

STATEMENT ON CHILDREN'S RIGHTS IN NORTHERN IRELAND 2

CHILDREN AND YOUNG PEOPLE'S RESOURCE PACK



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What does the UNCRRC say?

Article 6: Life, survival and development

Every child has the right to be alive. Governments must make sure that children survive and develop in the best possible way.

Article 34: Protection from sexual abuse

The government should protect children from sexual exploitation (being taken advantage of) and sexual abuse, including by people forcing children to have sex for money, or making sexual pictures or films of them.

Article 35: Prevention of sale and trafficking

Governments must make sure that children are not kidnapped or sold, or taken to other countries or places to be exploited (taken advantage of).

Article 36: Protection from exploitation

Children have the right to be protected from all other kinds of exploitation (being taken advantage of), even if these are not specifically mentioned in this Convention.

Article 37: Children in detention

Children who are accused of breaking the law should not be killed, tortured, treated cruelly, put in prison forever, or put in prison with adults.

Prison should always be the last choice and only for the shortest possible time. Children in prison should have legal help and be able to stay in contact with their family.

Article 39: Recovery and reintegration

Children have the right to get help if they have been hurt, neglected, treated badly or affected by war, so they can get back their health and dignity.

Article 22: Refugee children

Children who move from their home country to another country as refugees (because it was not safe for them to stay there) should get help and protection and have the same rights as children born in that country.

What does the UNCRRC Committee say?

Your Right to Life, Survival and Development

- The government should sort out the main causes of death in babies and children, including poverty and inequality (social class and minority groups).
- Government should investigate the causes when children die unexpectedly.



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Violence, Abuse and Neglect

The government should:

- Make sure that laws properly protect you from abuse and neglect.
- Gather information on violence, abuse and neglect of children, to help end it.
- Make sure there are enough social workers to protect and support children who are at risk of violence and abuse.
- Listen to children, particularly when they are involved in any kind of court proceedings.
- Sign up to the Council of Europe convention on Preventing Violence Against Women and Domestic Violence.

Sexual Exploitation and Abuse

The government should:

- Collect and publish detailed information on child abuse and exploitation.
- Have good strategies to prevent children being abused (including online abuse), and have services that deal with all the needs of children who are victims, or at risk of sexual exploitation or abuse.
- Act on the recommendations from the Independent Inquiry into Child Sexual Exploitation (CSE) in Northern Ireland
- Make sure the police and courts are doing everything they can to find and deal with offenders, and help the children affected.
- Consider fully signing the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Asylum Seekers, Refugees and Migrants

- Government should keep records of the number of children who are looking for asylum in the UK.
- Governments should make sure that all children and young people who come to the UK on their own looking for asylum have a legal Guardian, which is a person to make sure that they are being properly looked after.
- In general, authorities should believe what children and young people say when asked for their age and only carry out age assessments if in serious doubt. When doing these assessments, they must understand that the different backgrounds the children have come from, and the experiences they have had may make them seem older than they are.



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- You should not be kept or held because you are a migrant child or young person or because you are looking for asylum.
- If you are a refugee who needs to meet up again with your family, you should be helped by the government to make sure you are safe.
- If you are a migrant child or young person, or a refugee or asylum seeker you should have help to get basic services such as health care and accommodation.
- Assess whether the Immigration Act (2016) meets the requirements as outlined by the UNCRC.
- If you are going to return to your home country, some things must be done first to ensure your safety. The UK authorities must properly check whether going back to your own country is in your best interests. You should get help to check and sure you can be reunited with your family, and that you will be safe there. Arrangements should be made for you to be taken care of as soon as you arrive in the country.

Child Victims and Witnesses of Crimes

- If you are a victim or see a crime, you should not have to go to court to give evidence. Instead, you should be videoed being interviewed, and this should be used as evidence in court.

Restraint and seclusion

Violence should not be used against you.

The government should:

- Make sure restraint isn't used on you as a form of punishment, but only as a last resort, to stop you from causing harm to yourself or others.
- Ban the use of pain techniques, which involve the deliberate use of pain or force to restrain a child.
- Collect information on the use of restraint and other forms of discipline to make sure this is reasonable.

What is Restraint?

This is a way of using physical force or restricting movement to stop someone doing something.



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What's the situation in NI?

This section covers some of the most fundamental rights for children and young people in Northern Ireland; rights to life, to protection from harm and violence, and special protection for some of the most vulnerable children, such as migrant, asylum seeking and refugee children. It is essential that children's rights and best interests are fully realised in these areas.

To do this properly, Government and the organisations they run must support groups of children and young people who are likely to face barriers to enjoying their right to protection. Examples include; children living in homes affected by domestic abuse, drug or alcohol misuse, mental illness, children in care and children who are missing from home, school or care. During the Covid-19 pandemic it is crucial that vulnerable children are protected and that they can continue to get the support they are entitled to.

Northern Ireland has the highest rate of children on the child protection register in the UK. At the end of March 2019, 24,289 children in Northern Ireland were known to social care services as a child in need and 2,211 children were placed on the Child Protection Register. Most of these children have endured physical abuse, neglect or a combination of both. Children exposed to abuse and violence are more likely to have poorer outcomes in education, relationships and physical and mental health. It is crucial that Government does everything they possibly can to protect children.

In 2018 we asked the government to:

1. Make sure the Safeguarding Board for Northern Ireland is independent and effective;
2. Review all child deaths to make sure lessons are learned and children are better protected;
3. Improve how Government works together to tackle Child Sexual Exploitation; and
4. Ensure that efforts to tackle bullying, including when using technology, social media and the internet are prioritised.

With regard to safeguarding refugees, migrants and asylum seekers, we asked Government to:

1. Provide all separated children with an independent Guardian to safeguard their best interests;
2. Take part in UK Government programmes to help more separated children; and
3. Ensure asylum seekers and their children are not destitute or living in poverty.



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So how is NI doing at Safeguarding?

NICCY is of the view that none of the Commissioner's 2018 SOCRNI recommendations to Government have been properly acted upon. The Commissioner is still deeply concerned that meaningful progress has not been made in setting up a child death review mechanism in Northern Ireland and is not of the view that the Department of Health has showed that continued delays in this are appropriate or necessary.

The Commissioner also is still concerned that, because of weaknesses in the reporting process, assurances cannot be given about how effectively our arrangements to protect children are addressing Child Sexual Exploitation and that a form of independent oversight or review is needed. NICCY also recommended the introduction of the Barnahus Model of a child centred response to victims of child sexual abuse by providing child protection, medical, therapeutic and criminal justice processes within a single child friendly location.

What is the Barnahus Model?

The Barnahus or 'Child House' is a place for children who have been victims of abuse to receive all the services they need in one space where the care, well-being and rights of the child are the main concern. This stops children having to repeat their experiences at multiple interviews or to many different people.

Our recommendations to Government:

- 1. Thorough and ongoing assessment of the impact of the COVID-19 pandemic and Government response to this on safeguarding arrangements and protections for children and young people.**
- 2. Start now to carry out compulsory multiagency child death reviews to learn lessons and make necessary changes.**
- 3. Take forward the Barnahus model to support all child victims of sexual offences. Make sure Child Sexual Exploitation Progress Reporting shows how things are improved for children and young people.**



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Protecting refugees, migrants and asylum seekers

Children and families subject to immigration control may be asylum seeking, refugees or migrants and children may be unaccompanied or 'separated' from their families.

NICCY is still concerned that asylum seekers and refugees continue to face significant barriers in, accessing proper healthcare, an adequate standard of living and an effective education. They are subject to a complex range of procedures that require UK and Northern Ireland agencies to work together effectively, and children and families will need to navigate the asylum and immigration system, as well as seeking access to basic services in Northern Ireland.

NICCY recognises that Government and statutory agencies have tried to improve arrangements to protect and support Separated Children in Northern Ireland. Government must make sure that further measures are taken so provision for Separated Children is robust and can be responsive to increases in arrivals of vulnerable children and young people.

NICCY's Recommendations to Government for Protecting Refugees, migrants and asylum seekers:

- 1. The UK and Northern Ireland Governments must make sure that the rights of all children, including those of extremely poor asylum seekers, are fully protected and that they receive the support they need.**
- 2. Make sure support arrangements for Separated Children are effective so that the system can quickly and safely respond to unplanned increases in numbers of children arriving in Northern Ireland.**
- 3. Government must make sure that measures are in place to allow children and families subject to immigration to travel across the land border to access healthcare services and take part in educational, sporting or cultural activities whenever they need to.**



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Digital Environment

Children and young people's online and offline lives are intrinsically and deeply interconnected and the digital world is a critical vehicle through which children's rights can, and should, be realised. It is deeply disappointing that in 2020, Northern Ireland still doesn't have an Online Safety Strategy, particularly given that work began on this a number of years ago.

**In order to promote and safeguard children's rights in the digital world
Government must:**

- **Make sure that Northern Ireland has a robust strategy to protect children's rights in the digital environment and urgently deliver a child rights based online safety strategy as part of this.**

Restraint and seclusion

NICCY has become increasingly concerned about the use of restraint, seclusion and other restrictive practices in a range of settings, most notably in education and the Commissioner's Legal and Investigations department has been active in this area.

What are restraint, seclusion and restrictive practices?

Restraint is physically stopping someone's movement. Seclusion means isolating someone, often in a room alone. Restrictive practice is making someone do something they don't want to do or stopping someone doing something they want to do.

In order to protect children's rights Government must:

- **Ban all forms of restraint for disciplinary purposes. Make sure restraint is used only as a last resort to prevent harm and that all settings report on how they have used restraint and restrictive practices and that this information is publicly available.**