan is being developed to take work forward that is outlined in MLB. It is unclear what progress had been made on this- NICCY has asked for updates.</p> <p>29b. NICCY has repeatedly expressed concern that DoH have not commenced Regulations to enable the Safeguarding Board for Northern Ireland to carry out its statutory duty in relation to the review of child deaths as set out in the Safeguarding Board Act (Northern Ireland) 2011 Section 3(5). It is regrettable that in this intervening period opportunities to properly publish and disseminate information and learning from both all child death reviews and also Case Management Reviews undertaken by SBNI have not been fully utilised.</p>

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		data to identify notable and potentially modifiable factors and to learn lessons and make recommendations to reduce the risk of future child deaths.	
<p><b>Respect for the views of the child</b></p> <p>31. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:</p> <p>(a) Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national levels, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities;</p>	All	<p>(a) There are many fora currently in existence to facilitate the active and meaningful participation of children and young people in policies, programmes and services that affect them.</p> <p>The draft Children and Young People's Strategy includes as one of its key principles the need to take into account the views of children and young people. Subject to endorsement by the Executive, the structures which will be established to implement the strategy will include the participation of children and young people.</p> <p>The Department of Education's '<i>Sharing Works</i>' policy designed to encourage cross-community collaboration between education settings, commits the Department and its arms-length bodies to encourage schools and other education setting to continue to develop meaningful ways of giving children and young people a voice, and to listen and respond to their views. The policy references the Department's circular that provides guidance to Principals and Boards of Governors on how to ensure participation in decision making as well as NICCY's Democra-school programme. This is further supported by the Shared Education Frameworks for Partnerships self-assessment and planning tool which promotes the inclusion of children and young people's views in developing a shared education programme for an individual setting. The Department commissions modules in KL&amp;Ts and YL&amp;Ts attitudinal surveys to ensure young people's views can inform policy development.</p> <p>(a)&amp;(d) One of the indicators of a good school as set out in the Department's ESaGS policy is a commitment to involve young people in discussions and decisions on school life that directly affect them and to listen to their views.</p> <p>The ISEF (detailed at no.27 above) contains a number of self-evaluation questions for use by education and training providers inspected by ETI to reflect and evaluate on the quality and effectiveness of how the learners meaningful contribute to the work and life of the organisation.</p> <p>The 'Priorities for Youth Work' policy refers to the need to develop a model for strengthening participation in the youth service at a local, sub-regional and regional level and support to enable young people from a variety of backgrounds to participate, and seeks to ensure that there is an ethos and culture of active participation and that young people are provided with opportunities to be involved in the design, delivery and evaluation of projects and programmes. The Education Authority's Youth Services ensures that the voice of young people is heard and considered in decision making at local and</p>	<p>31a. NICCY notes that in relation to health and social care, Government should ensure the views of children are sought and given due weight in the development of law, policies and services as well as in relation to their own individual care. Examples of this should include, young people's participation in assessing progress in implementing the recommendations of the Independent Inquiry into Child Sexual Exploitation and in developing more robust responses to CSE.</p> <p>With regard CYPS Participation Project NICCY have advised DE that the project outcomes should:</p> <ol style="list-style-type: none"> <li>1. include reference to a model of C&amp;YP participation and associated checklist, e.g. '<u>Lundy's model of child participation</u>'</li> <li>2. include the requirement for a national C&amp;YP Participation Strategy</li> <li>3. be cognisance of NICCY's participation calls to: <ol style="list-style-type: none"> <li>a. establish structures for the meaningful participation of children and young people in the development of policies, strategies, legislation and service delivery;</li> <li>b. establish benchmarks for the levels of children and young people's participation; and</li> <li>c. give due weight to the views of children and young people and tracking the impact of this on the development of policies, strategies, legislation and service delivery.</li> </ol> </li> </ol> <p>Following <u>NICCY/NIYE Pupils' Voices</u> report, NICCY recommended the following but neither has been acted upon:</p> <ol style="list-style-type: none"> <li>1. DE review and strengthen the circular, engaging with pupils at all stages of the review.</li> <li>2. DE to liaise with the ETI with a view to including pupil participation as part of the formal inspection process (including self-evaluation) within schools.</li> </ol> <p>Any participative structure should take a holistic view of existing and developing structures within NI, e.g., Network for Youth, Community Planning (shadow youth councils), Youth Assembly and including more local youth and school participatory initiatives.</p> <p>Despite the length of time taken between the consultation for PfY and the implementation (2008 - 2013), structures for strengthening youth participation are slowly being put in place. Progress on the Network for Youth has also been painfully slowly although progress has been made in the last 2 years with the completion</p>

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<p>(b) Assess the impact and expedite the review of the reforms on legal aid in England, Wales and Scotland and conduct child rights impact assessment of the proposed reforms in Northern Ireland and Jersey, in order to ensure that such reforms do not negatively affect children's access to justice, and guarantee effective participation of children in such assessment and review;</p> <p>(c) Expedite the establishment of youth parliaments in all devolved administrations and territories as permanent forums for children's effective engagement with national legislative processes on issues that affect them;</p> <p>(d) Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.</p>	NI	<p>regional level, for example through the establishment of a Network for Youth; involvement of young people in the Regional Advisory Group and Local Advisory Groups which help shape the direction of Youth Services; and establishment of Youth Councils in each EA area.</p> <p>The Health and Social Care (Reform) Act (NI) 2009 requires the Department of Health and its ALBs to each have published a consultation scheme which describes how all stakeholders are engaged during the policy development process. Under these schemes, all stakeholders should be involved in matters relating to all aspects of the care which they provide.</p> <p>For care experienced children, engagement may include children's version of consultation documents, engagement events or liaison with organisations such as Voice of Young People in Care (VOYPIC).</p> <p>The joint Department of Health/Department of education draft Strategy for Looked After Children (which will be subject to formal consultation and Ministerial consideration) recommends the establishment of formal mechanisms, including a biennial survey, to enable looked after children and care-experienced young people, those on the edges of care and those responsible for their care to be involved in policy, service and practice development on a co-design/co-production basis.</p> <p>(b) A range of reforms are being undertaken in civil and criminal legal aid in Northern Ireland to ensure that public funds are targeted to those who need them most, to discourage unnecessary and adversarial litigation at public expense and to deliver better overall value for money for the tax payer. Full impact assessments are carried out as part of the policy development and consultation process when implementing reforms. None of the reforms being undertaken by the Department of Justice will impact on the ability of children to apply for legal aid in civil or criminal proceedings.</p>	<p>of the pilot programme and the establishment of RAGs and LAGs. However, further development is required to ensure structures are harmonious to C&amp;YPs participation rather than fitting C&amp;YP's participation into adult structures. The Network of Youth, as it moves forward, has to be in tune with other developing participatory structures are being developed through, for example, Community Planning and a Youth Assembly (see above).</p> <p>31b (...and linking to 31a) Despite NICCY's and C&amp;YP's response to Civil and Family Justice Review that there should be no journalists in Family Court unless permission is given from the young person or child involved, the Review recommended changes to ensure more openness and transparency whilst rigorously protecting the identity of children.</p>
	All	<p>(c) The issue of a Youth Parliament (Youth Assembly) sits primarily with the NI Assembly. Executive consideration will be required to progress this issue.</p>	<p><b>31c - Progress has not been possible due to the lack of a Northern Ireland Executive.</b></p> <p>Previous engagement indicates that this is a NIA matter (to develop and resource Youth Parliament) and didn't require Executive consideration (see also 31a).</p>
	All	<p>(d) In addition to (a) above, the Special Educational Needs and Disability Act (NI) 2016 places a specific duty (when commenced) on the Education Authority to, so far as reasonably practicable, seek and have regard to the views of the child in terms of the Special Educational Needs provision for that child. This covers the child participating in decisions and being provided with the information and support necessary to enable them to do this.</p> <p>It is critical that looked after children are treated with respect and their views are listened to. The Department of Health's Commissioning Plan Direction 3.4 <i>requires that the HSC ensure that care, permanence, and pathway plans for children and young people in or leaving care (where appropriate) take account of the views, wishes and feelings of children and young people.</i> Evidence to reflect current practice in Trusts will be provided on a regular basis to the Department.</p> <p>There is a range of advocacy and mentoring support services available to looked after children and care experienced young people, commissioned by</p>	<p>31d – Training must be provided to professionals working with children to ensure that they are aware of children's right to be heard, listened to and their views given due weight. We note no reference to Statutory Community Planning Guidance and specific requirement to engage with C&amp;YP.</p>

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		<p>the HSCB and HSC Trusts. The role of an advocate is to ensure that the views of children and young people are represented. It is recognised that advocacy needs to be offered to looked after children with different needs, including younger children (under 12s) and in particular those with a disability.</p> <p>Advocacy arrangements sit alongside a range of other measures designed to ensure that looked after children have a voice. These include: independent visitors; designated looked after children contact in schools; formal complaints and representations processes; and inspection processes.</p> <p>The draft Adoption &amp; Children Bill includes provision to place advocacy services on a statutory basis for all looked after children, former looked after children or adopted children who wish to make representations including complaints about the discharge of any of the HSC Trust's functions.</p> <p>The joint draft DoH/DE Strategy for Looked After Children (which will be subject to formal consultation) proposes working with young people to review current arrangements for providing them with advice, guidance and representation (including personal advisers advocates, mentors, peer mentors and independent visitors) to determine that the most effective and consistent model is in place.</p>	
33. The Committee encourages the State party and devolved administrations to conduct consultations with children on the voting age. Should the voting age be lowered, the Committee recommends that the State party ensure that it is supported by active citizenship and human rights education in order to ensure early awareness of children that rights are to be exercised as part of citizenship, with autonomy and responsibility, and that the measure does not lend itself to undue influence.	All	UK Government lead.	
<b>Birth registration / Name and nationality</b> 34. The Committee recommends that the State party encourage its overseas territories to revise the local legislation and the British Nationality Act in order to guarantee the right of migrant children, in particular those children born in the territories, to a birth certificate.	OT	N/A	
<b>Freedom of thought, conscience and religion</b> 36. The Committee recommends that the State party repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious worship at school.	All	<p>Collective worship is governed by Article 21 of The Education and Libraries (NI) Order 1986 which requires the school day to include collective worship in grant-aided schools. It is for Boards of Governors, in consultation with the school trustees and the principal, to decide the arrangements for school assemblies and collective worship, having regard to the ethos of the school and its registered pupils.</p> <p>Parents can consent for a pupil to withdraw from religious education or collective worship, or from both.</p>	<p><b>Progress has not been possible due to the lack of a Northern Ireland Executive.</b></p> <p>Despite the legal situation re. collective worship, we have had a number of children raise issues around it being difficult to withdraw from collective worship and religious education. Issues also exist around making productive use of the child's time once they withdraw from collective worship and/or religious education.</p>







UN Committee on the Rights of the Child Concluding Observations 2016	Juris- diction	Current position on the issues raised by the UN Committee in its Concluding Observations	NICCY's comments on 'current position' provided by NI Depts
<p>(d) Systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions on children in order to monitor the appropriateness of discipline and behaviour management for children in all settings, including in education, custody, mental health, welfare and immigration settings.</p>	All	<p>The EA offers training to school staff on de-escalation techniques and other preventative strategies. This training includes the use of safe restraint and handling techniques as a matter of last resort. Staff in Special Schools and staff dealing with pupils with serious emotional/behavioural difficulties in settings outside mainstream schools are those who most commonly receive this training.</p> <p>The EA has also established multi-disciplinary Behaviour Support Teams to offer professional advice and practical support to schools responding to the needs of pupils with challenging behaviour. Again, the focus of BSTs is to teach staff appropriate strategies and de-escalation techniques to manage such pupils without needing to resort to physical restraint.</p> <p><u>DoH</u> In order to safely manage behaviours of children who are looked after, particularly those in residential children's homes, Trust staff rely on a range of interconnected interventions, policies and procedures which include:</p> <ul style="list-style-type: none"> <li>• Regional Residential Child Care Policies and Procedures</li> <li>• Missing Children Protocol (RMFHC) June 2015</li> <li>• Children Order (NI) Regulations and Guidance Volume 4</li> <li>• The Children's Homes Regulations (NI) 2005</li> <li>• Minimum Care Standards for Children's Homes 2014</li> <li>• Therapeutic Crisis Intervention (TCI) manual</li> <li>• Trust relevant Therapeutic Model</li> <li>• Supplementary Guidance on Management of Behaviour, Physical Intervention and Missing Persons in Children's Homes.</li> </ul> <p>Physically restraining a child should be used as a last resort and can only be used in very specific circumstances. There must be an immediate and present threat or danger to the young person or to others within the home for residential care staff to consider using restraint.</p> <p>The DHSSPS Minimum Standards for Children's Homes (April 2014) (the Children's Homes Standards) require that the home adopts a proportionate, consistent approach in managing behaviour which is explained to and understood by all children and young people and staff and does not go beyond what would be expected from a reasonable parent.</p> <p>(d) Woodlands Juvenile Justice Centre systematically collects data on all uses of restraint and other interventions. Monitoring of these interventions in Woodlands takes place at local and national level with practice and governance being subject to national standards and scrutiny.</p> <p>Regulation 16(2) of the Children's Homes Regulations (NI) 2005 (the Children's Homes Regulations) requires that within 24 hours of the use of any measure of control, restraint or discipline in a children's home, the Manager of the children's home should create and retain a written record of the use of restraint which should include the date, time and location, the use of the measure, and in the case of any form of restraint, the duration of the restraint and details of the effectiveness and consequence of its use.</p> <p>Schedule 6 to the Children's Homes Regulations, requires the monitoring of the use of measures of control, restraint and discipline in respect of children accommodated in the home which should be included in the Manager's annual</p>	

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		<p>report and made available to the Regulation and Quality Improvement Authority (RQIA) who are responsible for the regulation and inspection of children's homes in Northern Ireland.</p> <p>Part V of the Children's Homes Regulations require monthly visits to a children's home by the HSC Trust in relation to a statutory children's home and where the children's home is independent, by the owner of the home. For statutory homes, a report on the inspection of the home, which may include records pertaining to the use of restraint, should be prepared and submitted to the RQIA, the Manager of the Home and the placing Trust. For independent homes where the owner is an organisation the report should be submitted to the directors or other manager including any partners.</p>	
<p><b>Corporal punishment</b></p> <p>41. With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and its previous recommendations, the Committee urges the State party, in all devolved administrations, overseas territories and Crown dependencies, to:</p> <p>(a) Prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, such as "reasonable chastisement";</p> <p>(b) Ensure that corporal punishment is explicitly prohibited in all schools and educational institutions and all other institutions and forms of alternative care;</p>	<p>All</p> <p>All</p>	<p>(a) This is a cross-cutting issue which engages a number of Executive Departments, including the Departments of Finance, Health, Education and Justice. Any change in the law will require broad Executive agreement.</p> <p>DOJ officials have been examining the policy position regarding the criminal justice aspects of this issue in other jurisdictions and have met with colleagues in Great Britain and the Republic of Ireland to discuss developments. DOJ officials also met with representatives of NICCY to brief them on emerging findings.</p> <p>(b) This has been the case in respect of all educational institutions for some time, not by explicit prohibition but through the removal of the previous legal recognition that corporal punishment administered by a teacher or other member of school staff could be justified by virtue of their position.</p> <p>The Education (Corporal Punishment) (NI) Order 1987 removed this defence from schools. The Education (Northern Ireland) Order 1996 extended this to all "Board secured educational provision" (and introduced additional restrictions on punishment held to be "inhuman or degrading") and the Education (Northern Ireland) Order 1997 extended these protections to pupils of FE colleges.</p> <p>The current position is set out in Article 36 of The Education and Libraries (Northern Ireland) Order 2003 which abolished corporal punishment in all schools, including independent schools and settings where children are educated "otherwise than at school" (EOTAS).</p> <p>Regulation 16 of the Children's Homes Regulations (NI) 2005, prohibits the use of corporal punishment in children's homes.</p> <p>Schedule 2 of the Foster Placement (Children) Regulations (NI) 1996 requires foster carers to agree not to use corporal punishment on children in their care.</p>	<p>41a. NICCY has requested clarification regarding the stated role of DoF as we have been informed legislative remit sits with DoJ. While NI Executive agreement on legislative reform would be highly positive, we note that reform can potentially be achieved by a number pathways.</p> <p>41.b NICCY has sought clarification regarding the scope of current legislation and Regulations on prohibiting corporal or physical punishment in a number of settings, including 'non educational' settings where children receive instruction or training, day care settings and in cases of fostering and adoption. There is ongoing dialogue with Departments about physical and corporal punishment in these circumstances.</p>



UN Committee on the Rights of the Child Concluding Observations 2016	Juris- diction	Current position on the issues raised by the UN Committee in its Concluding Observations	NICCY's comments on 'current position' provided by NI Depts
(c) Strengthen its efforts to promote positive and non-violent forms of discipline and respect for children's equal right to human dignity and physical integrity, with a view to eliminating the general acceptance of the use of corporal punishment in child-rearing.	All	(c) It is intended that the new Family and Parenting Strategy will have as a key objective, the promotion of supportive and supported parenting, building on the progress made under the current strategy, <i>Families Matter</i> (2009). It is hoped to consult on a draft Family and Parenting Strategy in 2018, subject to Ministerial approval.	This is very positive. While it is important that the Strategy addresses the needs of children with multiple Adverse Childhood Experiences, it also must provide universal preventative positive parenting support.
<b>Violence, abuse and neglect</b>  43. With reference to its general comment No. 13 (2011) and target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:  (a) Revise the Children and Young Persons Act (1933) in order to protect all children under 18 years from child abuse and neglect;	All	(a) The Criminal Evidence (Northern Ireland) Order 1999 provides a legislative basis for children (under the age of 18) to receive Special Measures to assist them to give their best evidence in criminal proceedings. The DoJ provides funding to the NSPCC Young Witness Service to help and support young prosecution witnesses to enable them to give their best evidence at criminal proceedings.  Discussions are being held around putting a flagging system in place, for cases with CSE, to ascertain the scope and scale of the issue within Northern Ireland.	43.a It is unclear that the included information on Young Witness Scheme and CSE data is relevant.  43.b While data is held and published regarding children in need, children on the Child Protection Register and Looked After Children within health and social care, regional data regarding numbers of children affected by violence such as domestic abuse or child sexual exploitation is not published.

UN Committee on the Rights of the Child Concluding Observations 2016	Juris- diction	Current position on the issues raised by the UN Committee in its Concluding Observations	NICCY's comments on 'current position' provided by NI Depts
(b) Strengthen systematic collection of data and recording of information on violence against children, including domestic violence, gender-based violence, abuse and neglect, in all settings, and the sharing of information and referral of cases among relevant sectors;	All	(b) DoH and the Health and Social Care service in NI currently collects a range of data relating to child protection, including the number of children on the child protection register broken down by age, gender, ethnicity and category of abuse. In relation to the sharing of information, the Safeguarding Board for Northern Ireland (SBNI) has an important role to promote effective collaboration between agencies and professionals to safeguard children, and the SBNI is currently in the process of developing a protocol for sharing information amongst its partner agencies.	43d. See also 31a and 31b.
(c) Increase the number of social workers and strengthen their capacity to address violence against children;	All	(c) From 2006-2017 there has been a 32% increase in the number of registered social workers in NI. Undergraduate and post qualified training for social workers is designed to improve their capacity to address a range of abusive situations, including violence against children.	
(d) Give due weight to the views of children concerned in the responses to violence, including in criminal and family law proceedings;	All	(d) The Children (NI) Order 1995 (Article 3) already makes provision for a court hearing family proceedings to have regard to the child's wishes however the Report of the Review of Family Justice led by Lord Justice Gillen, published in September 2017, includes a number of recommendations for enhancing how the voice of the child is heard in family cases. Many of these are for the judiciary to consider (e.g. that judges receive training in interviewing children and in every case give consideration to meeting the child) but the Report also includes a recommendation that the DoJ explore with the NSPCC the potential for the Young Witness Service, which currently supports child witnesses in criminal proceedings, to be extended to family courts. The DoJ has had initial discussions with the NSPCC to consider the feasibility of a pilot. (DOJ)  A Guardian Ad Litem (Guardian) is an independent officer of the court who is experienced in working with children and families. The role of the Guardian is to represent the interests of the child in court and to report to the court the wishes and feelings of the child regarding their circumstances and preferred outcome to the proceedings.	
(e) Consider ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence.	UK	UK Government lead	
<b>Sexual exploitation and abuse</b>			
45. The Committee recommends that the State party, including devolved governments, overseas territories and Crown dependencies:			
(a) Systematically collect and publish comprehensive and disaggregated data on child exploitation and abuse, including through mandatory reporting, in all settings;	All	(a) to (d):  The Marshall Inquiry into child sexual exploitation (CSE) in Northern Ireland was published in November 2014. The Marshall Inquiry made a total of 16 Key Recommendations and 60 Supporting Recommendation.	45a-e Following the 2014 publication of the report of the Independent Inquiry into Child Sexual Exploitation in NI the Departments of Health, Justice and Education committed to publishing six monthly progress reports on how well the Inquiry's recommendations were being implemented. The Inquiry recommendations address all areas noted in the Concluding Observation. To date, two rounds of reports have been published with the last report covering the period up to 30 June 2016. NICCY is deeply concerned that Departments have stated they will not publish further information in the absence of Ministers. NICCY has written to the DoH Permanent Secretary to express concern about this and has requested further clarification about the decision.  NICCY has released two reviews of Departmental action plans and progress reports and has highlighted a number of serious concerns about the reporting process undertaken by Government and the absence of
(b) Develop and implement comprehensive multisectoral strategies on child exploitation and abuse, including online, to ensure effective prevention, early detection and intervention, at the national and devolved levels, in overseas territories and Crown dependencies;	All	A cross-departmental and multi-agency implementation plan was established to oversee the implementation of these recommendations, with leadership and oversight provided by senior officials from the departments of Health, Education and Justice. This implementation plan is the key strategic framework through which NI government departments and their agencies are tackling CSE, including through prevention and early intervention.	
	NI		

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<p>(c) Implement the recommendations of the Marshall Inquiry into child sexual exploitation in Northern Ireland;</p> <p>(d) Further develop comprehensive services to support children who are victims or at risk of sexual exploitation and abuse;</p>		<p>The implementation plan for the Marshall recommendations had three phases, and work is currently underway to produce a report detailing progress to the end of phase 3 (up to the end of November 2017). Implementation of a small number of recommendations will continue into 2018.</p> <p>The implementation of the Inquiry recommendations has seen significant changes to the way in which services address CSE in Northern Ireland. It has led to the co-location of social services and PSNI staff to ensure a more co-ordinated response to CSE and substantial awareness raising activity among professionals in the health, education and justice sectors; staff across a range of other sectors; and with children and young people themselves to improve awareness of the signs of CSE and its impact.</p> <p>In relation to data collection, the SBNI's child protection sub-group has considered the range of child protection data available to explore the possibility of publishing disaggregated data on CSE. CSE is fundamentally child sexual abuse and is currently classified as such. While the disaggregation of data on CSE has proven challenging, relevant agencies continue to work to ensure that children and young people at risk of CSE are clearly identified, flagged and that the necessary actions are taken to protect them from sexual exploitation.</p> <p>The arrangements outlined in 'Co-operating to Safeguard Children and Young People in Northern Ireland' apply, as reflected in DE's guidance document 'Safeguarding and Child Protection in Schools – A Guide for Schools'.</p> <p>The Department of Education is party to the proposed Executive E-Safety Strategy that DoH is leading on.</p> <p>(d) As part of the DoJ Victims and Witnesses Action Plan 2017-20, consideration will be given to how best to provide support services for young victims of crime from when a crime is reported, through to aligning with current court support services. This work is due to be completed by December 2018.</p>	<p>clear evidence that children are being better protected from CSE and that perpetrators are being more effectively disrupted, investigated and prosecuted.</p>
<p>(e) Strengthen the capacity of law enforcement authorities and the judiciary to detect and prosecute child sexual exploitation and abuse, and grant effective remedies to the child victims;</p>	<p>All</p> <p>All</p>	<p>(e) The DoJ held an independently facilitated workshop to examine what changes relevant to the criminal justice system could assist in the prosecution of perpetrators and/or further support the needs of child victims. The report from the workshop was analysed and a response paper and action plan to address relevant issues has been prepared for publication in early 2018.</p>	<p>(f)</p>
<p>(f) Consider ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.</p>	<p>UK</p>	<p>(f) UK Government lead</p>	<p>(g)</p>
<b>Harmful practices</b>			
<p>47. With reference to its general comment No. 18 (2014) on harmful practices, the Committee recommends that the State party:</p> <p>(a) Take effective measures to ensure that marriage of children aged 16 and 17 years takes place only in exceptional circumstances and is based on the full, free and informed consent of the concerned children;</p>	<p>All</p>	<p>(a) Anyone under 18 needs permission from their parent or guardian, or if appropriate a court order to allow the marriage to go ahead. The Courts now have powers to prevent forced marriages from occurring or offer protection to those who have been forced to take part in a marriage.</p>	

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(b) Continue and strengthen preventive and protection measures to address the issue of harmful practices, including the collection of data, the training of relevant professionals, awareness-raising programmes, provision of protection and care to the child victims and the prosecution of those found guilty of perpetrating such acts;	All	<p>(b) The Department of Health leads a cross-departmental programme of work to protect girls at risk of FGM, with actions aimed at training professionals to identify and recognise FGM or the risk of FGM and take appropriate action, as well as raising awareness of the risks of the practice among communities. The SBNI has established a FGM sub-group to progress a number of actions—specifically working with affected communities to raise awareness of the risks of the practice; developing training for professionals across all relevant sectors; preparing care pathways to assist medical professionals who may encounter FGM to ensure women receive appropriate treatment and care and appropriate child protection measures are enacted; and identifying possible sources of data in relation to FGM.</p> <p>Collection of data is undertaken by all Health and Social Care Trusts and data requirements reviewed regularly with the Health and Social Care Board and the Department of Health.</p> <p>Professional staff who engage with children and families are provided with training in relation to safeguarding and protection of children.</p> <p>The Victim Charter provides that officials likely to come into contact with victims of crime receive both general and specialist training to a level appropriate to their duties and the nature and level of contact with victims of crime (including those who carry out needs assessments).</p>	47b. NICCY notes that General Comment No18 also sets out Government obligations regarding forced marriage, polygamy and honour based violence and these should be addressed in addition to FGM. In the last reporting round to the Committee on the Rights of the Child, we note that NI was not able to provide any data in relation to FGM.
(c) Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned and provide families with intersex children with adequate counselling and support;	All	<p>(c) The General Medical Council (GMC) is the regulatory body for all doctors working in the UK. All doctors with a licence to practice in the UK are required by the GMC to safeguard and protect the health and well-being of children and always act in their best interests. The GMC sets the professional standards expected of doctors in relation to professional values, knowledge, skills and behaviours including communication, consent to treatment and support for children. Such care is delivered by multi-disciplinary teams of physicians, surgeons and other health professionals.  <a href="https://www.gmc-uk.org/guidance/good_medical_practice.asp">https://www.gmc-uk.org/guidance/good_medical_practice.asp</a>  <a href="https://www.gmc-uk.org/guidance/ethical_guidance/children_guidance_index.asp">https://www.gmc-uk.org/guidance/ethical_guidance/children_guidance_index.asp</a></p>	
(d) Provide redress to the victims of such treatment;	All	<p>(d) The HSC undertakes to review and manage healthcare interactions in an appropriate manner, with respect to prevention of unintended outcomes and appropriate redress for treatment interactions both formally and informally when required.</p>	
(e) Educate medical and psychological professionals on the range of sexual, and related biological and physical diversity and on the consequences of unnecessary interventions for intersex children.	All	<p>(e) The General Medical Council regulates all stages of doctors' training and professional development in the UK. All doctors are required to keep their knowledge and skills up to date throughout their working life and to maintain and improve their performance.  <a href="https://www.gmc-uk.org/education/index.asp">https://www.gmc-uk.org/education/index.asp</a>  <a href="https://www.gmc-uk.org/education/continuing_professional_development.asp">https://www.gmc-uk.org/education/continuing_professional_development.asp</a>            Psychological professionals in the UK are regulated by the Health and Care Professions Council which sets standards for education, training and continuing professional development.  <a href="http://www.hcpc-uk.org/aboutregistration/standards/">http://www.hcpc-uk.org/aboutregistration/standards/</a></p>	
<b>Freedom of the child from all forms of violence</b>			
48. The Committee recommends that the State party:	All		



UN Committee on the Rights of the Child Concluding Observations 2016	Juris- diction	Current position on the issues raised by the UN Committee in its Concluding Observations	NICCY's comments on 'current position' provided by NI Depts
<p>(a) Intensify its efforts to tackle bullying and violence in schools, including by teaching human rights, building the capacities of students and staff members to respect diversity at school, improving students' conflict-resolution skills, monitoring regularly the incidences of bullying at school and involving children in the initiatives and monitoring aimed at eliminating bullying;</p> <p>(b) In the light of the recommendations resulting from the day of general discussion on digital media and children's rights, train children, teachers and families on the safe use of information and communication technologies, raise awareness among children on the severe effects that online bullying can have on their peers, and increase the involvement of social</p>	All	<p>Under Article 3 of the Education (NI) Order 1998, all schools are required have a discipline policy which outlines the behaviour it expects from registered pupils and the sanctions it will impose for breaches in discipline. Article 19(3) of the Education and Libraries Order 2003, extended this, adding a specific requirement for the discipline policy to include measures to prevent all forms of bullying among pupils. The Addressing Bullying in Schools Act (NI) 2016 received Royal Assent on 12 May 2016. The Act provides a common definition of bullying; requires all schools to centrally record incidents of bullying, their motivation and their outcome; and requires the Board of Governors collectively to take greater responsibility for the development, implementation, monitoring and periodic review of the school's anti-bullying policies and procedures.</p> <p>Before these new provisions can be brought into force, supporting guidance for schools, Boards of Governors, parents and pupils and an agreed common incident recording mechanism must be in place. Suitable training in these new duties is also likely to be required. Work on these matters is ongoing and the Department plans to pilot the guidance and recording system in a number of schools during the current academic year, before rolling out to all schools, and bringing forward a Commencement Order for the Act, during the 18/19 academic year.</p> <p>Additionally the Department continues to fund the Northern Ireland Anti Bullying Forum (NIABF). The Forum brings together statutory and non-statutory organisations to raise awareness of bullying, promote best practice responses by schools and create a safer environment for children and young people. The NIABF have issued a guide to all schools "Effective Responses to Bullying Behaviour" (ERtBB) which highlights the role which teaching on mutual respect, conflict resolution and restorative justice approaches can play in reducing the scale of the problem within any school.</p> <p>(a) Issues such as human rights, respecting diversity, conflict-resolution and bullying are covered within the statutory curriculum under the Personal Development and Mutual Understanding (primary) and the Learning for Life and Work (post-primary) Areas of Learning.</p> <p>At post-primary level (Key Stage 3), under the Learning for Life and Work Area of Learning, schools are required by law to provide pupils with opportunities to:</p> <ul style="list-style-type: none"> <li>• Investigate how and why conflict, including prejudice, stereotyping, sectarianism and racism may arise in the community.</li> <li>• Investigate why it is important to uphold human rights standards in modern democratic societies, including meeting basic needs, protecting individuals and groups of people.</li> <li>• Explore how inequalities can arise in society including how and why some people may experience inequality or discrimination on the basis of their group identity, <i>for example, groups named in Section 75, The Northern Ireland Act 1998.</i></li> </ul> <p>(b) The Department of Education has issued a number of guidance documents on e-safety the latest of which, DE Circular – Online Safety (2016/27) provides schools with a set of guiding principles for keeping pupils and the wider school community safe online and for prioritising online safety within the school's preventative education curriculum and overall Safeguarding Policy. These principles stress the need to integrate online safety into other policies, including anti-bullying.</p>	<p>Delay in the commencement of this legislation. NICCY also has concerns that schools will continue to have operational freedom of school discipline matters, including recognising and classifying incidents as 'bullying behaviour' and that the new duty relating only to pupil on pupil bullying.</p> <p>Funding for the delivery of CRED programmes from DE has been withdrawn and NICCY has concerns about how widespread CRED work now is in schools and youth settings.</p> <p>In the absence of a legislative framework for e-safety in Northern Ireland the National Children's Bureau (NCB) was commissioned by the Safeguarding Board for Northern Ireland (SBNI) to develop the first e-safety strategy and action plan for children and young people in Northern Ireland. The strategy aims to support children and young people to take advantage of the online world while ensuring they are equipped to manage the risks they might face. Following drafting, the completed</p>

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media outlets in the efforts to combat cyberbullying.		<p>The SBNI has been commissioned to develop an e-Safety Strategy and accompanying Action Plan on behalf of the Northern Ireland Executive. As sponsor department for the SBNI, the Department of Health is overseeing this cross-cutting project. A draft strategy has been developed and requires Executive approval to publish for consultation.</p> <p>The overall aim of the project is to develop an e-Safety Strategy and Action Plan which enables the safe use of digital and internet technology by children and young people.</p> <p>The objectives are to support the development of a comprehensive cross-government action plan that will improve e-safety by:</p> <ul style="list-style-type: none"> <li>• Reflecting existing evidence of good practice in e-safety approaches;</li> <li>• Engaging with existing e-safety mechanisms in the UK, seeking to add value and not duplicate;</li> <li>• Educating and supporting children and young people, parents and those responsible for their care and safety, to develop skills and knowledge to stay safe online;</li> <li>• Facilitating the responsible use of digital and internet technology;</li> <li>• Providing information on how to handle online abuse if it occurs and facilitating access to age-appropriate support services including recovery services.</li> </ul>	<p>strategy was submitted to the Executive Office in December 2016 for consultation approval but this has been delayed.</p> <p>One of the young people who took part in NICCY's Your Voice Matters Project talked about cyberbullying and limits on the ability of schools to effectively address it. They said,</p> <p><i>"Even if the school does something they can only do what they see. It's not as bad as it used to be with the online stuff that other people can see but you can still get bullied through private messages or texts and then the school can't do anything cause if you tell you'll just get more hassle."</i></p>
(c) Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks and from recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice.	NI	<p>(c) As part of the Executive Action Plan, work, led by DoH on behalf of Early Intervention Transformation Programme (EITP), is ongoing to develop a cross-departmental programme aimed at preventing vulnerable young people being drawn into paramilitary activity. This programme will draw together ongoing activity, identify opportunities for better co-ordination and collaboration and determine whether additional interventions are required to address the underlying issues that put some young people at a higher risk of becoming involved in paramilitary activity.</p> <p>Also as part of the action plan work is ongoing to promote lawfulness in schools and through youth work in communities. The aim of this work (led by DE/EA) is to recruit and have in place 8 Outreach Workers, during the period January - March 2018, managed by a Senior Youth Worker/Team Leader in the eight identified priority areas that are most vulnerable to paramilitary activity and control. Outreach Workers will build relationships with young people who are identified as being at higher risk of involvement in paramilitary activity and to deliver programmes that develops the young people's resilience and awareness of risk factors. Resilience will be increased by developing new skills, building knowledge and examining the attitudes of young people to law and order.</p> <p>The Executive action plan communications team recently supported The Stop Attacks Forum and Children's Commissioner on Universal Children's Day and took part in a joint communications approach with other NI Executive Departments and the PSNI in condemning paramilitary style assaults against young people. The Tackling Paramilitarism Programme Team continue to engage with Communications colleagues from NIO, PSNI and Executive</p>	48c. NICCY notes that paramilitary style attacks are a safeguarding issue and the role of health and social care in protecting children who are subject to threat to life should be central to the work outlined. This should include providing a timescale for the current multiagency guidance/protocol being drafted on responding to threats to life.

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		<p>Departments to support community initiatives such as the 'Stop Attacks Forum'.</p> <p>The DoJ is currently developing phase 2 of a public awareness campaign which will focus on paramilitary style assaults.</p>	
<p><b>Family environment</b></p> <p>51. The Committee recommends that the State party and the devolved governments conduct a rigorous child rights impact assessment of the recent reduction of funding for childcare and family support and adjust the family support policy in order to make childcare services available to all those who need it.</p>	All	<p>The Department of Education has policy responsibility for Childcare whilst the Department of Health leads on Early Years and Childcare regulation and the development of a Family and Parenting Strategy. Joint departmental working continues with specific support to the development of a Childcare Strategy and the provision of initiatives such as Bright Start, which is delivered by the Health and Social Care Trusts through Child Care Partnerships (CCP). In addition £1.7m has been made available through the Early Years Development Fund to provide core infrastructure of the CCPs; Regional contracts to support voluntary and community sector childcare provision; a regional training plan to improve the quality standards in childcare provision and other local Childcare Partnership initiatives.</p> <p>The Ten Year Executive Childcare Strategy is subject to Ministerial and Executive consideration and approval.</p>	<p>While there have been some positive developments in relation to childcare and Family Support provision, a CRIA has not been conducted.</p> <p>The publication of an Executive Childcare Strategy has been subject to considerable delays. Indeed the last Strategy was Children First in 1999, almost 20 years ago.</p> <p><b>Progress has not been possible due to the lack of a Northern Ireland Executive.</b></p>
<p><b>Children deprived of a family environment</b></p> <p>53. Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that conditions directly and uniquely attributable to poverty should never be the sole justification for removing a child from parental care. The Committee recommends that the State party:</p> <p>(a) Intensify its efforts to render appropriate assistance to parents and legal guardians, including informal kinship carers, in the performance of their child-rearing responsibilities;</p> <p>(b) Ensure that the removal of children from their families is always subject to thorough investigation, is in accordance with the best interests of the child and is only used as a measure of last resort;</p> <p>(c) Wherever possible find a placement for the child which will facilitate contact with his or her biological parents and siblings;</p>	<p>All</p> <p>All</p> <p>All</p>	<p>(a) The Family and Parenting Strategy, currently under development, will consider how families, including families providing informal kinship care can be better supported. Subject to Ministerial approval, the Department hopes to consult on the draft Family and Parenting Support Strategy in 2018.</p> <p>(b) Article 3 of Children Order (NI) 1995 provides that the child's welfare shall be the paramount consideration. This welfare principle means that the court's decision will be that which most promotes the child's welfare and is in his best interests; this principle will also apply to any decision relating to a child.</p> <p>The joint draft DoH/DE Strategy for Looked After Children, which will be subject to formal consultation, pledges that we will support families at an early stage; providing targeted intensive support for children, young people and their families where the risk of entry into care is high; and ensuring that decisions about taking children into care are made without unnecessary delay and always in their best interests.</p> <p>(c) The Children Order imposes a duty to promote contact between a child who is being looked after and those connected with him. This applies whether a child is accommodated by voluntary arrangement or as a result of a court order. It also empowers the courts to make orders regarding contact in all circumstances where a child is in care.</p>	<p>53a. NICCY notes that the Family and Parenting Support must take a children's rights perspective in order to properly support children and their families and must dedicate adequate resources on a sustainable basis to deliver the outworkings of the Strategy.</p> <p>53b. NICCY notes that work undertaken by DoH, DoJ and health and social care agencies regarding the application of the best interests principle and the use of early authoritative intervention is also of relevance. NICCY has advised that the draft Strategy for Looked After Children should have a more robust basis in children's rights and a stronger relationship between improved outcomes for children, implementation plans and reporting measures.</p>

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(d) Ensure that secure accommodation in Northern Ireland is only used as a measure of last resort and for the shortest possible period of time, address the reasons for repeated or lengthy stays in such accommodation, and develop alternatives to secure accommodation;	NI	<p>Contact between children and their families is important and will be promoted unless it is inconsistent with the child's safety or best interests, or would jeopardise their chances of achieving a permanent placement.</p> <p>(d) A review of regional specialist children's services, which includes secure accommodation, is about to conclude. The review has taken a rights based approach and full account of the UNCRC concluding observations from the outset. The findings will be submitted to the Health and Justice Departments for consideration by Ministers.</p>	53d. NICCY has noted concern that the draft Review of Regional Children and Young People's Facilities, which includes secure care, has not been sufficiently embedded in a child rights perspective. The Review should make clear and robust recommendations concerning the use and reform of secure care in NI. We note this Review has been delayed and is now overdue.
(e) Take all measures necessary to provide stability for children in care, including efforts to retain social workers and to avoid unnecessary changes in placement;	All	<p>(e) The joint draft DoH/DE Strategy for Looked After Children, which will be subject to formal consultation, includes a pledge to secure earlier permanence and stability for children and young people in care and enabling them to build positive and supportive relationships; extending placement options; strengthening support for care givers; providing more effective regional specialist services; providing effective interventions to deal with particular challenges including: substance misuse, poor mental health and emotional wellbeing outcomes, criminalisation and poor educational outcomes.</p> <p>The Health and Social Care Board issued a revised Regional Operational Permanence Policy in February 2017, which focuses on placement stability and permanency options and the need for earlier decisions on the appropriate permanency option for the child.</p> <p>Ministerial targets exist for reduced placement changes, however, for a number of children and young people, placement changes may be in their best interest if their needs change. For example, children and young people placed in children's homes can have significant needs and at times this may mean moving to more intensive support, or to specialist foster care.</p> <p>The retention of Social Workers in Northern Ireland is not an issue. We do however remain committed to strengthening the capacity of the workforce to ensure that social work remains an attractive career choice in Northern Ireland.</p>	
(f) Inform and consult with children from an early stage on plans for their care and transition and provide sufficient support for care leavers, including for accommodation, employment or further education;	All	<p>(f) HSC Trusts have a statutory duty under the Leaving Care Act and associated Regulations to assess and meet young people's individual needs, provide Personal Advisers and develop pathway planning for care experienced young people, up to the age of 21 (or beyond if continuing in education). The legislation aims to prevent premature discharges from care, improve preparation, planning and consistency of support for young care leavers, and to strengthen arrangements for financial assistance.</p> <p>All HSC Trusts deliver leaving and aftercare support to looked after young people aged 16+ and care leavers aged 16-21+ through specialist teams. Support provided includes assisting young people to move to suitable supported accommodation, remain with their former foster carers or to secure suitable and safe independent accommodation, assisting young people to build and maintain positive relationships with family and others, acquire practical and financial skills, and enhance access to education, training and employment.</p> <p>The Department introduced Minimum Standards for Leaving Care Services in 2012. These standards specify the arrangements, services and procedures</p>	



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(g) Expedite the approval and enactment of the Adoption and Children Bill in Northern Ireland.	NI	<p>that need to be in place and implemented to ensure the delivery of quality services for young care leavers. These standards apply to HSC Trusts and other agencies commissioned by HSC Trusts to deliver leaving and aftercare services.</p> <p>HSC Trusts run employability services for care leavers and have liaison groups with local universities and colleges, building strong working relationships with student welfare services. This is to ensure support for the care leaver on their chosen career path (through essential skills or vocational qualifications) or onto further education. HSC Trusts, as Corporate Parents, have been asked to include new social clauses within renegotiated and new contracts for large construction projects to provide two-four year apprenticeships linked to a further education qualification for looked after young people and care leavers aged 16 to 24.</p> <p>In addition, the Going The Extra Mile (GEM) scheme was introduced in NI in 2006 to promote continuity and stability of living arrangements in post-care life for young care leavers by ensuring that appropriate and agreed levels of financial support are available to assist carers to continue to meet the care, accommodation and support needs of these young people until they reach the age of at least 21. The scheme also aims to promote better outcomes for young people leaving care in relation to training, employment and education and avoiding conflict with the law.</p> <p>HSC Trusts and the NI Housing Executive Supporting People programme jointly commission supported accommodation projects for young people aged 16-21 years – these are integrated models of housing support and social care for young people, to help them transition from care and provide continued support as they progress towards independence and prevent homelessness.</p> <p>Proposals in the joint draft DoH/DE Strategy for Looked After Children, which will be subject to formal consultation, include:</p> <ul style="list-style-type: none"> <li>the development of proposals to extend the support available to children leaving care, including living arrangements;</li> <li>Working with other government Departments and the voluntary sector to build on and enhance measures currently available to children and young people leaving care (particularly in relation to housing; further and higher education; employment; apprenticeship and training opportunities; and ease of access to financial, careers and benefits advice and information); and</li> <li>Promoting the use of social clauses in public sector contracts targeted at looked after children.</li> </ul> <p>(g) Public consultation on a draft Adoption and Children Bill was undertaken from January to April 2017. Consultation responses are currently being analysed. The intention is to finalise the Bill for introduction in the Northern Ireland Assembly during 2018. Any new policy proposals arising from the public consultation to be included in the Bill will require Ministerial approval. Executive agreement to introduce the Bill in the Assembly will also be required.</p>	<b>Progress has not been possible due to the lack of a Northern Ireland Executive.</b>
<b>Children of incarcerated parents</b>  55.The Committee recommends that the State party:			

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<p>(a) Ensure that child protection authorities are always informed when a person who has a child or children is imprisoned, in order to avoid situations where children are left unattended.</p> <p>(b) Take into account the best interests of the child as a primary consideration when sentencing parents, avoiding, as far as possible, sentences for parents which lead to their being separated from their children.</p>	<p>All</p> <p>All</p>	<p>(a) As first point of contact when committing a person to custody, PSNI has responsibility for ensuring no child is left unattended, including informing child protection authorities where necessary. There may be exceptional cases where this provision has not been put in place before an individual arrives in NIPS custody. In such cases, NIPS Child Protection Officers will ensure the parent has access to a phone call on committal to make provision for the child.</p> <p>(b) Sentencing in the individual case is entirely a matter for the independent judiciary. In making sentencing decisions judges take a number of factors into account including: the seriousness of the offence, the range of available disposals, any aggravating and mitigating factors and the circumstances of the offender.</p>	<p>(c) The independence of the judiciary is accepted however the impact of imprisonment of a parent on a dependent child must be one of the factors taken into consideration. It is NICCY's understanding that there are no figures for children who are affected by parental imprisonment in NI. Therefore the first step must be to find out how many children are affected so that specific steps can be taken to identify and support them.</p>
<p><b>Children with disabilities</b></p> <p>57. With reference to its general comment No.9 (2006) on the rights of children with disabilities, the Committee recommends that the State party adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:</p> <p>(a) Ensure full respect of the rights of children with disabilities to express their views and to have their views given due weight in all decision-making that affects them, including on access to and choice of personal support and education;</p> <p>(b) Set up comprehensive measures to further develop inclusive education, ensure that inclusive education is given priority over the placement of children in specialized institutions and classes, and make mainstream schools fully accessible to children with disabilities;</p>	<p>All</p> <p>All</p>	<p>The Executive's Disability Strategy 2012-2017, which provides a high level policy framework for all Departments to drive improved service delivery, increase awareness of the needs of people with disabilities and improve opportunities for people with disabilities across all policy areas, includes children and young people. The Strategy takes a rights-based approach and aims to fulfil obligations in the UNCRPD and relevant provisions in the UNCRC.</p> <p>The Executive, during its 2016 mandate, included in its draft Programme for Government (2016-2021) a disability indicator which included an explicit reference to 'Improving the lives of disabled people and their families'.</p> <p>The associated draft PfG delivery plan was developed and co-designed following extensive consultation with disabled people, their families, carers and disability sector representative organisations.</p> <p>In the absence of devolved government in Northern Ireland, this will remain subject to the review and agreement of incoming Ministers.</p> <p>Children with disabilities have been identified as a priority within the draft Executive Strategy for Children and Young People; this means that all nine departments from their wide variety of remits will have a responsibility to address improving the well-being of children with disabilities.</p> <p>(a) The Special Educational Needs and Disability Act (NI) 2016 places a specific duty (when commenced) on the Education Authority to, so far as reasonably practicable, seek and have regard to the views of the child in terms of the Special Educational Needs provision for that child. This covers the child participating in decisions and being provided with the information and support necessary to enable them to do this.</p> <p>(b) Inclusive education is a key tenet of DE's SEN policy. The guiding principle is that pupils with SEN, including those with statements, should, wherever appropriate and taking into account the wishes of their parents, be educated alongside their peers in mainstream schools.</p> <p>Mainstream schools, Learning Support Centres attached to mainstream schools and special schools form part of a continuum of provision for children and young people with SEN to ensure their diverse range of needs are met.</p>	<p><b>Progress has not been possible due to the lack of a Northern Ireland Executive.</b></p> <p>It is unclear whether being provided with support includes the provision of an advocate. This issue was raised in the consultation on the SEND Regulations and as the NI Assembly collapsed before the Regulations could be considered by the Education Committee, we have been unable to ascertain the Department's current position on this. As drafted in consultation, the Department did not intend to fund an advocacy service to support young people with SEND to have their views heard. NW</p> <p>NICCY has serious concerns about the imposition of set allocations of educational psychology time to schools which mean that only those children viewed by schools as 'most in need' are referred for educational psychology assessments. As a result, many children not considered as most in need are waiting unacceptably long periods of time for referrals which adversely impacts on their education. Of those children who are going through the statutory assessment process in 2015-16, 79% of</p>

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<p>(c) Provide children with disabilities with a comprehensive and integrated package of services for transition to adulthood, from a sufficiently early stage, by coordinating legislation, policy and programmes across relevant sectors, and ensure fully-informed decisions by children with disabilities on their personal choice in the transition, by involving them in the design of services and by providing advice and information on available options.</p>	<p>All</p>	<p>Often the enrolment of a child with SEN in mainstream education is appropriate; however, the severity or complexity of their needs is the key factor in determining the most appropriate educational setting, with cognisance of professional advice and parental views.</p> <p>Capital building projects in schools are compliant with Disability Discrimination Act (DDA) requirements. Reasonable adjustments under the DDA to facilitate any individual pupil's needs at a mainstream school are prioritised within funding allocations.</p> <p>(c) There is a well-established statutory education transition planning process in our schools which makes provision for the preparation of transition plans for young persons aged 14+ with statements of SEN.</p> <p>The EA has reported that it is taking action to further improve the transition planning process on foot of the recommendations of the 2014 ETI report on Transitions and will continue to work with Health in regard to improving transition for those young people with particularly complex learning difficulties who move to health and social care provision.</p> <p>The EA is currently working to regionalise its Transitions Service and has recently appointed an Adviser for SEN with regional responsibility for Transitions. A training programme for all EA SEN staff is being developed which will include Transitions training.</p> <p>The EA are also well-positioned to fulfil the new duty to cooperate on transitions planning, contained in the SEND Act, when it is commenced.</p> <p>DE is also working with other relevant Departments and bodies to further improve the transitions process for pupils with SEN; for example, DE is represented on the DfC-led Disability Employment Stakeholder Forum which is working to support young people with a disability to make a successful transition from school into paid employment.</p> <p>The Department of Health's Physical and Sensory Disability Strategy and Action Plan is being implemented under 3 work streams – Sensory Impairment (under the Regional Sensory Impairment Group); Information and Training; and Supporting Independent Living. The actions within this strategy and action plan specifically concerning children are:</p> <ul style="list-style-type: none"> <li>• The Wraparound Initiative or similar model of good practice for providing multi-agency/multi disciplinary services for children and young people with disabilities to be rolled out and deployed in all Trust areas (completed December 2013)</li> <li>• To ensure arrangements are developed to improve the transitional arrangements between child and adult health services (completed 2013)</li> </ul> <p>The Transitions subgroup from the Children and Young People's Strategic Partnership (CYPSP) has recently been reviewing the responses from the regional consultation. This action plan was drafted in conjunction with young people with disability including sensory and physical disabilities, statutory services, community and voluntary sector.</p> <p>CYPSP subgroups on Children with a Disability (CWD) and Transition have endeavoured to ensure synchronicity between the Action</p>	<p>statements of SEN were completed outside the statutory time limit of 26 weeks.</p> <p>Statements of SEN have become vague and therefore unenforceable, in terms of specified provision. Evidence shows that in some cases Educational Psychologists' recommendations are not being taken on board and progressed by the Education Authority e.g., recommendations with regard to the most appropriate school for a child. NICCY is also aware of the increasing standardisation of groups of children where provision is allocated based on their 'category of need', as opposed to their individual needs. Evidence shows a marked move away from 'specification and quantification' i.e. including in statements the support/services necessary and total number of assistance hours a child requires by the Education Authority, which is in breach of the requirement for specificity in statements imposed by Article 16 of the Education (NI) Order 1996. In addition, we have concerns about the lack of data which the Education Authority holds with regard to SEN.</p>







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<p>(c) Expedite the prohibition of placing children with mental health needs in adult psychiatric wards or police stations, while ensuring provision of age-appropriate mental health services and facilities;</p> <p>(d) Support and develop therapeutic community-based services for children with mental health conditions;</p> <p>(e) Review current legislation on mental health to ensure that the best interests and the views of the child are taken duly into account in cases of mental health treatment of children below the age of 16 years, in particular with regard to hospitalization and treatment without consent.</p>	<p>All</p> <p>All</p>	<p>Mental Health Inpatient Unit. Currently Article 118 of the Mental Health (Northern Ireland) Order requires the Health and Social Care Trusts in Northern Ireland to keep a register of all persons under the age of 18 who are receiving medical treatment for mental disorder as inpatients in hospitals and furnish returns to the Regulation and Quality Improvement Authority every three months.</p> <p>When commenced, the Mental Capacity Act (Northern Ireland) 2016 will amend the Mental Health (Northern Ireland) Order 1986 to include a statutory duty on hospitals to ensure that children who are treated as inpatients in hospital for the purposes of assessment or treatment of a mental disorder to ensure that the child's environment is suitable having regard to the child's age.</p> <p>(d) CAMHS is delivered through community based teams across the region with a focus on prevention, early intervention and recovery.</p> <p>(e) When commenced, the Mental Capacity Act (Northern Ireland) 2016 will provide a statutory framework for persons who are over 16 who lacks capacity and will repeal the Mental Health (Northern Ireland) Order 1986 for persons over 16. Any act done on behalf of a person who lacks capacity can only be done if it is in the person's best interests.</p> <p>The Mental Capacity Act also amends the Mental Health (Northern Ireland) Order 1986 for persons under the age of 16 by providing extra safeguards, including a requirements that the primary consideration, when making decisions about a child's treatment or care in relation a mental disorder, must be the child's best interests.</p>	<p>(b) The purpose of the CAMHS service model is to 'provide a comprehensive array of services that addresses the physical, emotional, social and educational needs in order to promote positive mental health.' The description of the model refers to it being about the provision of services to enhance the mental and emotional wellbeing of children and young people that goes wider than CAMHS to include social care, education, youth justice. The model also emphasises the role of statutory and non-statutory bodies / agencies in achieving the aims of the model (DHSSPS, 2012). NICCY is concerned about the buy in of certain Depts or agencies with respect to the CAMHS service model, particularly those that are not mental health specific. For example, the EA doesn't align itself to the DHSSPS stepped care model as they perceive it to be a purely health focused model and not a developmental model that the education system work within. Furthermore, A&amp;E are a key service in responding to children and young people in mental health crisis but this is not included as part of the Stepped Care Model or associated CAMHS pathway.</p> <p>There has been a wide range of independent reviews on child and adolescent mental health services that have included recommendations to address problems with existing gaps in mental health provisions. Unfortunately although these recommendations have been accepted by Government the required resource has not been made available to fully action them. There has been a historical under-investment in children and young people's mental health services. Only £7.8 of the mental health budget goes to under 18's. This is despite the fact that young people make up 25% of the population, and despite the growing scale and complexity of the problem.</p> <p>(c ) Admissions of children and young people to adult mental health wards has decreased which is to be welcomed and we will continue to monitor. In 2014/15, 21 children and young people were accommodated in adult psychiatric wards, this fell to 2 in the period 2016/17<sup>1</sup>. NICCY continues to be concerned about the gaps in age appropriate specialist in-patient and intensive community based provisions for young people with alcohol and drug problems (detox facility); severe eating disorders, forensic needs; learning disabilities, need of secure CAMHS (Beechcroft is not a fully secure facility as some young people will be there on a voluntary basis).</p> <p>(d ) There is a lack of regional consistency of services with respect to availability of services, this includes access to out of hours and crisis response services, specialist services. Lengthy waiting times to access services is a growing issue. Also see answer to (b) which refers to lack of investment to address gaps identified through previous reviews and also lack of data, including prevalence data to fully understand the extent of need and to inform where limited resources would be most effectively spent.</p> <p>Under 16s are excluded from the scope of the Mental Capacity Act due to Government's belief that the test for capacity cannot be applied to children because of their developmental stage. This is not compliant with the UNCRC or ECHR. The Mental Health (NI) Order 1986 will remain in</p>

<sup>1</sup> Information provided to NICCY from HSCB as part of Mental Health Review.

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			<p>place, with some amendments, for under 16s with mental health problems, this is despite it being widely regarded as non-compliant with key human rights, not upholding the principle of personal autonomy and not reflecting developments in good practice. We have not seen the updated Mental Health Order but we have serious concerns that children and young people under 16 years old with mental health problems and / or learning disabilities will not have equal access to all necessary safeguards and protections. Some of the key issues with excluding under 16's as part of this legislation are:</p> <ul style="list-style-type: none"> <li>• Under 16s will be unable to access the protections and safeguards contained in the new Act, including a statutory right to access advocacy services, statutory recognition of the views of carers, legal protection to a person who is providing care or treatment for anyone who lacks capacity and restraint safeguards.</li> <li>• The Act will also provide safeguards when an individual, who is not detained but who lacks the capacity to consent to care in either a hospital or a care home, is deprived of their liberty in their best interests. However, there will be no deprivation of liberty safeguards including scrutiny, monitoring of, or the need to justify, the deprivation of liberty of under 16s.</li> <li>• Under the Mental Capacity Act the test for formal detention in a hospital setting of someone over 16 can only be applied once a lack of capacity is established. Under the Mental Health (NI) Order 1986, there will be no requirement to establish a lack of capacity in under 16s before applying the test for formal detention.</li> <li>• The Mental Capacity Act includes those who lack capacity as a result of 'personality disorder' and conditions caused by alcohol misuse within the definition of a mental disorder but this does not apply to under 16s under the Mental Health (NI) Order 1986.</li> </ul> <p>With regard to 16 and 17 year olds, throughout the development of the Mental Capacity Act the Department has been clear that the inclusion of 16 and 17 years olds in the Act would mean that the Act would apply to 16 and 17 year olds in the same way as adults. However, the Children's Chapter in the Code of Practice states that The Age of Majority Act 1969 provides that a person who is 16 or over may consent to surgical, medical or dental treatment without parental consent, it does not remove the right of the parent or guardian to consent on behalf of a 16 or 17 year old. This means that, where a 16 or 17 year old lacks the capacity to consent to an act which requires their consent, responsibility for the provision of consent will transfer to their parents. With the exception of deprivation of liberty, all other acts will require consent.</p> <p>Therefore, 16 and 17 year olds who come within the scope of the legislation due to their lack of capacity will be unable to access any of the protections and safeguards in the Act unless all persons with parental responsibility for them fail or refuse to give their consent to an act. This is extremely unlikely to happen in many cases, meaning that the vast majority of 16 and 17 years olds will have no access to the protections and safeguards contained in the legislation either. Given the introduction</p>

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			of an additional stage before a 16 or 17 year old can have access to the safeguards and protections of the legislation, these young people are at a significant disadvantage to adults who automatically have access to the safeguards and protections of the Act when they lose capacity. There are also significant issues with regard to children in the care of the state as the state will have to refuse to consent to treatment being carried out by the state in order for a 16 or 17 year old to be able to access the protections and safeguards in the legislation.
<p>63. The Committee recommends that the State party:</p> <p>(a) Regularly collect data on the amount and regularity of psychotropic drugs (Ritalin, Concerta etc.) being prescribed to children, and make the data transparent;</p> <p>(b) Ensure that prescription of drugs is used as a measure of last resort and only after an individualized assessment of the best interests of that child, and that children and their parents are properly informed about the possible side effects of such medical treatment and about non-medical alternatives;</p> <p>(c) Establish a system of independent expert monitoring of diagnoses of or related to attention deficit and hyperactivity disorders, and undertake a study on the root causes of their increase, also aimed at improving the accuracy of diagnoses.</p>	<p>All</p> <p>All</p> <p>All</p>	<p>(a) Information is published routinely at a NI level on all drugs dispensed in community pharmacies, prescribed on a health service prescription. Further consideration is needed on the operational aspects of presenting age-specific data.</p> <p>(b) The Medicines Optimisation Quality Framework aims to support better health outcomes by focusing attention on gaining the best possible outcome from medicines every time that they are prescribed, dispensed or administered. Doctors also comply with the GMC Good Practice in Prescribing Medicines and Devices 2013 which provides comprehensive advice on the prescribing of medicines to serve the patient's needs with agreement for the treatment proposed. In addition, the Service Frameworks for children includes standards for patient choice and shared decision making.</p> <p>(c) In Northern Ireland, ADHD services for children and young people under the age of 18 are provided by Child and Adolescent Mental Health Services (CAMHS), which liaise closely with other HSC services such as social services and education, as well as with families and carers to ensure that children with ADHD receive the most appropriate care, treatment and support. Work is currently underway to consider how we can improve access to ADHD services, ensure more effective early intervention and diagnoses, as well as provide better information for children and their families.</p>	<p>(a )There is insufficient disaggregated data and monitoring on a whole range of health related matters, this includes mental health as outlined above in 61 (a) and extends to prescribing medication to under 18 year olds. HSC systems continue to rely on paper based recording, there are multiple IT systems being used which are incompatible that make data sharing and analysis difficult. Monitoring and analysis systems are not in place for measuring outcomes from different intervention etc. at an individual or group level. However, there are some very worrying trends in terms of prescribing of medication for under 18's were an age breakdown is available- for example, a response to an assembly written question reported that in 2014-15, 550 under 16's and 5500 aged 16-19 yr olds were prescribed anti-depressants / anti-anxiety drugs, representing a year on year increase from 2012 (AWQ- 52569/11-16)</p> <p>(b ) There is no regional monitoring of the availability of psychological therapies for under 18's that is disaggregated by age, gender, disability etc. There is very limited choice of psychological therapies for young people generally and this is particularly limited for young people with a learning disability.</p> <p>There is a waiting time target of 13 weeks for access to psychological therapies for over 18's but there is no target being monitored for under 18's.</p>
<p><b>Adolescent health</b></p> <p>65. With reference to its general comments No.4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child and No. 15 (2013), the Committee recommends that the State party:</p> <p>(a) Develop and adopt a comprehensive sexual and reproductive health policy for adolescents, with particular attention to reducing inequalities and with participation of adolescents;</p> <p>(b) Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including academies,</p>	<p>All</p> <p>All</p>	<p>(a) The Sexual Health Promotion Strategy and Action Plan 2008-2013 and Addendum "Progress and Priorities" (2013-2015) are now complete, however, the Health and Social Care sector is developing a new regional sexual health action plan which will deliver a new range of programmes to improve sexual health in Northern Ireland. The plan aims to reduce the incidence of sexually transmitted infections including HIV, empowering young people to make informed choices before engaging in sexual activity, and tackling discrimination associated with HIV, STIs and sexual orientation.</p> <p>(b) Relationships and Sexuality Education (RSE) is covered within the statutory curriculum under the Personal Development and Mutual Understanding (primary) and the Learning for Life and Work (post-primary) Areas of Learning.</p>	<p>In NI, a 2011 evaluation of Relationship and Sexual Education (RSE) found that almost 20% of post-primary schools did not have an RSE</p>



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<p>special schools and youth detention centres, in all areas of the State party. Such education should provide age-appropriate information on: confidential sexual and reproductive health-care services; contraceptives; the prevention of sexual abuse or exploitation, including sexual bullying; the support available in cases of such abuse and exploitation; and sexuality, including that of lesbian, gay, bisexual, transgender and intersex children;</p> <p>(c) Decriminalize abortion in Northern Ireland in all circumstances and review its legislation with a view to ensuring girls' access to safe abortion and post-abortion care services. The views of the child should always be heard and respected in abortion decisions.</p>	NI	<p>Beyond the statutory minimum content, schools have flexibility in what they cover and when it is covered. This gives each school the scope to make its own decisions on how best to meet the needs of its pupils.</p> <p>DE's position is that all children have the right to high-quality RSE that is relevant to their lives today. In recognition of the importance of RSE, the Department requires each school to have in place its own written policy on how it will address the delivery of RSE. The Department has also issued guidance to all schools emphasising the need for RSE to be delivered in a sensitive manner which is appropriate to the age and understanding of pupils and the ethos of the school (Circular 2015/22).</p> <p>(c) The DoJ consulted publicly in 2014 on a recommendation to change the law in Northern Ireland to remove criminality from abortion for fatal foetal abnormality and to canvass views on the need to also change the law on abortion for sexual crime. In 2015 the then Justice Minister published proposals to allow for abortion in cases where the pregnancy would result in a fatal foetal abnormality. No decision on the Department's proposals for legislative change was made, although in 2016 the Assembly debated a Private Member's amendment to allow for abortion in such cases. This measure was defeated.</p> <p>In October 2016, an Inter-Departmental Working Group on Fatal Foetal Abnormality presented a report to the then Justice and Health Ministers. These proposals were to be presented to the Northern Ireland Executive in January 2017. However, due to the collapse of the Executive this was not possible. No further action can be taken until the political structures are reinstated.</p> <p>In 2015, following a legal challenge brought by the Northern Ireland Human Rights Commission, the High Court in Belfast found that the law on abortion was contrary to Article 8. The High Court's decision on Article 8 was successfully appealed to the Court of Appeal which, in June 2017, concluded that the Court should not intervene and that change to the law on abortion is a matter for the Northern Ireland Assembly to decide.</p> <p>The ruling of the Court of Appeal was appealed to the Supreme Court in London which heard the case in October 2017. Judgment has been reserved.</p>	<p>policy in place.<sup>2</sup> Research highlights a lack of education in schools in NI on LGB issues as part of RSE.</p> <p><b>Progress has not been possible due to the lack of a Northern Ireland Executive.</b></p> <p>Department Of Health (England) indicate that that in 2016 24 girls attended abortion clinics, and 41 the following year. It is unknown how many girls may have taken the abortifacient pills during this time.</p> <p>Throughout all discussions and debates, full and proper consideration has not been given to this recommendation including the needs and views of girls and young women under the age of 18.</p> <p>Equality legislation in NI requires a clear consideration of the rights of girls experiencing crisis pregnancies. NI Government must address this recommendation and respond appropriately.</p> <p>Supreme court judgement issued 7 June 2018. While NIHRC lost the case on 'standing.' The court has expressed the clear view that the law of Northern Ireland on abortion is incompatible with article 8 of the Convention in relation to cases of fatal foetal abnormality and cases of rape and incest".</p>
<p><b>Nutrition</b></p> <p>67. The Committee recommends that the State party:</p> <p>(a) Systematically collect data on food security and nutrition for children, including those relevant to breastfeeding, overweight and obesity, in order to identify root causes of child food insecurity and malnutrition;</p> <p>(b) Regularly monitor and assess effectiveness of policies and programmes on child food security and nutrition of children, including school meal</p>	<p>All</p> <p>All</p>	<p>(a) The annual Health Survey Northern Ireland asks questions on food security and childhood obesity and nutrition. <a href="https://www.health-ni.gov.uk/topics/doh-statistics-and-research/health-survey-northern-ireland">https://www.health-ni.gov.uk/topics/doh-statistics-and-research/health-survey-northern-ireland</a> The joint DE/DoH Food in Schools Policy continues to be implemented <a href="https://www.education-ni.gov.uk/articles/food-schools-policy">https://www.education-ni.gov.uk/articles/food-schools-policy</a></p> <p>(b) Under the Food in Schools policy, Nutritional Standards were developed to be applied in the school catering. This has been in place for ten years and is now under review to incorporate best evidence and practice to ensure it is fit for purpose. The current obesity prevention framework A Fitter Future for All</p>	<p>(b) All the developments listed are welcome, in relation to supporting better nutrition of food for children. However, they do not address food security in relation to children who are going without food. The Free</p>

<sup>2</sup> 'Report of the Evaluation of Relationships and Sexuality Education in Post-Primary Schools' ETI, January 2011.



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programmes and food banks, and programmes addressing infants and young children;		<p>2012-2022 continues to be implemented. This contains a number of outcomes relating to inspiring and enabling healthy childhood food habits:  <a href="https://www.health-ni.gov.uk/publications/fitter-future-all-outcomes-framework-2015-2019">https://www.health-ni.gov.uk/publications/fitter-future-all-outcomes-framework-2015-2019</a></p> <p>The current short term outcomes of this framework are due to be revised for implementation from 2019-2022.</p> <p>The Department of Health is a member of the All Island Food Poverty Network. This group is currently establishing data for the Island of Ireland on the cost of a healthy food basket and determining the prevalence of food security. Further information at:  <a href="http://elink.safefood.eu/m/97701150d4f4444cb620cbac08ee23f0/FBA8524F/99350AA0/112017n">http://elink.safefood.eu/m/97701150d4f4444cb620cbac08ee23f0/FBA8524F/99350AA0/112017n</a></p> <p>Following many years of working with schools, key partner organisations and agencies to improve the nutritional standard of the food that is provided in schools and to encourage, promote and support children and young people to make healthy food choices, the Department of Education and the then Department of Health, Social Services and Public Safety (now Department of Health) published Healthy Food for Healthy Outcomes, food in schools policy, in Sept 2013.</p> <p>It is an overarching policy advocating a whole school approach to all food provided and consumed in schools and developing knowledge and skills in relation to healthy eating and lifestyles. The policy states that schools must comply with the Nutritional Standards for School Lunches and the Nutritional Standards for Other Food and Drinks in schools. These standards are based on government recommendations on eating healthily and achieving a balanced diet and promotes food that is lower in fat, sugar and salt and higher in fibre and is prepared using healthy cooking methods. They are outlined in the Arrangements for the Provision of Milk, Meals and Related Facilities, approved by the Department under the provisions of Articles 58 and 59 of the Education and Libraries (NI) Order 1986.</p> <p>From the 2006/07 school year until March 2011, the Education and Training Inspectorate evaluated the nutritional quality of meals in schools and examined schools' general approaches to promoting healthy eating. Two reports were published Nutritional quality of meals in schools evaluation report.</p> <p>A survey was carried out in September 2015 by DE, approximately 2 years after the introduction of the joint DE and DHSSPS (now DoH) Food in Schools policy. A baseline survey was carried out in September 2013, prior to the introduction of the Food in Schools policy, and this was used to benchmark progress in the last 2 years.  <a href="https://www.education-ni.gov.uk/publications/food-schools-policy-monitoring-surveys">https://www.education-ni.gov.uk/publications/food-schools-policy-monitoring-surveys</a>.</p> <p>The Education Authority undertakes regular monitoring of their kitchens for compliance with the nutritional standards. The Food in Schools Coordinator, a nutritionist funded by DE and DoH, assists schools and caterers in implementing the food in schools policy. In particular in ensuring that catering contracts provide only compliant goods, auditing school meals menus for compliance and providing advice and support to schools, caterers and the</p>	Schools Meals policy is the only policy NICCY is aware of that addresses this.



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(a) Set up clear accountability mechanisms for the eradication of child poverty, including by re-establishing concrete targets with a set timeframe and measurable indicators, and continue regular monitoring and reporting on child poverty reduction in all parts of the State party;	All	(a) The NI Executive's Child Poverty Strategy, published in 2016, aims to reduce the number of children in poverty and reduce the impact of poverty on children. The Strategy includes a range of measurable indicators and is reported on annually.	The Child Poverty Strategy published in 2016 related to the period 2014-17 therefore a new Strategy is due. The monitoring is on an annual basis, and provides considerable detail on actions taken. It does include indicators but not specific targets on how it will work to 'eradicate' child poverty.
(b) Ensure clear focus on the child in the State party's poverty reduction strategies and action plans, including in the new "Life Chances Strategy", and support production and implementation of child poverty reduction strategies in devolved administrations;	All	(b) The UK Life Chances Act (2010) requires the NI Executive to publish and lay before the NI Assembly a strategy which sets out the measures that the NI departments propose to take for the purpose of ensuring as far as possible that children in NI do not experience socio-economic disadvantage. The Act requires NI to lay annual reports on the Strategy and revise the Strategy every three years.	
(c) Conduct a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms introduced between 2010 and 2016 on children, including children with disabilities and children belonging to ethnic minority groups;	All	(c) DfC has prepared a report on the mitigation scheme payments made in 2016/17. The Department will also publish a report on the operation of the Welfare Reform Order and mitigation schemes in December 2018.	While data has been provided to NICCY on request, a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms introduced between 2010 and 2016 has not been produced. The mitigations put in place are not in response to the most recent set of 'Welfare Reforms' emanating from the Summer Budget 2015, which is problematic as many of these particularly impact on children and their families.
(d) Where necessary, revise the mentioned reforms in order to fully respect the right of the child to have his or her best interests taken as a primary consideration, taking into account the different impact of the reform on different groups of children, particularly those in vulnerable situations;	All	(d) DfC has a wide-ranging programme of evaluation for Welfare Reform. The following link takes you to the relevant evaluation page on the Department's website: <a href="https://www.communities-ni.gov.uk/publications/welfare-reform-composite-evaluation-framework">https://www.communities-ni.gov.uk/publications/welfare-reform-composite-evaluation-framework</a> . The programme of evaluation activity will take place throughout the roll out and implementation of the various welfare reforms. The Department will report regularly on the progress that has been made with regard to the implementation of the reforms, to include the impact that they have had. As part of the evaluation activity there will be surveys of claimants, these surveys will seek to collect data on all Section 75 groups.	NICCY has consistently provided advice to DfC in relation to the need to conduct an EQIA on every change to social security that impacts on children and young people, and that mitigations should be put in place to address adverse impacts. These have not been forthcoming, and NICCY has advised that this is a significant breach of children's rights.
(e) Strictly implement the legal prohibition of prolonged placement of children in temporary accommodation by public authorities in England, Wales and Scotland, and enact similar legislation in Northern Ireland;	All	(e) There cannot be progress on this matter at this time in the absence of a NI Assembly. DfC will consider any legislative adjustment in due course.	<b>Progress has not been possible due to the lack of a Northern Ireland Executive.</b>
(f) Take necessary measures to reduce homelessness and to progressively guarantee all children stable access to adequate housing which provides physical safety, adequate space, protection against the threats to health and structural hazards, including cold, damp, heat and pollution, and accessibility for children with disabilities.	All	(f) The Housing Executive, which has the statutory duty in respect of homelessness, states that in discharge of these duties it is sensitive to the needs of children and aims to ensure that families are placed in suitable family hostel accommodation. Generally these are self-contained family units with no shared facilities or single-lets which are privately owned properties where the family has exclusive occupation. In an immediate crisis situation, it is occasionally necessary to place a family in a hotel or bed and breakfast accommodation. However, such cases are managed on a daily basis to ensure that families are relocated into suitable temporary accommodation as a matter of urgency. The Housing Executive provides floating support to all families housed in temporary accommodation that require it. The Housing Executive manages all placements, adopting a person-centred approach that aims to ensure they meet the needs of all homeless households, including those with children, regardless of their circumstances. Its staff work with such households to ensure a sustainable solution is found at the earliest opportunity. It should be noted that all allocations are made in accordance with the Common Selection Scheme which is points based and allocates solely on the basis of need.	

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(g) In Scotland, introduce a statutory duty for local authorities to provide safe and adequate sites for travellers, while ensuring meaningful participation of Roma, gypsy and traveller communities, including children, in planning and decision-making processes.	S	N/A	
<b>Education, including vocational training and guidance</b>  73. The Committee recommends that the State party:			
(a) Enhance its efforts to reduce the effects of the social background or disabilities of children on their achievement in school and to guarantee the right of all children to a truly inclusive education in all parts of the State party, including for newcomer children without experiences of formal education. In this regard, closely monitor and, if necessary, regulate the establishment and management of academies and free schools in England, and abolish the practice of unregulated admission tests to post-primary education in Northern Ireland;	All	<p>(a) Northern Ireland's 'Every School A Good School' policy requires all schools to provide equity of access and provision. The Department's 'Supporting Newcomer pupils' policy, which is currently under review, promotes equality for and inclusion of newcomer pupils in our schools, and seeks to provide support to address language and cultural barriers.</p> <p>In Northern Ireland with our particular history and individual circumstances, and with the principle of parental preference, a range of school management types have evolved over time (including selective and non-selective, denominational, integrated and Irish Medium schools). It is the post primary schools that set their admissions criteria and it is up to them whether they use the results of the Transfer Tests as part of their selection criteria for admissions. The Department is not in a position to abolish the current transfer tests. All types of school must offer the very best education to all their students. Every child, regardless of background, postcode, social group, religion or ethnicity should have the opportunity to be educated in a good school and we know from the outcome of inspections that Northern Ireland has a lot of schools that are good or better and the excellent work going on in both our selective and non-selective post-primary schools.</p>	Under Review.
(b) Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, forbid and abolish the practice of "informal" exclusions, and further reduce the number of exclusions by working closely with social workers and educational psychologists in school and using mediation and restorative justice;	All		
(c) Ensure that children have the right to appeal against their exclusion, and are provided with legal advice, assistance and, where appropriate, representation for those without means;	All	(b)to(d) Article 3 of the Education (NI) Order 1998 as amended by Article 19 of the Education and Libraries (NI) Order 2003 requires a school to have a discipline policy which should outline the behaviour it expects from registered pupils and the sanctions it will impose for breaches in discipline. The Order does not dictate any fixed format for the discipline policy and it is a matter for the school Principal and its Board of Governors to determine its content.	
(d) Abolish the use of isolation rooms;	All	The schemes followed by all controlled and grant maintained schools already emphasise that schools should normally only expel a pupil as a last resort after all other means of improving the pupil's behaviour have been exhausted. They	The biggest inequality in educational attainment is the difference between the achievement levels of children who attend Grammar schools and those who do not. 94.1% of children at grammar schools achieve 5 GCSE's grades A* to C including English and Maths as opposed to 49.9% of children who do not attend grammar schools. This is a difference of almost 45 percentage points. Based on DE statistics relating to the number of children in Grammar and Secondary schools in NI we can therefore estimate that almost 39,000 young people in post primary education do not achieve 5 GCSE grades A* to C including English and Maths. The most recent Minister for Education reaffirmed his commitment to academic selection at age 11 by allowing schools to prepare children for the transfer test again, citing social mobility as one of the reasons. However, only 14.2% of children in Grammar schools are FSME as opposed to 39.7% FSME in Secondary schools. Therefore very few children in Grammar schools in NI come from deprived areas – much fewer than the NI average of 29.9% of children who are FSME. A report by the DE's Strategic Forum on Education (set up in 2011) found that the gap between the achievement of children from affluent families and those from deprived areas in wide and getting wider. The Forum recommended a reorganization of the school estate be a priority with capital expenditure and progression of Development Proposals for new post-primary schools only when they propose 11-19, non-selective and normally co-educational establishments.
			In 2017, a number of complaints have been raised through NICCY's Legal and Investigations casework function regarding the use of seclusion and/or isolation of pupils for infringements of schools rules such as uniform breaches or low level disciplinary incidents, referred to as "internal suspensions". From the information received by NICCY these informal suspensions are not being reported to the Education Authority in the way that formal suspensions are required to be. Pupils are required to spend a period of time away from their base class either by sitting at the back of another teacher's classroom or spending time in an unused classroom/area in the school in isolation from other pupils, often being supervised by non-teaching staff such as Classroom Assistants. NICCY has received reports of these pupils being excluded



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(e) In Northern Ireland, actively promote a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration;	NI	<p>recognise, however, that there are exceptional circumstances in which a school may wish to seek the expulsion of a pupil for a 'one-off' offence.</p> <p>The decision to expel a pupil can only be taken by the expelling authority. In the case of controlled schools, this is the EA and, in the case of all other grant-aided schools, it is the Board of Governors of the school.</p> <p>A decision to expel can only be made after a consultation meeting takes place between the Principal, the Chairperson of the Board of Governors, the parent, the pupil a representative from the EA, or if the pupil attends a Catholic Maintained School, a representative from CCMS. As part of any initial decision to expel, parents must be informed of their right to appeal this decision and how to bring their case to the regional independent expulsion appeals tribunal.</p> <p>(e) Northern Ireland has a diverse schools system, with a range of different historic ownership arrangements for publicly funded schools, including controlled schools owned by the state, Catholic maintained schools and formally integrated schools which aim to achieve equal numbers of pupils from each of the two main religious traditions. All school types are valued for their contribution to the education system.</p> <p>Current legislation also stipulates that pupils in Northern Ireland shall be educated in accordance with the wishes of their parents.</p> <p>Consequently, Ministerial and Executive agreement would be required in order to actively promote what is titled in the Recommendation 'a fully integrated education system'.</p> <p>It should be noted that the Department of Education has a statutory duty to encourage and facilitate the development of integrated education and already seeks to respond positively to parental demand for integrated schools. As part of its statutory duty, the Department provides a range of bespoke, sector specific investment. Notably the Fresh Start Agreement provides £50 million per annum of capital investment for a 10-year period (2016-26) to support Shared and integrated education and shared housing. The Department also</p>	<p>from break and lunchtime interaction with their peers during these periods. In addition to the isolation of these pupils, NICCY is concerned regarding the lost teaching time experienced. The ETI has also expressed concerns about such practices and the need to develop more positive approaches to behaviour management.</p> <p>Suspensions and Expulsions as a measure of last resort - For the academic year 2015-16, a total of 19 pupils were expelled from school. The majority of the pupils expelled were male. Over half (52.6%) of all pupils expelled were expelled from Key Stage 3. The 2 most common reasons for expulsion were 'persistent infringement of relatively minor schools rules' (26% of expulsions) and 'verbal abuse of a pupil' (26%) 3,551 children were suspended from school during 2015-16, including 58 children aged 4-7 and 139 aged 7-11. The most common reasons for suspension were 'persistent infringement of school rules' (1,548 or 26.9%), 'physical attacks on pupils' (1,247 or 21.6%) and 'verbal abuse of staff' (1,233 or 21.4%). 2,915 or 82% of school suspensions in 2015-16 were suspensions from secondary schools in Northern Ireland. Currently in NI a pupil under 18 has no separate right of appeal to an Expulsion Appeal Tribunal when they are expelled/excluded from school. The right of appeal to the Tribunal rests solely with the parent or carer of the child under the current education legislation. There is also no statutory appeal procedure to any Tribunal in place for either parent/carers or child in circumstances where the child has been suspended from school. In order to seek legal redress, a child must issue judicial review proceedings in the Northern Ireland High Court to challenge an unreasonable or procedurally flawed decision to suspend him/her from school, a remedy likely to be accessed by only a few. Article 32 of the Education (Northern Ireland) Order 2006 does provide a statutory basis for the introduction of a new mechanism to appeal suspensions but this has not yet been implemented.</p> <p>Only 7% of children attending "integrated" schools. The need for action to be taken to ensure greater integration in education in Northern Ireland was the subject of recommendations to the UK Government by the UN Committee on the Rights of the Child in 2002, 2008 and 2016 and by the UN Committee on Economic, Social and Cultural Rights in 1997 and 2002. Since 1989 the Department of Education in Northern Ireland has had a statutory duty to "<i>encourage and facilitate the development of integrated education</i>". In addition, The Good Friday / Belfast Agreement of 1998 contains a specific pledge, "<i>to facilitate and encourage integrated education.</i>" The Department of Education carried out an Independent Review of Integrated Education which reported in November 2016. The Review report contains 39 recommendations for developing and supporting the growth of integrated education in Northern Ireland, including amending the official definition of the term to better reflect Northern Ireland's more diverse society and extending the current legal duty from "encourage and facilitate" the development of integrated education to include a requirement to "promote" the model to ensure parity between integrated and shared education. In the introductory, "Letter to the Minister", at the outset of the Report, the authors say,</p> <p><i>"We submit these proposals in the certain knowledge that understanding and friendship across our community divisions is strengthened by our</i></p>

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		<p>funds the Northern Ireland Council for Integrated Education (NICIE) to promote integrated education.</p> <p>Shared Education encourages all types of schools to collaborate with other schools to provide opportunities for pupils from different religious and socio-economic backgrounds to be educated together.</p> <p>The Shared Education Campuses Programme was launched in January 2014 and the following projects have thus far been identified to proceed to planning for capital investment;</p> <ol style="list-style-type: none"> <li>1. Moy Regional Controlled Primary School and St John's Primary School, Moy</li> <li>2. St Mary's High School, Limavady and Limavady High School</li> <li>3. Ballycastle High School and Cross and Passion College, Ballycastle</li> <li>4. St Mary's Primary School, Brookeborough and Brookeborough Primary School</li> <li>5. Duneane Primary School, Toomebridge and Moneynick Primary School, Randalstown</li> </ol> <p>The Shared Education Campuses Programme is ongoing with further projects to be announced once funding has been confirmed.</p> <p>The Department already has a range of evaluation mechanisms in place to monitor and assess the impact of Shared Education and so is effectively taking forward this element of the Recommendation.</p> <p>In conclusion, the Department of Education has a statutory duty to encourage and facilitate the development of both integrated and Shared Education. Both have key roles in contributing to the development of a more tolerant and shared society here. Whilst some communities are ready to embrace integrated education, others are identifying alternative shared education models that better suit their local circumstances.</p>	<p><i>young people going together to school; and that offering parents this choice is in everyone's interest."</i></p> <p>Overall growth of the number of schools with an integrated management type has slowed since 2000 and in particular during the last decade. The total number of pupils in grant-maintained and controlled integrated schools increased from 14,140 in 2000/1 to 17,558 in 2005/6 but only to over 22,600 in 2015/16. Research carried out for the Northern Ireland Council for Integrated Education in 2013 found that 66% of parents support increasing the number of integrated places in Belfast from 4% to 33%, 83% of parents believe integrated education is a vital part of creating a shared future in Northern Ireland and 72% believe that funding for integrated education should be prioritised, with enough places available for those who wish to send their children to an integrated school.</p>
(f) Taking note of target 4.2 of the Sustainable Development Goals, on access to quality early childhood development services, allocate sufficient human, technical and financial resources for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention to the children in the most vulnerable situations.	All	(f) The Department of Education provides funding to assist with a wide range of early years educational intervention, prior to compulsory school starting age, for example, nursery schools, Sure Start, the Pathway Fund, Early Intervention Transformation Programme etc.	Recent cuts to education funding of £6 per child as well as proposed cuts to services provided to address the educational inequalities suffered by children living in socio-economically deprived communities are expected. Assurances are required from DE that these services will continue to receive funding.
(g) Make children's rights education mandatory.	All	(g) The issue of human rights is included in the curriculum. CCEA has recently worked with NICCY to create an online UNCRC resource hub. <a href="http://ccea.org.uk/uncrcresourcehub">http://ccea.org.uk/uncrcresourcehub</a>	73h. Children's Rights, although promoted, is still not mandatory.  Support for education on human rights, peace and tolerance was evident in the Community Relations, Equality and Diversity (CRED) policy, which aimed to contribute to improving relations between communities by educating children and young people to develop self-respect and respect for others, by providing children and young people, in formal and non-formal education settings, with opportunities to build relationships with those of different backgrounds and traditions. CRED addressed the UNCRC as one of its key areas and given that the UNCRC is not part of the compulsory curriculum this is a serious deficit which has not been addressed. The Department of Education has mainstreamed CRED and

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			withdrawn all earmarked funding for this policy <sup>3</sup> despite research which shows the policy was having an extremely positive impact on the attitudes and tolerance of participants of programmes funded under the programme.
<b>Rest, leisure, recreation and cultural and artistic activities</b>  75. With reference to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, the Committee recommends that the State party, including the governments of devolved administrations:			
(a) Strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources;	All	(a) Enjoyment of play and leisure is one of the eight areas that define well-being in the Children's Services Co-operation Act (NI) 2015. It is an outcome in the draft Children and Young People's Strategy and, subject to NI Executive adoption of the Strategy, it is expected the final Strategy will include an indicator on this issue.	As play is a Council responsibility, it's surprising that there is no reference to Statutory Community Planning Guidance and specific requirement to engage with C&YP.
(b) Provide children, including those with disabilities and children in marginalized and disadvantaged situations, with safe, accessible, inclusive and smoking-free spaces for play and socialization and public transport to access such spaces;	All	The Department of Education is leading on a Play and Leisure Project within the Early Intervention Transformation Programme. £432,000 has been allocated over the period 2017/18 and 2018/19. The project has two elements (i) A programme of support to provide parents with the skills, knowledge and understanding of play in relation to their child's development. (ii) Play shapers providing a programme of professional play development training and guidance to a range of policy makers, practitioners and stakeholders who directly or indirectly influence play.	
(c) Fully involve children in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at community, local and national levels.	All	(b)and (c) Existing Policy and guidance which contributes to providing children with safe, accessible, inclusive spaces for play and socialisation is contained within the Department for Infrastructure's (DfI) Strategic Planning Policy Statement (SPPS - published Sept 2015) and Supplementary Planning Guidance documents such as the Department for Infrastructure's award winning Urban Stewardship and Design Guide – 'Living Places' (published September 2014).  Since 1 April 2015 Councils in NI have responsibility for most planning functions and must take account of the Regional Development Strategy 2035, the Sustainable Development Strategy, the SPPS and any other policies or advice/guidance issued by DfI in bringing forward Local Development Plans. The provisions of the SPPS are material to all decisions on individual planning applications and appeals.  Under the above-noted reformed two-tier planning system DfI retains a plan oversight function and seeks to ensure Councils bring forward 'sound' Local Development Plans to Independent Examination.  In bringing forward any new regional planning policy and guidance in the future DfI will continue to promote an approach to the development and use of land which is supportive to the health and well-being of children and young people and where appropriate will engage with the NICCY.  All regional planning policy and Supplementary Planning Guidance documents are screened in accordance with section 75 of the Northern Ireland Act 1998.	

<sup>3</sup> Department Of Education Consultation Equality Impact Assessment Proposal To End The Community Relations, Equality And Diversity (CRED) Earmarked Funding, 3<sup>rd</sup> February 2015



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		<p>DfI is responsible for the Northern Ireland Concessionary Fares Scheme. The Scheme provides children with unlimited half fare travel throughout Northern Ireland at all times on all eligible scheduled services up to the date of the end of their compulsory education at age 16.</p> <p>In addition, Translink offers a range of fare packages, including the yLink card, to make bus and rail travel attractive and affordable for young people. Over 48,000 yLink cards have been issued to date.</p> <p>The Translink Youth Forum, which has 12 members and meets monthly, was established in 2009 as a platform for Translink to engage with young people and understand their experiences and views on public transport. Translink also have a Team Translink that go out to schools, colleges and universities advising young people on transport related issues.</p> <p>DfI has produced a Travel Safe Guide as an aid to independent travel primarily for young people with learning difficulties though it is used people by all ages. The Guide is written in an easy read style with accompanying photographs and explains the basics on how to stay safe when travelling independently. It was developed in conjunction with road safety officers, the police and organisations representing young people with learning difficulties.</p> <p>The Travel Safe Guide was refreshed in 2014 and this process included the Guide being tested by a group with learning difficulties including young people. The feedback provided has enabled the guide to be revised to better meet the needs of these user groups. The content is available online and has been distributed widely to schools, libraries and voluntary organisations. It is used by educational and health professionals and voluntary organisations to assist independent travel.</p> <p>DfI has also produced an Access Travel Wallet designed to carry information that can be shared with front line transport staff (eg bus drivers) to make them aware of the specific needs of the holder. This initiative assists a range of groups including young people to use public transport by giving them more confidence to make a journey. Although aimed at providing assistance for travel on public transport it can be used to advise other service providers of the specific needs of the holder.</p> <p>Translink (the main transport provider in Northern Ireland) is working proactively to ensure that all buses and coaches operated by it meet with relevant accessibility requirements. This is particularly important for certain user groups including younger children and parents with prams. On urban routes 100% of buses are low floor and accessible to both wheelchairs and prams. Within the (Belfast) Metro area all vehicles in use have on-board audio visual information systems in use.</p> <p>DfI also provides grant funding to a number of not for profit community transport organisations to provide transport services within the Dial-a-Lift Scheme (rural) and the Disability Action Transport Scheme across Northern Ireland. The schemes seek to address social isolation for those who are most vulnerable in society which includes disabled persons and/or those who are unable to or find it difficult to use public transport. Both schemes provide an individual, demand responsive type service to local services, whereby the customer pre-books the trip and is typically collected at their doorstep and left off at a pre-specified destination.</p> <p>DAERA Inland Fisheries have an Angling Outreach Programme which targets young people to participate in the sport of angling.</p>	<p>DfI has recently brought in changes to Minibus regulations which is having a detrimental impact on the ability fo children and young people to take part in activities which require transport. NICCY is particularly concerned at the impact that the changes are having and will continue to have on the education sector and schools and youth settings in particular. Many children and young people take part in a range of education, sporting, music and youth activities which require them to avail of minibus transport. Effectively, all teachers and youth workers who drive in an ancillary role to their employment are no longer be able to transport children and young people in minibuses owned by schools and youth clubs. NICCY has been contacted by a number of schools and youth providers who have stated that all transport is now being paid for in schools and youth settings and minibuses owned by these facilities are no longer being used. This is impacting on the ability of children to engage in a range of activities including access to formal education through Area Learning Committees and Shared Education projects. We have also been informed that the cost of compliance with the new proposed minibus regime will be approximately £1,000 per driver, a cost which in the current economic climate is prohibitive to many, significantly impacting on the ability of children and young people to take part in a range of activities which are vitally important to community inclusion and the development of all of their skills, talents and abilities.</p>



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<b>Asylum-seeking, refugee and migrant children</b>			
77. With reference to its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:	All		77a. NICCY notes that HSCB collates regional information on separated children subject to immigration control and that this should be published.
(a) Systematically collect and publish disaggregated data on the number of children seeking asylum, including those whose age is disputed;	All	As required by the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, procurement for an Independent Guardian service in Northern Ireland has now been completed and it is expected that the successful provider will be ready for direct service delivery by 1 April 2018.	77b. NICCY has repeatedly expressed concern about the DoH delay in initially bringing forward Regulations to commence the Guardianship provision of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 and then also the delay in HSCB tendering the service contract. While we welcome that the service has been in place from 1 April 2018 we note that it was originally envisaged that separated children would have access to a Guardian by November 2016.
(b) Establish statutory independent guardians for all unaccompanied and separated children throughout the State Party;	All		*There are two 77.b listed. Age assessment should be 77c and so on.
(b) Conduct age assessments only in cases of serious doubt through multidisciplinary and transparent procedures taking into account all aspects, including the psychological and environmental aspects of the person under assessment;	All		77c. (Age assessment) NICCY notes that current procedures for age assessment require a Merton compliant HSCT social worker and that devolved health and social care agencies should confirm that age assessments only take place in cases of serious doubt.
(c) Cease the detention of asylum-seeking and migrant children;	All		
(d) Review its asylum policy in order to facilitate family reunion for unaccompanied and separated refugee children within and outside of the State party, including through implementation of the European Union Dublin III Regulation;	All		
(e) Provide sufficient support to migrant, refugee and asylum-seeking children to access basic services;	All	Under the Children (Northern Ireland) Order 1995, HSC Trusts have a statutory duty to safeguard and promote the welfare of children in their area who are in need. Responding to the specific health and care needs of migrant, asylum-seeking and refugee children living in Northern Ireland is an important part of that duty. A dedicated facility is in place to provide therapeutic support and accommodation for unaccompanied young people between the ages of 13 and 18, and an Independent Guardian service for unaccompanied and separated children has been procured, with a view to the service being operational by 1 April 2018.	77f. (basic services) NICCY notes that the response from Government relates largely to separated children who are in the care social services. In relation to asylum seeking, refugee and migrant children living with families we note that a number of barriers currently exist in ensuring timely access to education, health services, housing and benefits. We would highlight that many of these difficulties have been addressed for families arriving as part of the Vulnerable Persons Relocation Scheme and that the improved procedures across agencies developed as part of this Scheme should be extended to all families subject to immigration control.
(f) Review the Immigration Act (2016) in order to ensure its compatibility with the Convention;	UK		
(g) Ensure that children are returned only where there are adequate safeguards, including a formal best-interests determination, effective family tracing, including individual risk and security assessments, and appropriate reception and care arrangements.	All		77h (returns) We note that HSCT social work staff and independent Guardians should be involved in the assessment and decision making process concerning the best interests of any child subject to immigration control who may be returned. The response from Government should reflect this.
<b>Administration of juvenile justice</b>			
79. With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends the State party to bring its juvenile	All		

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justice system, including in all devolved administrations, the overseas territories and the Crown dependencies, fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:			
(a) Raise the minimum age of criminal responsibility in accordance with acceptable international standards;	All	(a) Despite sustained engagement and debate over the past number of years, the cross-party political support required for an increase to Minimum Age of Criminal Responsibility (MACR) does not exist in NI. In the absence of such political agreement, DoJ continues to implement a policy to divert children of all ages – but in particular younger children – from the formal criminal justice system and deal with them through welfare or diversionary measures. Any future legislative changes to youth justice disposals will take this policy into account and will consider whether certain disposals should be age-dependent, particularly the use of custody.	a) In spite of clear recommendations from both the UN Committee on the rights of the Child and the NI Youth Justice Review there has been no NI Executive-led political or public debate on the Minimum Age of Criminal Responsibility. Whilst other measures are applauded they are not a substitute for implementing this recommendation.
(b) Ensure that children in conflict with the law are always dealt with within the juvenile justice system up to the age of 18 years, and that diversion measures do not appear in children's criminal records;	All	(b) Children in the criminal justice system in NI are always dealt with through specialist youth provision up to – and sometimes beyond – the age of 18. Defendants under the age of 18 who are required to attend court are dealt with at youth courts under agreed guidelines to support the best interests of the child. In serious cases, or where they are jointly charged with an adult, they may be dealt with at an adult court but in such cases the court will apply youth court guidelines as far as possible.  Article 38 of the Police and Criminal Evidence (Northern Ireland) Order 1989 defines an arrested juvenile as anyone under the age of 18 years. This means that insofar as police detention is concerned the juvenile will be afforded additional support and protection during his/her time in police custody. This includes access to an appropriate adult and the use of juvenile detention rooms	b) NICCY welcomes the developments over the last 2 decades to ensure that young people under the age of 18 are dealt with within a specialist youth justice system. However some orders have been developed that are all ages (e.g. VOPOs) and DoJ must be reminded that they should always consider the best interests of children alongside evidence before developing new orders for children. It is regrettable that no comment has been made with regard to “diversionary measures” appearing on a child's record (including in enhanced AccessNI) check. We seek assurances that formal diversionary measure such as Youth Engagement, Restorative Cautions and Diversionary Youth conference will not appear in a child's record in any shape of form.
(c) Abolish the mandatory imposition of life imprisonment for children for offences committed while they are under the age of 18;	All	(c) Mandatory life imprisonment for children does not happen in NI. Rather, there are a range of custodial disposals available to the court and a child will be sentenced according to the unique circumstances of each case.	
(d) Establish the statutory principle that detention should be used as a measure of last resort and for the shortest possible period of time and ensure that detention is not used discriminatorily against certain groups of children;	All	(d) The DoJ upholds the statutory principle that detention should be used as a measure of last resort and for the shortest possible time. We are aware, however, that custody can be used as place of safety and/or in the absence of alternative accommodation provision rather than due to the serious nature of offending. The DoJ continues to work with other key Departments to try and address this issue, including through the potential repurposing of Woodlands Juvenile Justice Centre.	d) Less than 10% of children in custody have been sentenced and a disproportionate number are in the care of the state. It is unacceptable that the Juvenile Justice Centre is used as a place of safety or as alternative accommodation  Additionally in 2016/17 the DoJ report that t 67% of young people in custody identified as Catholic with 17% as Protestant (the remaining equally other religion, no religion or unknown) <sup>4</sup> . There is no indication from the Youth Justice Agency or the broader youth justice system of an understanding of the cause of these disparities or effort to address them
(e) Ensure that child detainees are separated from adults in all detention settings;	All	(e) Children in custody are always held separately from adults in NI.	
(f) Immediately remove all children from solitary confinement, prohibit the use of solitary confinement in all circumstances, and regularly inspect the use of segregation and isolation in child detention facilities.	All	(f) The use of solitary confinement is not authorised within Woodlands Juvenile Justice Centre. Where it is in the best interests of a child or as part of a strategy to prevent harm a child may be cared for in their bedroom for as short	e) NICCY welcomes the fact that no child has been detained in an adult facility since 2011 however contrary to the recommendation the YJR,

<sup>4</sup> Ibid 9



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<p>(c) Establish mechanisms and procedures to protect the rights of child victims of offences covered by the Optional Protocol, including establishing a clear obligation of non-prosecution, and ensure that they are treated as victims rather than criminals by the law enforcement and judicial authorities;</p> <p>(d) Operationalize the provision of a competent and statutory guardian during the criminal justice process;</p> <p>(e) Revise its legislation to ensure that all children up to 18 years of age are protected from all types of offence covered by the Optional Protocol.</p>	<p>All</p> <p>All</p> <p>All</p>	<p>(c) to (e) The Sexual Offences (Northern Ireland) Order 2008 already protects all children under the age of 18 from a number of sexual offences, reflecting the particular vulnerabilities of children in certain circumstances including abuse through prostitution and pornography. However, other sexual offences reflect the age of consent in NI, which is effectively 16 years old. There are no current plans to amend the age of consent.</p> <p>Article 76 of the Sexual Offences (Northern Ireland) Order 2008 provides for extraterritorial jurisdiction for sexual offences where the victim is under the age of 18.</p> <p>Extradition is an excepted matter.</p>	<p>83c. See comments on 83a regarding the need to bring forward legislation to ensure all children up to the age of 18 years are equally protected from all offences.</p>
<p><b>Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict</b></p> <p>85. The Committee recommends that the State party:</p> <p>(a) Consider reviewing its position and raise the minimum age for recruitment into the armed forces to 18 years in order to promote the protection of children through an overall higher legal standard;</p> <p>(b) Reconsider its active policy of recruitment of children into the armed forces and ensure that recruitment practices do not actively target persons under the age of 18 and ensure that military recruiters' access to school be strictly limited;</p> <p>(c) In recruiting persons under the age of 18, strengthen its safeguards required by article 3 of the Optional Protocol, in order to ensure that the recruitment is genuinely voluntary, and based on fully informed consent of the recruit and their parents and legal guardians, and ensure that recruitment does not have discriminatory impact on children of ethnic minorities and low-income families;</p> <p>(d) Ensure that the minimum period of service applied to children who enlist into the army is no longer than that applied to adult recruits.</p>	<p>UK</p>	<p>UK Government lead</p>	
<p>87. The Committee recommends that the State party implement its previous recommendation on the Optional Protocol, on captured child soldiers (CRC/C/OPAC/GBR/CO/1, para. 29) for all children under 18 years old.</p>	<p>UK</p>	<p>UK Government lead</p>	



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88. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.	UK	UK Government lead	
89. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights.	UK	UK Government lead	
90. The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.	UK	UK Government lead	
<b>Follow-up and dissemination</b>  91. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fifth periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.	All	Links to the fifth periodic report and the concluding observations are provided on the DE website.	This is welcome.
<b>Next report</b>  92. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 14 January 2022 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.	UK	UK Government lead. NI will contribute.	

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93. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.	UK		