



## **NICCY Monitoring Table**

### **UNCRC Committee's Concluding Observations - 2020 Update [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.

## 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	Jurisdiction	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>Child Rights Impact Assessment</b>  10. The Committee recommends that the State party: <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>Under Section 75 of the Northern Ireland Act 1998, Departments and other public bodies 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 considered as part of the equality screening and, where appropriate, Equality Impact Assessment process.</p> <p>The introduction of an additional statutory obligation in respect of a child rights impact assessment would be a decision for the NI Executive.</p>	<p>Child Right Impact Assessments (CRIAs) are quite distinct from Equality Impact Assessments in that they are conducted at the start of a policy development process, consider the potential impacts on children's rights, and guide the development of a policy so as to better realise children's rights. The European Network of Ombudsmen for Children (ENOC) has recently published a statement on CRIAs which should inform the decision by the Northern Ireland Executive to introduce a statutory obligation.</p> <p>NICCY notes that DoH and DE have developed a CRIA to support the 'Looked After Children' Strategy: 'A Life Deserved' and that we have engaged with officials regarding this. We welcome the work that officials have undertaken and expect that this will become established good practice for all legislative and policy developments while further progress towards a statutory CRIA obligation is still required.</p>
<b>Coordination</b>  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>(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 requires Executive/Ministerial consideration.</p> <p>(c) Department of Education officials liaise with their counterparts in the other UK jurisdictions on a regular basis.</p>	<p>The Children and Young People's Unit, previously sitting within the Office of First Minister and Deputy First Minister, was moved to the Department of Education in 2016 following the Review of Public Administration. Given the absence of an Executive for three years from January 2017, it is not possible to determine how this move has impacted on its authority to coordinate all activities across agencies, its resourcing or ability to strengthen coordination and evaluation of the implementation of the Convention.</p>













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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		
<b>Best interests of the child</b>  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:  (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;  (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.	<div>All</div> <div>All</div>	<p>(a) &amp; (b) The statutory aims of our youth justice system, set out in section 53 of the Justice (NI) Act 2002, were amended in 2015 specifically to incorporate the best interests principle. Alongside this, guidance for all criminal justice organisations was produced by the Department, setting out their responsibilities with regard to this principle, and the importance they should give to it in their dealings with children who offend.</p> <p>(b) These arrangements already exist for children’s custodial facilities in NI.</p> <p>(a) and (b) This is already reflected in legislation and guidance that relates to safeguarding and child protection:</p> <p>The Children (Northern Ireland) Order 1995 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>As in 2018, we note that the information provided does not identify monitoring or assurance processes (including in regard to the Children Services Co-operation Act (Northern Ireland) 2015) that are in place to evidence how effectively the legislative and policy framework ensures the best interests principle is consistently interpreted and applied in all proceedings and decisions.</p> <p>Whilst NICCY welcomes the change in legislation in 2002, it is concerned that in practice, the Best Interests of the Child is not always realised. There remains scant evidence as to how this has been effectively implemented across all the relevant criminal justice agencies. It is troubling that the Youth Justice Agency statement excludes this statutory obligation.</p> <p>The PSNI recently introduced ‘Spit and Bite Guards’ on a temporary basis and its implementation shows little consideration to the best interests and vulnerability of the child.</p> <p>The use of PSNI Stop and Search powers continues to be problematic, with many children and young people feel discriminated and treated with disrespect. Ultimately, there is a disconnect between PSNI policy commitments and operational use of powers.</p>

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<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 were included in the NI Executive's Child Poverty Strategy (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.</p> <p>The requirement under the UK Life Chances Act (2010) to publish a revised Child Poverty Strategy and lay before the Assembly does not apply after 31 March 2020. Departments however, continue to report annually on their respective actions contained in the Child Poverty Strategy Action Plan. A 2019/20 Annual Report will be published following Executive approval.</p> <p>Subject to Executive approval the Minister intends to extend the term of the Child Poverty Strategy 2016-19 to May 2022 to allow time for key stakeholders to be consulted on whether a new Anti-Poverty Strategy would suffice to cover all age groups or a new standalone Child Poverty Strategy should be developed. Any decision in relation to a future Child Poverty Strategy will be for the Minister for Communities to consider.</p> <p><b>Making Life Better</b></p> <p>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. A mid-term review of Making Life Better is now underway.</p> <p>Further collaborative working underway and planned through the new outcomes based draft Programme for Government (Outcome 12 - 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>(a) The Commissioner welcomes the extension of the Child Poverty Strategy, and the commitment to develop a new Anti-Poverty Strategy, with a focus on children. However, it is important that government report on how its actions have addressed the underlying determinants of infant and child mortality, and report on improved outcomes in relation to health inequality indicators for children and young people.</p> <p>Making Life Better- we have been informed of a range of potential mechanisms for implementing and monitoring commitments made in MLB for children - a children and young people action plan was mentioned at one point. NICCY has asked for updates, however, progress made remains unclear.</p>

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<p>(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.</p>	<p>All</p>	<p>(b) 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; 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.</li> </ul> <p>The Department of Health has engaged with the Public Health Agency and the Safeguarding Board for Northern Ireland on potential arrangements to establish a Child Death Overview Panel (CDOP) for Northern Ireland.</p> <p>The aim of a CDOP will be to provide multiagency oversight of all child deaths, to collectively learn from child deaths and, more importantly, to use that learning to reduce the risk of children dying from preventable causes in the future.</p> <p>Detailed proposals for the establishment and operation of a CDOP are actively under consideration at this time.</p> <p>(c) There has never been a death of a child in custody in Northern Ireland in living memory. Nevertheless, arrangements are in place to ensure a multi-agency review will be triggered in the event of such a tragedy.</p>	<p>(b) In regard to child deaths, DoH is fully aware of the Commissioner's serious concerns about the failure to commence Section 3(5) of The Safeguarding Board Act (Northern Ireland) 2011, which established a statutory duty to review information concerning all child deaths on a multiagency basis. DoH is also aware of NICCY's view that opportunities to address this as part of the work programme to implement recommendations of the 2018 report of the Inquiry into Hyponatraemia-related Deaths have not been taken and that the decision to undertake further reviews or considerations before clearly progressing this is extremely concerning.</p>

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<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 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. The structures which will be established to implement the strategy will include the participation of children and young people; a Young Peoples Participation in Decision Making Project is under way to implement this.</p> <p>The goal of this project is to build on current structures and address gaps to establish an inclusive mechanism/network supporting children and young people to provide their views on policy development and decision making which impact on their lives.</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: 'A Life Deserved' 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>Article 3 of the Children (Northern Ireland) Order 1995 requires that in any proceedings in which any question with respect to the upbringing of a child arises, the court shall have regard to the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding)</p>	<p>(a) The Participation in Decision Making project must be endorsed and supported by all Government Departments and relevant public bodies and deliver a structure for meaningful participation of children and young people, especially those most vulnerable. NICCY welcomes the aim to establish appropriate structures (and the work completed to date) for the meaningful participation of children and young people in the development, implementation and evaluation of policies, strategies, legislation and services.</p>

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(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;	All	<p>Consultation and participation of children in decisions and issues that affect their lives is encouraged as part of the Department of Justice's regular consultation exercises, with particular emphasis placed on the views of those children, and their families, who have experience of the criminal justice system. In taking forward policy development the Department will liaise with key stakeholders as appropriate including organisations representing the views of children and young people.</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>	
(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;	All	(c) The Assembly Commission has agreed to fund a Youth Assembly which will have a two-year development stage and will be supported by the Assembly, but not Assembly-led. This will ensure that the Youth Assembly has close access to the decision making process at the Assembly, is well informed on the work being undertaken at the Assembly which it may wish to contribute too.	(c) NICCY welcomes the establishment of the Youth Assembly and believes the proposal demonstrates an intention to best practice. NICCY is committed to providing support and advice as requested and appropriate.
(d) Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.	All	<p>(d) Health and Social Care Trusts (HSCTs), in the discharge of their statutory duties to protect children, are required to involve the child or young person in the child protection process. This includes encouraging and supporting a child/young person to attend a Child Protection Case Conference (depending on age, understanding and level of maturity). This is laid out in the Regional Policies and Procedures developed by the Safeguarding Board for Northern Ireland (SBNI).</p> <p>There is a range of advocacy and mentoring support services available to looked after children and care experienced young people, commissioned by 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: 'A Life Deserved' proposes working with young people to review current arrangements for providing them with advice, guidance and representation</p>	<p>(d) HSCTs must ensure key professionals are properly trained to find out what children and young people think, put their ideas in place, feedback to those involved and report on how they are doing. Furthermore, being able to provide evidence on the impact of children and young people's participation is key to meaningful participation.</p> <p>NICCY would urge the development of a DE policy to ensure meaningful pupil participation in schools, building on the DE circular (2013) on Pupil Participation, and the #Pupils Voice: Making a Difference Report (2015), completed by the NIYF in partnership with NICCY. This should be supported by an appropriate inspection process.</p>



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		<p>(including personal advisers advocates, mentors, peer mentors and independent visitors) to determine that the most effective and consistent model is in place.</p> <p>The Department of Education's 'Sharing Works' 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. This is in line with UNCRC Article 12 (Respect for the views of the child) which encourages adults to listen to the opinions of children and involve them in decision making. The policy is further supported by the Education Training Inspectorate developed self-assessment and planning tool <i>Developing Shared Education: A Framework for School Partnerships</i>, along with companion versions for early years and youth settings, which promotes the inclusion of children and young people's views in developing a shared education programme for an individual setting.</p> <p>The ETI, in its report The Shared Education Signature Project Evaluation Report (October 2018), commented that "in the best practice, the views of the pupils were listened to, valued and acted upon. Joint school councils played an important role in shaping the development of the partnerships" whilst also noting that "in a small number of partnerships, the views of the children were not given sufficient consideration in the planning, delivery and evaluation of Shared Education". The report includes a recommendation for Shared Education partnerships to ensure that the pupils' views and ideas are a key feature of the planning, delivery and evaluation of shared learning. A recent survey of schools involved in Shared Education found that 40% of respondents reported that pupils were involved in planning and 76% were involved in the evaluation of shared activities.</p> <p>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>The Special Educational Needs and Disability – SEND - Act (NI) 2016, when commenced, will place a specific duty on the Education Authority (EA) 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. DE intends to commence this duty on the EA in 2020. Also advice and information will have to be provided to children with SEN and their parents.</p> <p>Furthermore, for pupils over compulsory school age (16) they will, (when the relevant section of the SEND Act is commenced), be given their own rights (instead of their parents) unless the pupil does not have capacity to understand the issue.</p> <p>(e) Young people involved with the criminal justice system are supported by a range of advocates, independent professionals, voluntary children's organisations and professional practice staff who are responsible for promoting their best interests and ensuring the voice of the child is heard. Consultation and participation of children in decisions and issues that affect their lives is encouraged throughout their involvement in the criminal justice system</p>	<p>SEND Act - There have been extensive delays in the commencement of the SEND Act (NI) 2016 and associated Regulations and new Code of Practice. NICCY therefore welcomes the recently launched consultation on the SEN Framework. NICCY warmly welcomes the duty placed on EA by the Act to seek and have regard for the views of the child in terms of SEN provision. NICCY, however, has repeatedly maintained that the child's voice should always be sought, not just when is 'as reasonably practical'. This is all the more critical in light of the findings of 'Too Little, Too Late,' NICCY's review of SEN provision in mainstream schools, which identified a clear lack of effort and opportunity provided by schools and services to involve children and young people in the SEN process.</p>

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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		
<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		
<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>Any decision to change the legal provisions governing collective worship would require Ministerial/Executive decision.</p>	

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<p><b>Freedom of association and peaceful assembly</b></p> <p>37. In order to fully guarantee children's right to freedom of movement and peaceful assembly, the Committee recommends that the State party:</p> <p>(a) Prohibit the use in public spaces of acoustic devices used to disperse gatherings of young people (so-called "mosquito devices");</p> <p>(b) Collect data on measures used against children, including children aged 10-11 years, to deal with antisocial behaviours and for the dispersal of crowds, and monitor the criteria and proportionality of their use.</p>	<p>All</p> <p>All</p>	<p>(a) The Department of Justice works closely with the relevant authorities namely, the Police Service for Northern Ireland, Northern Ireland Housing Executive, and local councils, in supporting their efforts at an operational level to address anti-social behaviour. These agencies do not advocate the use of ultra-sonic devices to address anti-social behaviour.</p> <p>The Anti-social Behaviour (Northern Ireland) Order 2004 does not provide the Police Service for Northern Ireland or other statutory authorities with the power of dispersal.</p> <p>In the UK, Council Environmental Health Department have powers available to them to investigate whether the use of 'mosquito' dispersal devices constitutes a public or statutory nuisance.</p> <p>(b) The Department of Justice obtains data each year on the number of applications for Antisocial Behaviour Orders, including breaches, interim and final ASBO's. Within this data, the offender's date of birth is included.</p> <p>All stop and search checks which do not result in an arrest must be recorded electronically. Statistics on stop and search are collated and published on the PSNI website. The latest figures at the time of writing (April 2019 – March 2020) indicate that only 13% (3,211) of all checks involved persons who were aged 17 and under.</p>	<p>(a) The use of mosquito devices has not yet been prohibited and relevant authorities should explore regulations to prohibit their use in commercial and private property where members of the public (including children) can hear them.</p>
<p><b>Right to privacy</b></p> <p>38. The Committee recommends that the State party:</p> <p>(a) Prohibit the use of non-statutory stop-and- search checks against children;</p> <p>(b) Ensure that the statutory use of the stop-and- search checks is proportionate, taking into consideration the age and maturity of the child, and non-discriminatory;</p>	<p>All</p> <p>All</p>	<p>Police officers may only carry out stop and search checks in Northern Ireland in accordance with the statutory powers available to them under various public order and counter-terrorism legislation. The statutory codes of practice which govern the exercise of these powers make it clear that the powers to stop and search must be used fairly and responsibly and without discrimination on the grounds of age, religious belief, political opinion, gender, racial group, sexual orientation or disability. The codes also require the Chief Constable to ensure that in the exercise of their functions, officers have regard to the need to safeguard and promote the welfare of all persons under the age of 18 years and that the</p>	<p>As discussed at No.27, the PSNI must demonstrate the purpose and outcomes of all Stop and Search operations involving children and young people and must also improve the quality of engagement with young people.</p> <p>In partnership with PSNI Youth Champions working group, NICCY is advising the PSNI in the development of a Stop and Search survey that is aimed at capturing up to date opinions from Children and Young People regarding the PSNI use of Stop and Search powers. NICCY Strongly recommends the outcomes of this report is actioned with immediate effect.</p>

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(c) Regularly collect, analyse and publish data relating to the use of stop-and-search checks on children, disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background.	All	<p>decision to stop and search must be in the best interests of the child and in compliance with obligations under Article 3 of the UNCRC.</p> <p>(c) The use of stop and search powers by police is closely monitored by the Northern Ireland Policing Board which has a statutory function to provide independent accountability and oversight.</p> <p>All stop and search checks which do not result in an arrest must be recorded electronically. Statistics on stop and search are collated and published on a quarterly basis and the latest figures at the time of writing (April – June 2019) indicate that only 12% of all checks involved persons under the age of 18 years.</p>	<p>As per Section 75 of Northern Ireland Act (1998) PSNI are obliged to record children's and young people's religious background at the point of their stop and search. Although NICCY understand the sensitivities around this request it is still a legal requirement that is not being fulfilled.</p> <p>Statistics outline there are more young people who identify being from a catholic background in youth justice system but there is no evidenced based reasonable explanation for this. If the PSNI were able to record this data from first encounters it may be able to build a better understanding of why this is the case and what reasonable steps agencies can do to reduce these numbers.</p> <p>The PSNI have improved the quality of their reporting of this power to include a greater level of disaggregated as well as outcome data. The data demonstrates a further drop in the numbers of Stop and Searches although NI has amongst the highest numbers proportionate to the population when compared to forces in England and Wales.</p> <p>NICCY recommends that more data is required on Stop and Search Powers and how they achieve prevention and deterrence, alongside supporting young people vulnerable to drug and alcohol misuse as other outcomes - not simply the arrest and prosecution as the only means of a successful outcome.</p>
<p><b>Torture and other cruel or degrading treatment or punishment</b></p> <p>40. With reference to the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and to target 16.2 of the Sustainable Development Goals, the Committee urges the State party to:</p> <p>a. Prohibit the use on children of electrical discharge weapons, such as Tasers, attenuating energy projectiles (in Northern Ireland) and any other harmful devices and systematically collect and publish age-disaggregated data on their use in order to monitor the implementation of such prohibition;</p>	<p>All</p> <p>All</p>	<p>(a) The prohibition of Tasers and AEPs is not currently under consideration. The PSNI ensure through policy, guidance and training that officers are advised around Specific Risk Factors including children and young people. The use of Taser is justified where the officer honestly and reasonably believes that it is necessary in order to prevent a risk of death or serious injury. In a public order situation every effort is made to avoid the use of AEPs but there are occasions when their use is considered necessary. In these instances every effort is made to minimise the risk to bystanders. The Police Ombudsman for Northern Ireland is notified of all instances where AEP is used.</p>	<p>(a) We note the low numbers over the past year, and that Tasers have not been fired at a child since 2017. In 2016, the UN Committee on the Rights of the Child classified their use as "torture and other cruel or degrading treatment or punishment" and recommended their use against children and young people under the age of 18 be prohibited. Tasers should not be considered an appropriate tool when Police engage with young people and Government must completely prohibit their use against children.</p> <p>Additionally, the current proposal to introduce spit and bite guards in NI on a permanent basis should not include young people under the age of 18.</p>

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		<p>b) and c) Corporal punishment in any school in NI has been illegal since 1 April 2003 when Article 36 of the Education and Libraries (NI) Order 2003 extended an earlier ban on corporal punishment to all independent schools and any setting where children are educated otherwise than at school (EOTAS).</p> <p>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 (revised 2019)</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. A single, integrated model of therapeutic care is under development.</p> <p>The Minimum Standards for Children's Homes 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) 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 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. Part V of the Children's Homes</p> <p>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>	



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>(b) Abolish all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and ban the use of any technique designed to inflict pain on children;</p> <p>(c) Ensure that restraint is used against children exclusively to prevent harm to the child or others and only as a last resort;</p> <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>	<p>All</p> <p>All</p> <p>All</p>	<p>(b) Physical restraint is not authorised for use for disciplinary purposes within Woodlands Juvenile Justice Centre. Restraint techniques used within Woodlands are not designed to inflict pain on children.</p> <p>(c) Physical restraint is only used as a last resort when all other reasonable efforts to defuse and de-escalate a situation have been unsuccessful or there is no alternative method of preventing harm to the child or others. The restraint system used in Woodlands complies with the UK Government's use of restraint policy framework.</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>40b Corporal punishment in schools: NICCY has engaged with DE and ETI regarding implementation in policy and practice with the law on corporal punishment in school settings, including independent schools, and both are aware of the Commissioner's view on the need to ensure monitoring, reporting and inspection frameworks provide assurance of compliance.</p> <p>40b,c,d Restraint and restrictive practices: As highlighted in 2018, NICCY remains concerned that, across all settings, data on the use of restraint, seclusion and restrictive practices is not collected, collated and made available and that a regional review of restraint and restrictive practices in all settings should be undertaken. NICCY has received reports of the increasing use of restraint and seclusion in educational settings and will be undertaking a joint piece of work with NIPSO on this. The guidance on this from the Department of Education is out of date and does not require schools to record, train staff or report all incidences of restraint and seclusion.</p> <p>Noted above there is a regional HSCT policy review of restraint and seclusion, however, this excludes areas of education, care homes and youth justice.</p>
<p><b>41. Corporal punishment</b> 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>	All	<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>The Justice Minister recently met with NICCY to discuss corporal punishment and specifically the defence of "reasonable chastisement" and agreed to contact the Health Minister for further discussion. A suitable date will be identified for both Ministers to meet once practicable</p> <p>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>(a) Law reform: The UN Committee on the Rights of the Child has repeatedly stated that the UK and devolved Governments must, as a priority, prohibit legal defences regarding physical punishment. It is disappointing that this has not been brought forward in NI and this should be progressed urgently, particularly given that legal reform has now been secured in Ireland, Scotland and Wales.</p> <p>The examples given of Children's Homes and Foster Placement Regulations which prohibit physical punishment in these contexts only highlight the unequal protection currently afforded to other groups of children known to the care system, such as those who have been adopted or who are in certain kinship care placements. All children in Northern Ireland should have equal legal protection from all forms assault, including common assault.</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>(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>(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.</p>	<p>All</p> <p>All</p>	<p>(b) Corporal punishment in any school in NI has been illegal since 1 April 2003 when Article 36 of the Education and Libraries (NI) Order 2003 extended an earlier ban on corporal punishment to all independent schools and any setting where children are educated otherwise than at school (EOTAS).</p> <p>Corporal punishment is not used in Woodlands Juvenile Justice Centre.</p> <p>Regulation 16 of the Children's Homes Regulations (NI) 2005, prohibits the use of corporal punishment in children's homes. 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>(c) DOH continues to promote positive parenting methods under the extant Families Matter Strategy, for example through the publication and distribution of Top Tips for Parents booklets. It is intended that the implementation plan for the draft Family and Parenting Support Strategy will include specific actions on the promotion of supportive and supported parenting. Consultation on the draft Strategy is planned for early in 2020.</p>	<p>(b) Corporal punishment in schools: As noted above in 40, NICCY has engaged with DE and ETI regarding implementation in policy and practice of the law on corporal punishment in school settings, including independent schools, and both are aware of the need to ensure monitoring, reporting and inspection frameworks provide assurance of compliance.</p> <p>41c Positive parenting: DoH is aware that NICCY's 2017 research on adult attitudes towards physical punishment and legal reform documented that fewer parents reported that they had received information on positive parenting than in previous research undertaken by NICCY, NSPCC and Barnardo's in 2008. While we welcomed the cited publication of 'Top Tips' booklets, our research highlights the importance of ensuring that Equal Protection and high quality positive parenting support are central to the much delayed Family and Parenting Support Strategy, which should be progressed urgently.</p>
<p><b>Violence, abuse and neglect</b></p> <p>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:</p> <p>(a) Revise the Children and Young Persons Act (1933) in order to protect all children under 18 years from child abuse and neglect;</p> <p>(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;</p> <p>(c) Increase the number of social workers and strengthen their capacity to address violence against children;</p>	<p>All</p> <p>All</p> <p>All</p>	<p>(a) Not NI legislation.</p> <p>(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.</p> <p>The Department is drafting guidance that will give practitioners greater confidence to share information for child protection purposes and the SBNI is currently in the process of developing a protocol for sharing information amongst its partner agencies.</p>	<p>(b) Data: NICCY notes the importance of disaggregated and available data across a number of areas, including domestic abuse and Child Sexual Exploitation (CSE).</p> <p>(c) No information is provided on workforce data. The drafting of guidance on information sharing for child protection purposes was a recommendation of the 2014 Independent Inquiry into CSE and should be finalised with urgency.</p>

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(d) Give due weight to the views of children concerned in the responses to violence, including in criminal and family law proceedings;	All	<p>(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 and feelings 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.</p> <p>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.</p> <p>Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 requires the Regional Health and Social Care Board to make arrangements to appoint an "independent guardian" to assist, represent and support any unaccompanied/ child or child who has been a victim of Human Trafficking or Modern Slavery.</p> <p>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.</p> <p>In September 2019, Her Honour Judge Smyth initiated a pilot to fast track serious sexual offence cases involving children under 13 years old to the Crown Court.</p> <p>The purpose of the pilot is to expedite cases involving very young children in order to maximise the opportunity for them to provide their best evidence and minimise the stress and emotional impact of the criminal justice process.</p>	(d) Views of the child: NICCY welcomes the commencement of the Guardianship provision of Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) for Separated Children. In relation to child victims and witnesses, DoJ is aware that the Gillen Review of law and procedures in cases of serious sexual offences documented a wide range of serious concerns about trial and court proceedings, including the application of special measures, in cases involving children. NICCY's position that the Barnahus model should be introduced for all child victims of sexual offences was examined in the Gillen Review, the recommendations of which are committed to in New Decade New Approach.
(e) Consider ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence.	UK		UK Government has signed but not ratified to date (provisions in different domestic abuse bills currently going through legislative passage address some of the issues that form the pathway to ratification).

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>Sexual exploitation and abuse</b>			
45. The Committee recommends that the State party, including devolved governments, overseas territories and Crown dependencies:	All	The Department of Education contributes to the composite action plan, with Departments of Health and Justice, in response to the Marshall Report on Child Sexual Exploitation. Of the 17 key recommendations made by Kathleen Marshall 14 related to education and the Department has progressed work on all of these. DE has also engaged with schools to share information and advice on the issue of child sexual exploitation.	(a-e) DoH, DoJ and DE are all aware of NICCY's serious concerns regarding the CSE Progress Report process and the lack of evidence of effective implementation of recommendations of the 2014 Independent Inquiry into CSE, as documented in NICCY's Reviews of all four rounds of Progress Reports. This includes concerns regarding all areas specified in the Concluding Observations: lack of progress in the collection and disaggregation of CSE prevalence data, lack of consistent response across all agencies and HSCT areas; lack of progress on legislative reform on sexual offences (NICCY responded to DoJ's 2018 consultation on this) and on changes to the criminal justice system. NICCY has recommended that the reporting process is reviewed to ensure that Progress Reports provide evidence and assurance that outcomes in preventing CSE, in protecting and supporting children subjected to CSE and in pursuing those who seek to exploit and abuse them have improved.
(a) Systematically collect and publish comprehensive and disaggregated data on child exploitation and abuse, including through mandatory reporting, in all settings;	All	(a) DoJ is working with strategic partners to oversee the implementation of the strategic recommendations coming out of the CIJNI Report.	
(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;	NI	(b) This is an issue that is dealt with in a recent CJNI inspection and SBNI report. The Department of Justice is liaising with the Department of Health and other partners to consider how best to progress recommendations related to this.	
(c) Implement the recommendations of the Marshall Inquiry into child sexual exploitation in Northern Ireland;	All	(c) Following a scoping study on the support available for young victims of crime completed as part of the DoJ Victims and Witnesses Action Plan 2017-20, the Department is working with Victim Support NI to develop the current support services for young victims in order for more direct support to be available following a crime.	As noted in above in 43d DoJ is aware of NICCY's position that the Barnahus model should be introduced for all child victims of sexual offences and this this concern is directly addressed in the Gillen Review of law and procedures in serious sexual offences cases and subsequently in New Decade New Approach.
(d) Further develop comprehensive services to support children who are victims or at risk of sexual exploitation and abuse;	All	(d)The Department of Justice 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 was prepared.	
(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	All	The Department of Justice completed an initial scoping study of the Barnahus (Children's House) model in October 2019. The Department is establishing a Working Group by August 2020, in partnership with other criminal justice organisations and the voluntary sector, to consider how we can work together to deliver similar benefits to child victims of sexual abuse as those delivered through the Barnahus model with the aim of preventing re-traumatisation or re-victimisation of the child during their journey through the criminal justice system	



<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>(a) to (d)</p> <p>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 Recommendations.</p> <p>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.</p> <p>The implementation plan for the Marshall recommendations had three phases, and a report detailing progress to the end of phase 3 (up to the end of November 2017) has been published. Implementation of a small number of recommendations will continue into 2020.</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>An evaluation of CSE practice across SBNI member agencies to consider the effectiveness of the provision of CSE related services post-Marshall concluded in September 2019 and the draft report is being finalised.</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>	
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<p>(d) Provide redress to the victims of such treatment;</p> <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.</p>	<p>All</p> <p>All</p>		
<p><b>Freedom of the child from all forms of violence</b></p> <p>48. The Committee recommends that the State party:</p> <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 media outlets in the efforts to combat cyberbullying.</p>	<p>All</p> <p>All</p>	<p>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; and</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, for example, groups named in Section 75, The Northern Ireland Act 1998.</li> </ul> <p>In the pre-school sector, through the delivery of the Curricular Guidance for Pre-school Education (2018), practitioners are encouraged to help young children to understand and respect the culture, beliefs and lifestyles of all children in the setting, model and nurture respect for diversity and foster good personal, social and emotional development.</p> <p>The Community Relations, Equality and Diversity (CRED) policy aims to contribute to improving relations between communities by educating young people to develop self-respect and respect for others. The CRED policy, which applies to all Section 75 groups, encourages formal and non-formal education providers to deliver in a way that provides opportunities for young people to build relationships with those of different background and traditions. CRED complements and underpins the good relations, respect for identity, diversity and community cohesion aspects of Shared Education.</p> <p>(b) In January 2015, the NI Executive agreed to commission the Safeguarding Board for Northern Ireland (SBNI) 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>As sponsor department for the SBNI, the Department of Health is overseeing this cross-cutting project on behalf of NI departments.</p>	<p>(a). NICCY is deeply concerned at the delays in the implementation of the 'Addressing Bullying in Schools Act (Northern Ireland) 2016'. The Act was due to come into effect on 2 September 2019. However, on the 28th August 2019, the Commissioner was notified that, due to Trade Union concerns, the Act would not commence as scheduled and that DE had agreed a temporary pause in order to seek to an agreed resolution to union concerns, where possible. At the time of writing, the Act is still to be implemented. It must be implemented as a matter of urgency.</p> <p>CRED: NICCY welcomes the aims of the CRED Policy but however, has not yet seen evidence of the impact of this policy on children's and young people's attitudes to one another, nor on community relations.</p> <p>(b) NICCY remains disappointed that NI is still without an Online Safety Strategy and, as detailed in our advice to DoH, we note this should form part of a wider strategy on the digital environment. This should take account of both the Council of Europe's 2018 Guidelines to respect, protect and fulfil the rights of the child in the digital environment (Recommendation CM/Rec(2018)7) and the European Network of Ombudspersons for Children (ENOC) 2019 annual statement and recommendations on children's rights in the digital environment.</p>

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<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.</p>	<p>NI</p>	<p>Our vision is that all children and young people enjoy the educational, social and economic benefits of the online world, and that they are empowered to do this safely, knowledgably and without fear.</p> <p>The overall objectives of the strategy are to support the development and implementation of a comprehensive cross-government action plan that will improve online safety by:</p> <ul style="list-style-type: none"> <li>• Reflecting emerging evidence of good practice in online safety approaches.</li> <li>• Engaging with existing online safety mechanisms in the UK and beyond, seeking to add value to existing work rather than duplicate.</li> <li>• Educating and empowering children and young people, and those responsible for their care, to facilitate their informed use of digital technology.</li> <li>• Educating children and young people on how to manage and respond to harmful online experiences, while ensuring they can access age-appropriate support services, including recovery services, should the need arise.</li> <li>• Facilitating the meaningful participation of children and young people, parents and carers, and those who support them, in relevant policy and service development.</li> </ul> <p>Subject to necessary approvals it is intended that the strategy will be published in February 2020.</p> <p>(c) Work is ongoing to develop a number of pilot projects to test cross-agency working to prevent vulnerable young people from being involved in paramilitary activity and from being harmed from paramilitary violence.</p> <p>The Tackling Paramilitarism Programme is also funding youth outreach workers to 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. There are currently thirteen youth workers in place working across ten areas that have high levels paramilitary activity. The project entails placing 13 Outreach Workers across the ten areas which have been identified as subject to paramilitary activity.</p> <p>The Tackling Paramilitarism Programme also provides funding to the Department of Education's campaign to promote pupil attendance at school and a pilot programme has been developed which provides wrap-around education services to children and young people in four geographical areas which are significantly impacted by social and economic disadvantage and paramilitary activity. CCEA has developed multiple resources to promote and support the teaching of active citizenship as a way of tackling paramilitarism and promoting lawfulness.</p> <p>Through the Tackling Paramilitarism Programme, the PSNI has also introduced Open University training which includes a module on better supporting youth and young people. The PSNI is working with DfC to use the appeal of sport to provide physical activity, sports-based learning and support for individuals, specifically those at risk of becoming involved in paramilitarism and organised crime.</p>	<p>(c) Whilst NICCY welcomes the pilot projects and programmes to tackle paramilitarism, we are yet to see evidence of meaningful impact of such initiatives on the lives of children and young people and await the publication of outcome data.</p>

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		<p>The Education Authority and the PSNI are working together to provide a targeted response to the emergency needs of vulnerable young people within local communities based on learning generated from an agile response fund set up through the programme in Derry/Londonderry in 2019.</p> <p>The Tackling Paramilitarism Programme ran a second phase of its 'Ending the Harm' campaign in 2019-20 to highlight the issue of paramilitary style attacks. The first phase had resulted in a significant shift in attitudes towards the issue in areas which have been most affected.</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 (DE) has policy responsibility for Childcare whilst the Department of Health (DoH) leads on Early Years and Childcare regulation and the development of a Family and Parenting Support 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 Board on behalf of DE . In addition £1.7m has been made available through the Early Years Development Fund to provide core infrastructure of the five ChildCare Partnerships; 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. Funding of £250k p.a. is also invested in supporting children with a disability access childcare services.</p> <p>The Ten Year Executive Childcare Strategy is subject to Ministerial and Executive consideration and approval.</p> <p>The Executive's Childcare Strategy is being delivered on a phased basis. The first phase Bright Start (A Strategic Framework and Key First Actions) was launched in September 2013 and included 15 Key First Actions intended to address the priority childcare needs identified through research and during an initial public consultation with parents, children and childcare stakeholders. A draft Childcare Strategy was launched for consultation in the latter half of 2015. The analysis of the consultation responses is available on the Department of Education website. Work is ongoing to finalise the Ten Year Executive Childcare Strategy for Ministerial and Executive consideration and approval in due course.</p> <p>Funding remains in place in the 2020/21 year for those settings not yet sustainable as part of the pilot Bright Start School Age Childcare Grant Scheme, the principal initiative undertaken as part of the first phase of the Childcare Strategy. Evaluations of the pilot scheme will inform the consideration of any further subsidised scheme considered as part of the final version of the Ten Year Executive Childcare Strategy subject to Executive approval. The Department of Education continues to engage with parents and key stakeholders in the sector, including the recently established All-Party Group for Childcare. Officials also regularly engage with colleagues in other jurisdictions through the British-Irish Council, on developments on childcare offers in the other UK and ROI regions</p>	<p>We note the delay in the publication of the childcare strategy and urge the Executive to publish this without delay. This must inform, and be informed by the other Executive social inclusion strategies, including the Anti-Poverty Strategy and Industrial Strategy.</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><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>	All	<p>In response to the COVID-19 emergency, the Executive has provided funding to the childcare sector to help sustain it during the crisis, and ensure that childcare was available for children of key workers and vulnerable children during the initial phase of the pandemic when many childcare providers closed. The COVID-19 Childcare Support Scheme was in place from April-June 2020.</p> <p>On 30 June, the Executive announced allocation of a £10.5 million funding package for recovery of the childcare sector.</p> <p>The Childcare Recovery Support Fund launched on 27 July 2020 and will help childcare providers to reopen, or remain open, and will apply to day care and school age childcare settings, play groups and childminders. The period of the Fund is 1 July to 31 August.</p> <p>(a) The cross-Departmental Family and Parenting Support Strategy, currently under development, will consider how families can be better supported, based on 4 key outcomes:</p> <ul style="list-style-type: none"> <li>• Confident, competent, positive parenting;</li> <li>• Resilient, stable and strong families where relationships are positive, healthy and nurturing;</li> <li>• A society and culture which values and supports the role of parents and recognises the importance of strong families; and</li> <li>• Support that meets the particular needs of families experiencing greater challenges.</li> </ul> <p>The Family Support Hub network has been developed and there are currently 29 Hubs in operation, providing coverage across NI. They provide a collaborative interface across the statutory, voluntary and community sectors, and currently involve representation from approximately 700 organisations. This approach to early intervention relies on strong collaborative working relationships. The work of the Hubs demonstrates a high level of commitment and goodwill from host organisations, Trusts, partner organisations, core and associate members, and a holistic approach to meeting the needs of families. In 2018/19 7137 families were referred to the hubs. This was an increase of 456 on the previous year, almost a 7% increase.</p> <p>The Family Support NI website - the most comprehensive public directory of registered childcare and family support services in Northern Ireland – was enhanced and relaunched in August 2019, and DE and DoH continue to work in partnership to fund and support the promotion of the website including recent advertising campaigns.</p>	<p>(a) As noted in 2018, the Family and Parenting Support Strategy and the full range of services and supports of families must be firmly embedded in children's rights.</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>(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>	All	<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: 'A Life Deserved' commits to supporting 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>Signs of Safety, a strengths based approach to social work practice to improve the safety of children and families, keeping children safe with families wherever possible, has been rolled out across Northern Ireland in 2018/19 and 2019/20 by training social workers and staff from partner agencies in this approach.</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>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>(b-j) NICCY recognises the range of ongoing activity by statutory agencies in order to, for example, bring forward a new strategy for 'Looked after Children', an Adoption and Children Bill and to develop an integrated care and justice campus. However, we note that little data regarding the impact of this activity and outcomes that directly relate to the Concluding Observations has been made available.</p>
<p>(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;</p> <p>(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.</p>	NI	<p>(d) A Review of Regional Facilities for Children and Young People in Northern Ireland was published in Dec 2018. The Review made 11 recommendations in total, including the establishment of an integrated Secure Care and Justice Campus and the introduction of a regional, multi-agency panel to oversee admissions to secure care.</p> <p>(e) A joint DoH/ DoJ Programme has been established to implement the Review's recommendations. Draft design proposals for a new Campus are being developed in conjunction with all relevant stakeholders. They include options for community- based alternatives to secure accommodation, to prevent children entering secure accommodation where possible and to ensure appropriate multi-agency support is in place on discharge from secure accommodation to prevent readmission. An interim multi-agency admissions Panel has also been established to oversee admissions to secure care, on the basis that a placement in secure accommodation is a placement of last resort and is a serious step which must be taken only when there is no appropriate alternative and where it is clearly demonstrated that all other placement options have been comprehensively considered and rejected.</p>	<p>(d) NICCY is broadly supportive of the joint work being progressed by the DoJ and the Department of Health to Reform the Regional Facilities for Children and Young People and the proposal to bring secure care and justice into a shared facility. Whilst there is still a lot of detail to clarify, this is a promising approach that will ensure there is no return to previous systems.</p>

<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.</p>	<p>All</p>	<p>(f)The joint draft DoH/DE Strategy for looked after children: ‘A Life Deserved’ commits to securing 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>Departmental objectives 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>(g)Expedite the approval and enactment of the Adoption and Children Bill in Northern Ireland.</p>	<p>NI</p>	<p>(g) HSC Trusts have a statutory duty under the Children Order 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>The draft Adoption and Children Bill contains provision which will place the requirements for Personal Educational Plans (PEPs) for all looked after children on a statutory basis. The voice of the child is a key component in this revised approach to ensure looked after children have a greater involvement in the development of their PEP.</p> <p>The Bill will also introduce a new duty for all HSC Trusts to promote the child’s educational achievement and to ensure that, in providing accommodation for a looked after child, as far as is reasonably practicable, the child’s education and training will not be disrupted.</p> <p>All HSC Trusts deliver leaving and aftercare support to looked after young people aged 16+ and care leavers aged 16-21+. 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’s Minimum Standards for Leaving Care Services specify the arrangements, services and procedures 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, include new social</p>	

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		<p>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. HSC Trusts also ring-fence a number of advertised posts for care leavers.</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>Provision has also been included in the Adoption and Children Bill to place the GEM scheme on a statutory footing.</p> <p>HSC Trusts and the NI Housing Executive Supporting People programme jointly commission/fund 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>Consultation responses on the joint draft DoH/DE Strategy for looked after children: 'A Life Deserved' and the Adoption and Children Bill were supportive of extending support to care leavers until age 25 and the relevant provision to do this has now been included in the Adoption and Children Bill.</p> <p>Consultation responses on the joint draft DoH/DE Strategy for looked after children: 'A Life Deserved' and the Adoption and Children Bill were supportive of extending support to care leavers until age 25 and the relevant provision to do this has now been included in the Adoption and Children Bill.</p> <p>(h) Public consultation on a draft Adoption and Children Bill was undertaken from January to April 2017. Following analysis of consultation responses work is ongoing to finalise the Bill for introduction into the Northern Ireland Assembly when devolution is restored. Ministerial approval and a functioning legislative assembly will be required before the Bill can proceed.</p> <p>(j) A Review of Regional Facilities for Children and Young People in Northern Ireland was published in Dec 2018. The Review made 11 recommendations in total, including the establishment of an integrated Secure Care and Justice Campus and the introduction of a regional, multi-agency panel to oversee admissions to secure care.</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><b>Children of incarcerated parents</b></p> <p>55. The Committee recommends that the State party:</p> <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. NIPS committal interviews have been developed to identify primary carer responsibilities that individuals might have for children, and family contact with other statutory bodies (e.g. social services).</p> <p>In such cases, NIPS Child Protection Officers will ensure that the individual is supported to arrange alternative care arrangements.</p> <p>(b) Sentencing in individual cases 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><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>All</p>	<p>(a) The Special Educational Needs and Disability – SEND - Act (NI) 2016, when commenced, will place a specific duty on the Education Authority (EA) 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. DE intends to commence this duty on the EA in 2020. Also advice and information will have to be provided to children with SEN and their parents.</p> <p>Furthermore, for pupils over compulsory school age (16) they will (when the relevant section of the SEND Act is commenced) be given their own rights (instead of their parents) unless the pupil does not have capacity to understand the issue.</p>	<p>There continues to be evidence that children with disabilities in Northern Ireland do not have equal access to services compared to their peers without a disability. It is also the case that additional support needed to fully enjoy their rights is not always available. NICCY's 'Too Little, Too Late', a comprehensive review of SEN and disability provision in mainstream schools revealed a system under extreme pressure, unable to respond to the scale of need and the complexity of issues that children are facing. It highlighted significant issues with the procedures for the identification and assessment of children's needs, the extent to which children are able to access vital educational supports, the adequacy of supports and services, and the overall timeliness and efficiency of the system in meeting the needs of children with SEN in mainstream settings. It also reflected the frustrations of many parents in trying to have their own and their children's voices heard.</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>(b) Inclusive education continues to be 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>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>The SEN and Disability (NI) Order 2005 (SENDO) places duties on the Education Authority and schools to make reasonable adjustments so that pupils who have a disability are not put at a substantial disadvantage compared to pupils who do not have a disability; and to plan and make progress in increasing accessibility to schools' premises and the curriculum, and in improving ways in which information provided in writing to pupils who do not have a disability is provided to pupils with a disability.</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>There is clear evidence from the Review that the NI education and health system, as currently organised, cannot fulfil its obligation to all children with SEN and disability. This has been further exacerbated by persistent and significant delays in the implementation of new legislation for children with SEN and disability. Whilst there has been welcome acknowledgment by the relevant authorities of the systemic improvements required to meet the needs of these children, and commitments given to address the fundamental issues identified by NICCY's Review, progress has been impeded by the current health crisis. In fact, children with SEN and disabilities received little to no provision during the crisis. This has had profoundly detrimental effects on the education, health and wellbeing of these children and young people, as well as on parents, carers and siblings; many of whom have informed us that they are at breaking point.</p> <p>Children with a learning disability are more likely to experience mental health problems, compared to their peers without a learning disability. However, mental health services and support is fragmented and often not available, accessible, visible or of a quality which is able to meet their needs.</p>
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UN Committee on the Rights of the Child Concluding Observations 2016	Jurisdiction	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>(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>	All	<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>In order to further improve the transition planning process, a Transitions Project is planned which will cover the following aspects:</p> <ul style="list-style-type: none"> <li>i. EA/Health Trust duty to co-operate in the preparation of a transition plan.</li> <li>ii. Determination of whether a child with a statement who is leaving school has a disability.</li> <li>iii. Transition process for young people with Severe Learning Difficulties or Profound and Multiple Learning Difficulties leaving special schools.</li> <li>iv. Transition plans are created by the EA for children with statements of SEN and it is important all relevant parties are aware of the plan.</li> </ul> <p>The Department for Infrastructure provides funding to Translink to enable it to deliver and improve public transport. Bus and rail services are critical in linking people and places. When considering the building of new stations or the purchase of new trains and buses, including the new Glider services, Translink takes account of the need to ensure that they are inclusive and accessible and consults regularly with Imtac on these matters.</p> <p>Work on a new Disability Strategy is due to commence imminently. The developments of the new Strategy will take account of UNCRC and UNCRPD recommendations as well as any other relevant UN Committee observations and human rights issues. Consultation with children will take place in the development of the Strategy</p> <p>[DN It should be noted that any Strategy specifically for children with disabilities would not be within the remit of DfC and would likely be an issue for DE to consider].</p> <p>The new Disability Strategy will be a pan-disability strategy which although produced by DfC, will be developed in conjunction with the disability sector using co-operation methodology. Issues raised by the sector, including transitions, will be considered in the context of the Strategy and its Action Plan</p> <p>The Department of Health's (DoH) Physical and Sensory Disability Strategy 2012/15/18 formally concluded in September 2018; at which time DoH asked the Health &amp; Social Care Board (HSCB) to take forward the implementation of the Physical and Sensory Disability Strategy's Action Plan. At the conclusion event in December 2018, it was announced that (i) That the DoH would be convening a Regional Disability Forum, and, (ii) the Director of Social Care and Children committed on behalf of HSCB that any outstanding actions would be completed. It is anticipated that the Regional Disability Forum will consolidate the achievements delivered under the Strategy, and drive progress against further actions and commitments emerging from that programme of work. This report will furnish the new Forum with a starting point for this forward-looking agenda.</p>	<p>It is NICCY's expectation that the new Executive Disability Strategy, led on by DfC, will be inclusive of disabled people of all ages, and suggest that this takes a lifecycle approach, looking at the needs of early age children, school age children, working age adults and elderly people with disabilities. Early in the policy development process a Child Rights Impact Assessment should be undertaken to identify the key actions required to deliver on the rights of disabled people.</p>

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<b>Health and health services</b>  59. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party, the governments of the devolved administrations, overseas territories and Crown dependencies develop comprehensive and multisectoral strategies on child health:  (a) With allocation of the maximum extent of available resources and a robust monitoring mechanism;  (b) With a strong focus on eliminating inequalities in health outcome as well as in access to health services;  (c) Addressing underlying social determinants of health.	All	<p>A comprehensive review of paediatric services was carried out between 2012 and 2014 and two strategies developed entitled <i>A Strategy for Paediatric Healthcare Services Provided in Hospitals and in the Community (2016-2026)</i> and <i>A Strategy for Children's Palliative and End-of-Life Care (2016-2026)</i>.</p> <p>The two strategies are designed to modernise and further improve the standard of treatment and care provided in hospital and community settings, as well as palliative and end-of-life care for children and their families.</p> <p>A regional Child Health Partnership (managed clinical network) has recently been established to oversee the implementation of the two strategies.</p> <p>In addition, Making Life Better – the strategic framework for public health focuses on collaborative working on the broad range of social, economic and environmental factors which influence health and wellbeing and inequalities in health. The framework has a particular emphasis on Giving Every Child the Best Start, and is also underpinned by a number of health promotion strategies which include emphasis on children's issues for example in relation to breastfeeding, obesity prevention etc. A mid-term review of Making Life Better is now underway.</p>	<p>The range of strategies / policies in place that focus on children's health is welcomed. NICCY remains concerned that the allocation of resources and monitoring mechanisms are insufficient, resulting in limited evidence of progress or improved outcomes of children and young people.</p>

<p><b>Mental health</b></p> <p>61. The Committee recommends that the State party:</p> <p>(a) Regularly collect comprehensive data on child mental health, disaggregated across the life course of the child, with due attention to children in vulnerable situations, and covering key underlying determinants;</p> <p>(b) Rigorously invest in child and adolescent mental health services and develop strategies at national and devolved levels, with clear time frames, targets, measureable indicators, effective monitoring mechanisms and sufficient human, technical and financial resources. Such strategy should include measures to ensure availability, accessibility, acceptability, quality and stability of such services, with particular attention to children at greater risk, including children living in poverty, children in care and children in contact with the criminal justice system;</p> <p>(c) Expedite the prohibition of placing children with mental health needs in adult psychiatric wards or police stations, while ensuring provision of</p>	<p>All</p> <p>All</p> <p>All</p>	<p>(a) The Health and Social Care Board are implementing a CAMHS data set, which includes a profile of presenting needs, treatments/interventions provided and the outcomes being achieved. It is currently a work in progress, with the HSCB and Trusts committed to its full implementation. Further funding investment is required for dedicated informatics support to fully implement the Data set in all the Trusts. Once fully implemented, the new data set will assist in analysing trends, support the tailoring of services in response to individual needs and facilitate improvements in planning mental health services for the local population of children, young people and their families.</p> <p>(b) The Child and Adolescent Mental Health Services (CAMHS) service model was published by the DoH in July 2012 with the aim of securing consistent provision of CAMHS throughout Northern Ireland. The Service Model promotes a more person-centred approach to mental health service delivery. It is based on a five-stepped care model with a focus on early intervention. The model stresses the importance of developing effective interface protocols with other relevant services and organisations to ensure that children and young people have access to the full range of support they need.</p> <p>Working Together: A Pathway for Children and Young People through CAMHS was published in March 2018. The purpose of this Integrated Care Pathway is to tell multi-disciplinary and multi-agency care providers of CAMHS, children and young people and their parents/carers, what should be expected at any point along the journey of care in CAMHS.</p> <p>In response to the recommendations of the NICCY report: ‘Still Waiting – A Rights Based Review of Mental Health Services and Support for Children and Young People in Northern Ireland’, (September 2018), DoH published a draft Interdepartmental Action Plan on 10th October 2019. The plan contains a series of actions to improve mental health services and support for children and young people and access to those services, such as, full implementation of CAMHS care pathway and regional guidelines on transitions between CAMHS and AMHS. Progress is being made against many of the actions, however some of the actions may require ministerial decisions and funding.</p> <p>In addition, the Health Minister published a Mental Health Action Plan in May 2020, which includes a number of actions related to children and young people, including the establishment of a Managed Care Network for CAMHS, which is currently underway. Additional actions include creation of a Mental Health Champion and development of a 10 year Strategy for Mental Health. Work on the Strategy is in the early stages, but it will be fully co-produced, person-centred and cover mental health across the lifespan, from childhood through to old age.</p> <p>Children and young people in Northern Ireland who require inpatient mental health care are admitted to Beechcroft, the Regional Child and Adolescent Mental Health</p>	<p>(a) NICCY has been raising concerns about the chronic lack of regional, publicly available mental health data and monitoring processes with DoH. This included a series of recommendations in NICCYs Still Waiting Review published in 2018. In response to these recommendations we have welcomed developments in the CAMHS minimum dataset. However, as yet the dataset is not in the public domain and does not include fully populated data from every HSCT. NICCY also called for data on the prevalence of mental health problems in under 18’s and we warmly welcome the publication of the first NI CYPs Mental Health Survey in October 2020.</p> <p>(b) There has been an historical under-investment in children and young people’s mental health services. Only 7.8% of the Northern Ireland mental health budget goes to under 18’s. This is despite the fact that young people make up 25% of the population, evidence of the growing scale and complexity of the problem and commitment from successive Governments to prioritise this area. Whilst acknowledging some positive progress has been made, significant investment and system reform is still required to ensure that NI has a comprehensive mental health care system (<u>NICCY Monitoring Report</u>).</p> <p>(c) There has been a downward trend in admissions of children and young people to adult mental health wards which is positive. NICCY continues to be concerned about the gaps in age appropriate specialist in-patient and</p>
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<p>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>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>Relevant sections of the Mental Capacity Act (Northern Ireland) 2016 to 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 must ensure that the child's environment is suitable having regard to the child's age were commenced in December 2019</p> <p>CAMHS is delivered through community based teams across the region with a focus on prevention, early intervention and recovery.</p> <p>When commenced, the Mental Capacity Act (NI) 2016 will provide a statutory framework for persons who are over 16 who lack 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. 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, which include special regard to past and present wishes, feelings, beliefs and values. The amendments to the Mental Health Order also include a requirement for independent advocates and a duty on age appropriate accommodation. The advocates will help and support the decision making to be focussed on the best interests of the child. The first phase of the Act in respect of Research provisions came into effect on 1 October 2019 and the second stage of Phase 1, in relation to Deprivation of Liberty was commenced on 2 December 2019. At the moment there is no set date for full commencement of amendments to the Mental Health Order.</p>	<p>intensive community based provisions for young people with alcohol and drug problems (detox facility); 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 in the availability of some community services, this includes access to out of hours and crisis response services, and mental health services for young people with a learning disability. Generally, there is unacceptably long waiting times to access many community services, including Step 3 statutory CAMHS.</p> <p>(e) Under 16s are excluded from the scope of the Mental Capacity Act due to Government's position that the test for capacity cannot be applied to children. This position is not compliant with the UNCRC or ECHR. The Mental Health (NI) Order 1986 will remain in place for under 16's, this is 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. A series of amendments are planned to improve protections and safeguards for under 16's, however, at the moment there is no set date for full commencement of amendments to the Mental Health Order. Steps to update the legislation must be taken as a matter of urgency.</p> <p>The Mental Capacity Act does not apply to 16 and 17 year olds in the same way as adults. Unlike adults, they do not have automatic access to the safeguards and protections of the Act when they lose capacity. The current version of the Mental Capacity Act Code of Practice does not appear to fully address the position of 16 and 17 year olds as the Children's Chapter 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, but does not remove the right of the parent or guardian to consent on behalf of a 16 or 17 year old.</p> <p>The recent supreme court judgment in the Re D case resolves some but not all of the outstanding issues with the legislative position and NICCY has yet to receive a satisfactory response from the DoH regarding the judgement and the measures that will be taken to rectify problems with existing legislation for under 16s and 16-17 years olds.</p> <p>See 22 (a) also.</p>
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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><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, 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>All</p> <p>All</p>	<p>(a) Although the previous Sexual Health Strategy expired 2015, the Health and Social Care Sector is currently 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>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. 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>In 2018, the Department commissioned the Council for the Curriculum, Examinations and Assessment (CCEA) to carry out a review of existing RSE guidance to ensure that teachers, schools and practitioners have access to the most up-to-date and relevant resource material and information when looking for guidance, support and advice. CCEA was commissioned to identify, signpost and develop guidance and resources to support the teaching of sensitive issues including consent and what it means, domestic and sexual violence and abuse, LGBTQ+ issues, safe use of the internet, healthy &amp; positive sexual expression and relationships, developments in contraception and the effect of social media on relationships and self-esteem.</p> <p>A new online RSE Hub containing updated guidance and support materials was launched on 14th June 2019. A range of further new materials are currently being piloted by CCEA with schools and other stakeholders and will be progressively added once a pilot with schools and a stakeholder engagement exercise has been carried out. CCEA are also developing a curriculum framework which clearly sets out for schools and teachers key issues to be covered at each Key Stage in relation to RSE. It is envisaged that work on the framework will be completed in 2020.</p>	<p>(b). DE's current approach, which enables grant-aided schools to develop their own policy on how they will address RSE within the curriculum, is contrary to the UN Committee's recommendation that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools in Northern Ireland. It also contravenes Section 9 of the Northern Ireland (Executive Formation etc) Act 2019 which requires the implementation of the recommendations of the CEDAW report and therefore the introduction of a compulsory RSE curriculum in Northern Ireland. Furthermore, it is in contrast with regulations passed by Parliament to ensure that all English post-primary schools teach RSE and all primary schools teach Relationships Education from September 2020.</p>



		<p>Nutritional Standards for School Lunches and Other food and Drinks in schools are a mandatory element of the Food in Schools policy, These have been in place for twelve years and are currently being updated to ensure they are in keeping with government guidance on healthy eating. The current obesity prevention framework A Fitter Future for All 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. The current nutritional standards have been in place since 2007 and are being updated to ensure they are in keeping with government guidance on healthy eating. It is expected that the updated nutritional standards will be in place by September 2020.</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>	
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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>c) Promote, protect and support breastfeeding in all policy areas where breastfeeding has an impact on child health, including obesity, certain non-communicable diseases, and mental health, and fully implement the International Code of Marketing of Breast-milk Substitutes.</p>	All	<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.</p> <p><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 department. The increased use of standardized compliant menus and recipes assists schools and caterers in meeting the nutritional standards.</p> <p>As part of the Welfare Reform Mitigations package, DfC has tested a Social Supermarket model with five pilots since 2017. A Social Supermarket is stocked with surplus food from mainstream suppliers and retailers, requires clients to become members and uptake a tailored package of wraparound services to help address the causes of their food insecurity. Clients pay a small weekly membership fee and have a time limited membership period, usually of six months, to prevent creating dependency. Evaluation has shown positive outcomes across a range of indicators including food insecurity and healthy eating, and lone parent households were the largest single constituency amongst members. The Department is now undertaking a business case to consider a full roll out of the model. The Welfare Mitigations <del>were initially to end on 31 March 2020, however, following a</del> commitment from the Northern Ireland Executive the existing schemes have been extended. The Department is now considering options beyond March 2020</p> <hr/> <p>(c) The current breastfeeding Strategy 'Breastfeeding – A Great Start. A Strategy for Northern Ireland 2013-2023' continues to be implemented. The Strategy outlines the direction to protect, promote, support and normalise breastfeeding in Northern Ireland.</p>	

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<p><b>Environmental health</b></p> <p>68. With reference to target 1.5 of the Sustainable Development Goals, the Committee recommends that the State party, including the devolved administrations in relation to devolved matters:</p> <p>(a) Set out a clear legal commitment, with appropriate technical, human and financial resources, to scale up and expedite the implementation of plans to reduce air pollution levels, especially in areas near schools and residential areas;</p> <p>(c) Place children's rights at the centre of national and international climate change adaptation and mitigation strategies, including through its new domestic climate strategy, as well as in the framework of its international climate change programmes and financial support.</p>	<p>All</p> <p>All</p>	<p>(a) One of the key actions of the Draft Programme for Government is the preparation of a Clean Air Strategy for Northern Ireland. DAERA has worked collaboratively with the other Departments in the preparation of a draft Clean Air Strategy Discussion Document. The draft Discussion Document brings together science, policy and legislation and proposes, for public consideration, a number questions relating to air quality.</p> <p>At a UK level the National Air Pollution Control Programme sets out measures and technical analysis which demonstrates how the legally binding 2020 and 2030 emission reduction commitments (ERCs) for five damaging pollutants (nitrogen oxides, ammonia, non-methane volatile organic compounds, particulate matter and sulphur dioxide) will be met across the UK. DAERA has further provided input into the Air quality plan for nitrogen dioxide (NO2) in UK (2017) which sets out measures being taken across the UK and in Northern Ireland to reduce nitrogen dioxide emissions.</p> <p>b) The delivery plan for Programme for Government Outcome 2 'We live and work sustainably protecting the environment' and the recently published second Northern Ireland Climate Change Adaptation Programme contains actions that will assist all of society, especially the most vulnerable. They contain actions across all of government that will reduce emissions, and assist in adapting to our changing climate.</p>	<p>Data on levels of air pollution should be provided, including in areas near schools and residential areas.</p> <p>NICCY notes that DAERA consulted on a draft Environmental Strategy in 2019, and provided input in relation to placing children's rights at the centre of environmental matters, including addressing climate change.</p>



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<b>Standard of living</b>  71. The Committee draws the attention of the State party to target 1.2 of the Sustainable Development Goals, on poverty reduction, and urges the State party to: <p>(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;</p> <p>(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;</p> <p>(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;</p>	<p>All</p> <p>All</p> <p>All</p>	<p>(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 measureable indicators and is reported on annually. A Child Poverty Strategy was listed at paragraph 4.6.2.12 of the New Decade, New Approach as one of the key strategies which could underpin the Programme for Government. Subject to Executive approval the Minister intends to extend the term of the Child Poverty Strategy 2016-19 to May 2022 to allow time for key stakeholders to be consulted on whether a new Anti-Poverty Strategy would suffice to cover all age groups or a new standalone Child Poverty Strategy should be developed. Any decision in relation to a future Child Poverty Strategy will be for the Minister for Communities to consider.</p> <p>(b) The requirement under The UK Life Chances Act (2010) to publish a revised Child Poverty Strategy and lay before the Assembly does not apply after 31 March 2020. Departments however, continue to report annually on their respective actions contained in the Child Poverty Strategy Action Plan. A 2019/20 Annual Report will be published following Executive approval.</p> <p>(c) The Department has prepared annual reports detailing the expenditure on welfare mitigations in each of the last 3 financial years (2016/17 to 2018/19). A further report on expenditure for 2019/20 will be published in Autumn 2020. A review of the welfare mitigation schemes was published in March 2019. A report on the operation of the Welfare Reform (NI) Order 2015 was also published in December 2019. The existing welfare mitigation schemes were scheduled to end on 31 March 2020 but continue to be delivered following a commitment from the Northern Ireland Executive. The Executive has also committed to a review of welfare mitigation measures. This has been delayed due to the COVID-19 pandemic and is expected to be completed by late 2020;</p>	<p>NICCY welcomes the extension of the Child Poverty Strategy and the commitment in the NDNA to the development of a new Anti-Poverty Strategy and Child Poverty Strategy. The Anti-Poverty Strategy should take a lifecycle approach, with a focus on children and young people.</p> <p>However, it is important to note that there has not been a sustained decrease in the child poverty rate since data was first collected in 2002. With the introduction of a number of Welfare Reform measures that were particularly targeted at families with children, and not addressed by the Welfare Mitigations, the impact of Covid-19 on family incomes, and the impact of Brexit soon to be felt on family incomes it is critical that the Executive prioritises support to families and children in poverty.</p> <p>Despite ongoing engagement with DfC in relation to the need to conduct a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms introduced on children, this has not yet been conducted.</p> <p>It is essential that the Review of the Welfare Reform Mitigation package includes an assessment of how the incomes of families with children on the lower end of the income distribution have been affected, and identify mitigation measures to be included in the new Mitigation Package specifically to alleviate the impact on children.</p>

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(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	<p>(d) Welfare reforms have been introduced in Northern Ireland in line with the principle of parity on social security and as agreed by the Northern Ireland Executive in the Fresh Start Agreement. Any revision of the current policies will be a matter for the NI Assembly, however NI is fully funded for its benefit costs so long as it maintains parity. HMT can recover from the NI block any costs arising from a deviation from parity</p> <p>To ensure that appropriate advice is available for future Ministers the Department has a wide-ranging programme of evaluation for Welfare Reform. The link below is to relevant evaluation page on the Department's website. 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 each 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.  <a href="https://www.communities-ni.gov.uk/topics/welfare-changes-briefing">https://www.communities-ni.gov.uk/topics/welfare-changes-briefing</a></p>	
(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	<p>(e) Due to the NIA only being re-established in January and the impacts of COVID-19, the Department has not yet been able to consider this issue and will consider any legislative adjustment necessary in due course.</p>	
(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	<p>(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 will seek to provide floating support, where available, to any 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 greatest housing need.</p>	
(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		

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<p><b>Education, including vocational training and guidance</b></p> <p>73. The Committee recommends that the State party:</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(d) Abolish the use of isolation rooms;</p>		<p>Northern Ireland's New Decade New Approach commits the Department of Education to a number of key priorities including:</p> <p><i>"The Executive will establish an external, independent review of education provision, with a focus on securing greater efficiency in delivery costs, raising standards, access to the curriculum for all pupils, and the prospects of moving towards a single education system".</i></p> <p><i>"The Executive will establish an expert group to examine and propose an action plan to address links between the persistent educational underachievement and socio-economic background, including the long- standing issues facing working-class Protestant boys".</i></p> <p>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>The Department of Education and the Department of Economy are partners in the Vulnerable Persons Relocation Scheme (VPRS), announced on 7 September 2015, which was established to resettle 20,000 vulnerable Syrian refugees. Some of these refugees, including children and young people, are resettled in Northern Ireland (NI). The scheme was due to end in March 2020, however it has been extended for a further year.</p> <p>(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. It is a matter for the school Principal and its Board of Governors to determine its content in consultation with parents/carers and pupils.</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>The Department is reviewing arrangements for the suspension and expulsion arrangements. This work is being supported by an engagement group which is representative of schools and children's advocates, and is overseen by a Project Board representative of all managing authorities for schools.</p> <p>The Department is considering the issue of seclusion with relevant partners and will report back to the Minister in due course.</p>	<p>(a) NICCY is encouraged by Government's expressed commitment to transforming Northern Ireland's education system in the New Decade, New Approach deal as fundamental reform is required to ensure that all children have equal access to an excellent quality education. The external, independent review of education will be critical in delivering this commitment.</p> <p>Inequalities remain in Northern Ireland's education system and many groups of children and young people continue to face significant impediments to accessing a high quality education in line with Articles 28 and 29 of the UNCRC. This includes care experienced children; Traveller children; children from ethnic minorities; children with a disability, children with additional needs and children from disadvantaged backgrounds (such as children on free school meals).</p> <p>Academic selection continues to exacerbate inequalities, to advantage children from more affluent families and to reinforce the social divide; this is evidenced by the fact that 38% of children in non-Grammar schools and only 14% of children in Grammar schools are entitled to free school meals. Furthermore, the vast majority of children in NI continue to be educated in separate schools with the minority attending desegregated or "integrated" schools - schools which are specifically established to educate Catholic and Protestant children together. The result of selection and segregation is an education system which comprises multiple education sectors, at different levels of education.</p> <p>(b – d) There continues to be a worrying pattern of formal or informal exclusions (where children are sent home early or put on part-time timetables, where the exclusions are not being recorded) as evidenced by NICCY's Legal and Investigations work and recent comprehensive review of SEN provision in mainstream school (NICCY 2020c). Due to the failure to record these "informal" suspensions or exclusions they are not being properly documented, resulting in a hidden problem with no data collection hampering knowledge about the scale of the issue. Children with SEN and/or disability are particularly vulnerable to suspension and expulsions, including informal exclusion, as evidenced by trend data (DENI, 2019) which revealed that pupils with SEN were almost twice as likely to be suspended as pupils without SEN. Data also demonstrated that almost half of expulsions since 2015-16 have related to children with SEN. Evidence suggests that schools are employing such measures because teachers lack the skill and capacity to respond to the needs of children with SEN. Informal exclusions have also been attributed to a lack of available support services for behavioural management.</p> <p>We remain deeply concerned at the use of isolation facilities in school settings. Progress has not been made in implementing the Committee's 2016 recommendation; urgent action must be taken to abolish the use of isolation rooms. Also see points 40b,c,d for further comment on the use of restrain, seclusion and restrictive practices in all settings.</p>

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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>(e) <u>Integrated Education</u></p> <p>The Department of Education has a statutory duty to encourage and facilitate the development of integrated education and funds the Northern Ireland Council for Integrated Education (NICIE) to help it fulfil its statutory duty.</p> <p>In delivering its statutory duty to encourage and facilitate the development of integrated education, the Department of Education reviews its policies against this duty and already seeks to respond positively to parental demand for integrated schools.</p> <p><u>Shared Education</u></p> <p>The Shared Education Act (Northern Ireland) 2016 places a statutory duty on the Department to encourage facilitate and promote Shared Education.</p> <p>The Act also requires the Department to report biennially on the operation of the Act including the extent to which the purpose of Shared Education has been achieved. The latest report is available <a href="https://www.education-ni.gov.uk/node/45143">at https://www.education-ni.gov.uk/node/45143</a></p> <p>The Department has a range of evaluation mechanisms in place to monitor Shared Education.</p> <p><a href="https://www.education-ni.gov.uk/sites/default/files/publications/education/Shared%20Education%20-%20Report%20to%20Assembly%20May%202018_2.pdf">https://www.education-ni.gov.uk/sites/default/files/publications/education/Shared%20Education%20-%20Report%20to%20Assembly%20May%202018_2.pdf</a></p> <p><u>Shared Campuses</u></p> <p>As part of its statutory duties, 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 funds the Northern Ireland Council for Integrated Education (NICIE) to promote integrated education.</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>	



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
(e) 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	<p>The Shared Education Campuses Programme is ongoing with further projects to be announced once funding has been confirmed.</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>The Department of Education funds a wide range of early years educational interventions, prior to compulsory school starting age, for example, Sure Start, the Pathway Fund, Pre-School Education, the Getting Ready to Learn Programme etc.</p>	(e)The Emotional Health and Wellbeing Framework is a positive move forward and, with appropriate support to schools and commitment by all relevant parties to the Framework's successful implementation, should result in improvements in mental health awareness and literacy, and alleviate mental health difficulties in schools. However, it remains crucial that all children who require access to counselling services can do so. Therefore, the Independent Counselling Service for Schools (ICSS) must be extended to primary school settings and a wellbeing measure be implemented in all school settings and completed by all pupils.
(f) Make children's rights education mandatory.	All	DE is currently leading with input from Department of Health and the Public Health Agency to develop a Framework for delivery across Government to deliver coherent and effective support to children and young people in the area of emotional health and well-being.	(f) NICCY recognises that the UNCRC and children's and young people's rights are reflected within the NI school curriculum throughout Key Stages 1 to 4 but these are still not a compulsory part of the curriculum.



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><b>Rest, leisure, recreation and cultural and artistic activities</b></p> <p>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:</p> <p>(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;</p> <p>(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;</p>	<p>All</p> <p>All</p>	<p>The Curricular Guidance for Pre-school Education (2018) promotes effective learning and development through play, both indoors and outdoors. The Getting Ready to Learn programme, delivered in DE-funded pre-school settings, aims to provide parents with the information and confidence to create and sustain positive home learning environments, and promotes parental engagement in age-appropriate play with their children.</p> <p>(a) Sport Matters, the NI Strategy for Sport and Physical Recreation includes specific targets to address the issue of children's participation levels in sport and physical activity including play.</p> <p>While these targets are specifically about setting a baseline on which to record participation against, activities to encourage participation have also been taking place.</p> <p>&amp; (b) Draft Programme for Government Framework (NI) 2016-2021 states as an outcome 'To give our children and young people the best start in life'. This outcome is about ensuring that children and young people grow up in a society that provides the support they need to achieve their potential which is to include the provision of 'space to play' and opportunities for 'physical exercise'. The Department for Communities has delivered onsite 18 learning/recreational environs with 16 currently in design.</p> <p>Free travel on public transport is available to children up to the age of five. Between 5 and 16 half fare travel is available on public transport. Grant funded transport schemes operate in urban and more rural areas for those (including children) who may find it difficult or impossible to use public transport.</p> <p>(b) DfC, Sport NI (a DfC arms-length body) and a range of other partners including Disability Sport Northern Ireland, provide financial and practical support to schools and district councils to open up opportunities for school children at both primary and post primary ages.</p> <p>The participation of children living with physical sensory or learning difficulties is being encouraged through a range of objectives within the Active Living-No Limits Action Plan that aims to improve the health and well-being of disabled children and provide opportunities to access physical activity and sports venues and services across NI.</p> <p>The importance of this issue will be carried into the consideration and design of a new Strategy for Physical Activity and Sport for the period 2020-2030 under an S2020 Strategy Project.</p> <p>The participation of children living with physical sensory or learning difficulties is being encouraged through a range of objectives within the Active Living-No Limits Action Plan that aims to improve the health and well-being of disabled children and provide opportunities to access physical activity and sports venues and services across NI.</p>	<p>NICCY welcomes the development of a Strategy for Physical Activity and sport. However, a more strategic approach must be taken in relation to rest, leisure, play, recreational activities, cultural life and the arts through the Children's Strategy. This should target resources at groups of children – and young people – who have limited access to these opportunities.</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) 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	<p>The importance of this issue will be carried into the consideration and design of a new Strategy for Physical Activity and Sport for the period 2020-2030 under an S2020 Strategy Project.</p> <p>(c) The Ministerial Advisory Group for Architecture + Built Environment are currently working with Belfast Healthy Cities with a view to producing guidelines for child centred planning, design and stewardship for the built environment in NI.</p>	
<p><b>Asylum-seeking, refugee and migrant children</b></p> <p>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:</p> <p>(a) Systematically collect and publish disaggregated data on the number of children seeking asylum, including those whose age is disputed;</p> <p>(b) Establish statutory independent guardians for all unaccompanied and separated children throughout the State Party;</p> <p>(c) 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;</p>	<p>All</p> <p>All</p> <p>All</p>	<p>a) HSCTs and HSCB maintain data in relation to numbers of unaccompanied/separated children and those children seeking asylum, including those whose age is disputed.</p> <p>b) Independent Guardians, in accordance with Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, are in place in Northern Ireland to assist, represent and support any separated child/young person who comes to the attention of an authority in Northern Ireland and any trafficked child in Northern Ireland in respect of whom no-one is exercising parental responsibility. The service was procured and awarded on 1 January 2018 and became operational on 1 April 2018.</p> <p>c) Age assessments are conducted only in those cases where there is serious doubt. Age assessments require to be Merton compliant. Currently work is being progressed to establish a Northern Ireland Age Assessment specific guidance which will include a multi-agency approach to informing the age assessment process which should only be undertaken after an agreed period to allow the child to rest and familiarise with the immediate environment.</p>	<p>77a We note that NICCY is unaware of data regarding age disputed Separated Children in Northern Ireland being published and highlight more broadly that the Home Office should provide disaggregated data for children and families in Northern Ireland who are subject to immigration control, including those who are appeal rights exhausted.</p> <p>(77b We welcome the establishment of Guardians for Separated Children in line with Section 21 of the Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland).</p> <p>77c Age assessment: regional age assessment guidance should be progressed as a matter of urgency.</p>
<p>(d) Cease the detention of asylum-seeking and migrant children;</p> <p>(e) 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</p>	<p>All</p> <p>All</p>		
(f) Provide sufficient support to migrant, refugee and asylum-seeking children to access basic services;	All	(f) 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 is in place.	77f: Access to basic services: NICCY acknowledges work that has been undertaken to support Separated Children by HSCB, HSCTs and others. We note however, as we did in 2018, that the Concluding Observations relate to all children subject to immigration control including children in families and children of appeal rights exhausted asylum seekers. This requires that a range of statutory agencies who have remit in regard to both devolved and excepted matters, including Home Office, HRMC, DoC, BSO and EA work effectively and collaboratively to ensure that children and families have access to basic services.

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
(g) Review the Immigration Act (2016) in order to ensure its compatibility with the Convention;	UK		
(h) 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	(h )Return of children to family is determined through the looked after children planning and review of arrangements mechanisms. Any determination that a child be returned to his family/country of origin requires the Trust as the corporate parent to satisfy itself of the appropriateness of any return arrangements.	77h: As noted in 2018, HSCTs and Guardians should be active in all aspects of the search for a durable solution, including by ensuring that a best interests determination informs any decision to return a child.
<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 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 led by both the Department of Justice and the children's sector NGO's, 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 at the earliest possible stage. 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) It is unacceptable that 9 years after the report of the Independent Youth Justice Review there has been no progress, even by initialling a public debate, on raising the age of criminal responsibility.
(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.  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.  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.	b) Young people under the age of 18 are dealt with through a specialist youth justice system.

		<p>In terms of criminal records, the Department acknowledges the views of both the Supreme Court and the NI Independent Reviewer of Criminal Records that the filtering scheme currently in place is not sufficiently restrictive in terms of diversionary disposals. We are therefore making changes to the scheme that go beyond the recommendations of the Reviewer and the Court, which will ensure that no diversionary disposal awarded to anyone under 18 is disclosed on an Access NI certificate without the prior agreement of the Independent Reviewer of criminal record certificates. Legislative changes to this effect will be brought forward as soon as is practical, but the policy may be introduced and applied on an administrative basis in the interim. Such diversionary disposals do not come within the remit of the rehabilitation of offender's legislation, which deals with court-imposed convictions only, and therefore do not need to be self-declared.</p>	<p>YJA performance data indicates that a significant amount of the work of the Agency concerns diversionary activity such as youth engagement clinics, community resolution notices and diversionary youth conferences. Whilst the clear emphasis in early intervention and diversion must be applauded, NICCY queries whether this is the best use of YJA resources and expertise. Consideration should be given to whether such work can be more efficiently and effectively undertaken by the voluntary and community sector.</p>
(c) Abolish the mandatory imposition of life imprisonment for children for offences committed while they are under the age of 18;	All	<p>c) (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.</p>	<p>The completion of the diversion by the child should result in a definite and final closure of the case. Although confidential records can be kept of diversion for administrative and review purposes, they should not be viewed as "criminal records" and a child who has been previously diverted must not be seen as having a previous convictions</p>
(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	<p>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. A joint Justice and Health Programme Team has been appointed to transform secure children's facilities in NI and this work is underpinned by the principle of detention as a last resort.</p>	<p>d) It remains deeply frustrating that evidence would indicate that there is considerable work still to be done in this area. In 2019-20 only 7% young people in the JJC were sentenced, with the remaining 93% either there on PACE or remand. It is also of concern that the proportion of children who are cared for remains unacceptably high at 39%.</p>
(e) Ensure that child detainees are separated from adults in all detention settings;	All	<p>e) Children in custody are always held separately from adults in NI.</p>	<p>e) It is reassuring that no child has been held with adults for many years. However the legislation has not been revised to ensure that this can never happen.</p>
(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	<p>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 a period of time possible commensurate with the circumstances and in accordance with strict time limits.</p>	
<p><b>Child victims and witnesses of crimes</b></p> <p>81. The Committee recommends that the State party introduce, as a standard, video-recording of the interview with a child victim or witness during investigation and allow the video-recorded interview as evidence in court.</p>	All	<p>Video-recording of the interview with a child victim or witness during investigation and allowing the video-recorded interview as evidence in court is a Special Measure in place for children in Northern Ireland under the Criminal Evidence (Northern Ireland) Order 1999.</p>	<p>As noted in relation to 43 and 45, DoJ is aware of NICCY's position that the Barnahus model should be introduced for all child victims of sexual offences and that this concern is directly addressed in the Gillen Review of law and procedures in serious sexual offences cases and subsequently in New Decade New Approach. This will ensure that investigative and any other interviews with child victims, including cross-examination, are pre-recorded, that this is done close to the time of reporting and that children are not required to attend court. We note that in all cases involving child victims, evidence including testimony for cross examination purposes should be pre-recorded.</p>



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<p><b>Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography</b></p> <p>83. The Committee recommends that the State party fully implement the recommendations contained in its concluding observations on the initial report of the State party, on the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/GBR/CO/1), in particular that the State party:</p> <p>(a) Ensure that all children up to 18 years of age are protected from all types of offence covered by the Optional Protocol and that domestic legislation throughout the State party, including in its devolved administrations, enables it to establish and exercise extraterritorial jurisdiction, without the dual criminality criterion, over all the offences covered by the Optional Protocol;</p> <p>(b) Strengthen the National Referral Mechanism for identifying trafficked and exploited children which is embedded in existing child protection procedures;</p>	<p>All</p> <p>All</p> <p>All</p>	<p>(a) Following a review of the law around child sexual exploitation, a public consultation was carried out in early 2019. Work is currently ongoing to analyse the responses to the consultation and determine where further work is needed. Enactment of any legislative changes identified will depend on the return of the legislative assembly in Northern Ireland. Article 76 of the Sexual Offences (Northern Ireland) Order 2008 already provides for extraterritorial jurisdiction for sexual offences where the victim is under the age of 18.</p> <p>(b) In Northern Ireland, child victims of modern slavery immediately fall into the care of Health and Social Care (HSC) Trusts, under the National Referral Mechanism (NRM) and under the responsibility for child protection that falls to the Department of Health and its arms-length bodies. The care, support and protection requirements for child victims and potential victims are underpinned by a comprehensive framework of legislation, operational guidance and protocols for multi-agency work. These are detailed in the following document which was issued in August 2018: "Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery."<sup>1</sup></p> <p>In recognising the vulnerability of these children their care and protection is paramount and to that end specific developments to safeguard child victims have been put in place and include a dedicated children's facility, skilled staff group including dedicated CSE leads and coordinated working with relevant key agencies including PSNI, Home Office, Border Force and the Single Competent Authority. A Regional Practice Network comprising all key agencies and HSC Trusts with responsibility for separated, unaccompanied and child victims of trafficking and modern slavery is in place to drive and embed cross-agency collaborative working and to build and strengthen the knowledge and expertise of key professional across the lead agencies. The establishment of the Independent Guardian Service from 1 January 2018 following the successful passage of secondary legislation further strengthens the support arrangements in place for these children and holds a central role in ensuring that the best interests of the child are taken into consideration in all decisions and actions affecting the child.</p>	<p>83a and e: As noted in 2018 and repeatedly highlighted by NICCY, currently legislation in NI does not provide safeguards for all children up to the age of 18 in respect of all sexual offences. NICCY provided detailed advice to DoJ on this in the Department's 2018 consultation on legislative proposals which, if not amended, will fail to comply with the Concluding Observations of the UN Committee on the Rights of the Child.</p> <p>83b NICCY acknowledges the range of work undertaken to strengthen arrangements to protect and support Separated Children in Northern Ireland. In relation to the National Referral Mechanism (NRM), while the establishment of the Single Competent Authority is welcome this does not ensure that the NRM is embedded in child protection processes as noted in the Concluding Observations. We also note that all relevant authorities should ensure all potential child victims are referred into the NRM in order to be afforded its protections and that does not only apply to Separated Children or those who are otherwise subject to immigration control.</p>

<sup>1</sup> <https://www.health-ni.gov.uk/publications/protecting-unaccompanied-children-and-child-victims-human-trafficking-and-modern-slavery>



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>The NI DoJ has worked with the Home Office throughout the period of NRM reform and has been represented on the Programme Board and on all of the reform project groups. Part of this has involved ensuring that the Home Office has benefitted from representation from the NI Regional Health and Social Care Board on the working group on making the NRM process more child-friendly.</p> <p>DoJ jointly held a work-shop with PSNI on 9 October 2019 to provide refresher training for staff from all first responder organisations in their role in the NRM, and also to cover the new digitised process. There was significant representation at the training from Health and Social Care Children's Services staff. The Regional Health and Social Care Board Social Care Commissioning Lead for Children and Families spoke on the NRM arrangements for child potential victims of trafficking and modern slavery.</p> <p>In accordance with section 12 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, the Northern Ireland Department of Justice published the Modern Slavery Strategy 2019 – 2020 in April 2019. This multi-agency strategy covers a wide range of actions to address modern slavery and human trafficking. A significant piece of work being delivered under the strategy is a strategic approach to training and awareness for statutory bodies across Northern Ireland on how to identify victims. This includes delivery of training to health and social care providers likely to come into contact with potential victims of human trafficking accessing health and social care, including children and young people.</p> <p>Complementing the above Working Arrangements for child victims and potential child victims of human trafficking and modern slavery, DoJ, PSNI and the Health and Social Care Board jointly published revised guidance in November 2018 for front-line workers: "Working Arrangements for the Welfare and Protection of Adult Victims and Potential Victims of Human Trafficking and Modern Slavery."2 Whilst this deals with adult potential victims it also contains guidance on transitions to adult services.</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;	All	(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. A number of responses to the consultation raised the issue of offences relating to those over the age of consent, and these comments will be considered by DOJ.	83c: Information should be provided in relation to how effectively child victims have access to non-prosecution protections.
(d) Operationalize the provision of a competent and statutory guardian during the criminal justice process;	All		
(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.	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><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> <ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(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.</li> </ul> <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>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.</p>	<p>UK</p> <p>UK</p> <p>UK</p>		

<sup>2</sup> <https://www.justice-ni.gov.uk/publications/adult-working-arrangements-2018>

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
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		
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		
<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, written replies to the list of issues and the concluding observations are provided on the DE website	

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><b>Next report</b></p> <p>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.</p> <p>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.</p>	<p>UK</p> <p>UK</p>	<p>The UK will be reporting using the Simplified Reporting Procedure. The UN Committee will issue its List of Issues Prior to Reporting (LOIPR) in February 2021 and the UK State Party will reply by February 2022. Northern Ireland will contribute to the UK response.</p>	