



# STATEMENT ON CHILDREN'S RIGHTS IN NORTHERN IRELAND 2

## YOUNG PERSON'S SUMMARY REPORT

November 2020

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Welcome to the Northern Ireland Commissioner for Children and Young People's second 'Statement on Children's Rights in Northern Ireland' or SOCRNI 2 for short following the first Statement on Children's Rights in. Additional information can be found in the State of Children's Rights in Northern Ireland Children and Young People's Resource Pack at [www.niccy.org](http://www.niccy.org)

There has been significant change since the publication of SOCRNI 1. This includes the restoration of the Northern Ireland Assembly and Executive and the 'New Decade, New Approach' agreement and the ongoing negotiation on the UK's exit from the EU and impact that this will have on the rights and safeguards for young people and wider society.

In addition, the advent of the 'Covid-19' pandemic in March 2020 has meant the NI Executive has had to refocus in responding to an unprecedented situation, redeploying resources – human, financial and physical – to address this public health crisis.

SOCRNI 2 includes information on key issues facing children and young people and the recommendations to government that NICCY are calling for.

As always, NICCY have continued to ensure the participation of children and young people informs their work and have supported us, as members of the NICCY Youth Panel produced a video and a young person's resource to accompany this document.

In 2019, young and old, and in between, celebrated the 30th Anniversary of the UNCRC which provided the opportunity to reaffirm our commitment to children's rights. It was very encouraging that so many public bodies, different organisations, groups and political parties actively embraced and acknowledged this milestone with us.

In recent years seen children and young people continue to find their voice as Rights Defenders. Young people are no longer waiting to be asked, they are taking the initiative and demanding real change on the issues that most affect them.

*Join the journey*



## What is Educational Inequality and why is it important?

Northern Ireland has a number of different types of school at both primary and post primary level that cater for education choices made by children and their parents and also individual learning needs of pupils. The UNCRC makes it clear that all children should receive a good quality education that meets their needs and supports them to develop their skills, talents and abilities and reach their full potential. This includes pupils with a Special Educational Need (such as a learning or physical disability), those with English as a second language and those who are educated outside mainstream school.

NICCY believes that there has not been a lot of progress on the calls made in 2018. There are still a lot of inequalities in the education system in Northern Ireland and too many children and young people are not able to fully enjoy their rights to a good education. Some groups of children are being left behind when it comes to reaching their potential at school. This includes children in care; Roma and Traveller children; newcomer children, children with a disability, children with special educational needs, children from poorer backgrounds, and those entitled to free school meals. While not all children in those groups will be affected, it is important to identify how they can be supported properly.

It is important that government tackles these barriers to make sure all children and young people can reach their potential in education.

It is not clear yet how children and young people's long-term education and well-being will be affected by the impact of covid-19 and school closures but some children have been more badly affected than others despite the support available. However, children's services should now work together to make plans so if schools need to close in future or children need to isolate at home for any reason then they can quickly move to blended learning. Children must have access to the resources they

require, such as computers or tablets, and receive extra services such as counselling or learning support when they need it.

## NICCY's Recommendations to Government:

1. Close the gap in achievement between some groups of children and young people and remove all barriers to every child's full participation in, and access to, a child rights compliant education system. This includes support for LGBTQI+, newcomer, children in care and children with SEN. Government should also make plans to implement all of the recommendations in NICCY's 'Too Little, Too Late' rights based review of SEN provision.
2. Promote and monitor mental health and well-being of children and young people in schools. Tackle issues that impact well-being by:
  - Making sure schools follow anti-bullying laws
  - Making sure all children can get counselling in schools, including primary
  - Taking early action to promote emotional health and well-being
  - Measure children and young people's well-being in all schools for all pupils
3. Move towards a single education system that fulfils article 28 and 29 of the UNCRC, is fit for purpose, value for money and doesn't cost families extra money. This should look at segregated education and academic selection.
4. Make sure all children can continue to access education throughout the Covid-19 pandemic, including the most vulnerable children such as those in special schools.

## What is Mental Health and why is it important?

Mental ill health is one of the main health issues for young people in Northern Ireland but services are currently underfunded and until recently there has not been enough research to show the full scale of the problem. The Child and Adolescent Mental Health Service or CAMHS, receives less than 8% of the overall budget for mental health services in Northern Ireland even though Government has said it should receive 10%. Waiting times for children and young people to get the help they need have also increased over recent years.

NICCY's 'Still Waiting' review of children and young people's experiences of mental health services made 50 recommendations on how to improve services by working more effectively including improving mental health awareness and understanding, and supporting young people with additional needs.

Studies shows that mental health problems are common in children and young people in Northern Ireland with 1 in 8 experiencing anxiety or depression – this 25% higher than other areas in the UK. Now that more is known about the scale of the problem, NICCY will keep an eye on how Government makes improvements to mental health services for children and young people.

Covid-19 has had an impact on mental health services for children as young people like all areas of life. There are some positive outcomes such as increased use of technology that could help to improve access to services and decrease waiting times but it is important to make sure these methods are tested to see if they are user friendly.

As pressure on all areas of the health service increases, it is important to keep children and young people's mental health and well-being a priority and continue to plan long term for effective mental health services that uphold the rights of all children and young people.

## NICCY's Recommendations to Government:

1. Use the findings and recommendations from NICCY's 'Still Waiting' review to develop children and young people's mental health services. Funding must be allocated to make sure services continue to improve in the long term.
2. Prioritise improvements in the areas where we see the worst breaches of children's rights. Government must also make sure they show how they spend money effectively to make improvements to children and young people's mental health and well-being.
3. Make sure that support is in place to deal with the impact of Covid-19 on mental health and well-being. This has to include groups of children who are at particular risk including; those who already have mental health problems or disability and children and young people affected by domestic violence, abuse or poverty.







## What is Child Poverty and why is it important?

Currently around 1 in 4 children in Northern Ireland is living in poverty – this means they and their families do not have enough money to have a decent standard of living. Children are more likely to be living in poverty than any other age group in society. Households in Northern Ireland continue to have less income on average compared to other parts of the UK. The high cost of childcare also has an impact on families' incomes.

One way that government can reduce the number of children living in poverty is to support parents to find work that pays enough money for them to provide for their children. When this is not possible, the UNCRC is clear that it is government's responsibility to give support to parents to make sure their child's right to a decent standard of living is met.

NICCY is also concerned that changes to social security benefits have had a worse impact on children and their families than any other age group. It is essential that social security benefits protect the most vulnerable and don't cause additional hardship for children.

The Covid-19 pandemic hit Northern Ireland at a time when plans to tackle poverty and improve the economy had not yet been agreed by Government. A number of measures have been put in place to limit the financial impact of the pandemic from both the UK government and local arrangements, such as direct payments for children on free school meals and a fund to provide food and support to vulnerable people. Coming out of the pandemic, government has an opportunity to develop a stronger focus on working together to rebuild the economy, strengthen health and social security systems and meet the needs of everyone in society, especially the most vulnerable.

## NICCY's Recommendations to Government:

1. Plans to rebuild the economy after Covid-19 should include making sure that everyone, including young people, can get a job with a decent wage that enables them to live above poverty thresholds.
2. The Department for Communities should make sure funding to lessen the impact of benefit changes focuses on reducing child poverty and supporting low income families.
3. Make sure the social security system is an effective safety net that prevents families falling in to poverty. Families should receive a guaranteed minimum income.
4. The Stormont Executive should urgently develop an Anti-Poverty Strategy. This should adopt a 'lifecycle approach' reflecting the causes and impacts of poverty at different ages throughout life. Actions relating to children should include introducing affordable childcare, tackling educational inequalities and social exclusion and addressing homelessness.

## What is Safeguarding and why is it important?

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

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

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

However, NICCY is of the view that none of the Commissioner's 2018 SOCRNI recommendations to Government have been properly acted upon. The Commissioner remains deeply concerned that meaningful progress has not been made in establishing a child death review

mechanism in Northern Ireland and is not of the view that the Department of Health has demonstrated that continued delays in this are appropriate or necessary.

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

### NICCY's Recommendations to Government:

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

## Protecting refugees, migrants and asylum seekers

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

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

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

Article 31  
we all have the right to rest  
and play.



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

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

## Digital Environment

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

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

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



## Restraint and seclusion

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

### **What are restraint, seclusion and restrictive practices?**

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

### **In order to protect children's rights Government must:**

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



## What is Youth Justice and why is it important?

In accordance with international children rights standards the Youth Justice System in Northern Ireland recognises that children have a different status to adults and consequently has separate policies and processes. The purpose of the Youth Justice System in NI is also clear that whilst its main aim is to protect the public through the prevention of offending by under 18s, a primary aim must be acting in the best interests of children.

The Youth Justice Agency statement of purpose and values does not include their statutory obligation on best interests of the child as a primary consideration or a commitment to children's rights. This should be amended as a matter of urgency.

The UN encourages Governments to set a minimum age of criminal responsibility of 14 years of age. Regardless of all the evidence and rights standards, children are held to be criminally responsible at 10 years of age in Northern Ireland (as well as in England and Wales). The UK and NI Government continues to not act where the UN Committee on the Rights of the Child have consistently highlighted the issue of the age of criminal responsibility across the UK.

Many young people continue to believe that they are discriminated against when they are stopped and searched or questioned and are treated with disrespect; this may make an already tense situation worse. While PSNI have a clear policy commitment to children's rights, this means nothing if it isn't seen in their routine engagement with young people.

There have been significant and positive developments in the Youth Justice System in Northern Ireland since 1998. However, the lack of a NI Assembly and Executive since the first SOCRNI report in 2018 until

its resumption in January 2020, has meant that there has been little significant progress in the implementation of children's rights in the Youth Justice System. There must be push now to make sure the system is child rights compliant.

## Our Recommendations to Government include

1. The Youth Justice System must make the principle 'Best Interests' a priority. This must include:
  - a. Custody as a last resort and for the least possible time.
  - b. Tracking the impacts on and changes in the lives of young people who have received services from the Youth Justice Agency to see what has the most positive impact.
  - c. Diversion that prevents young people going in to the formal system.
  - d. Compulsory time limits for processing of youth court cases of 120 days.
  - e. Participation of children and young people in design and delivery of services.
2. Make plans to raise the minimum age of criminal responsibility to 14 years immediately.
3. 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.

## What is Brexit and why is it important?

Brexit is the UK withdrawal from the European Union. As the UK government is still negotiating with the EU on the final agreement for leaving the Union there are still a lot of things that are not clear about what this will mean for children's rights in Northern Ireland. However, NICCY is keen to make sure children and young people's lives are not negatively impacted by this decision even after the 31st December 2020.

Children and young people did not have a say in the decision to leave the EU so NICCY wanted to make sure their voices were heard by decision makers as they planned new ways of working together. It is important that children and young people don't lose the rights that have been built up and protected through the UK's membership of the EU. However, this is also an opportunity to make the UNCRC part of law here in Northern Ireland to make protection of children's rights even stronger.

The border between Northern Ireland and the Republic of Ireland is the only land border between the UK and EU. The Good Friday Agreement ensures that citizens in Northern Ireland have equal rights to those living in the south of Ireland.

There are ongoing concerns about the funding of youth services, trade agreements, and crossing the border for school, family visits, health care and social activities. There are additional concerns about security, policing, child protection and hate crime.

## NICCY's Recommendations to Government:

1. All aspects of the Good Friday Agreement must be protected including the right of people in Northern Ireland to identify as British, Irish or both. Government must also make sure that human rights are protected and that all citizens in Northern Ireland and the Republic of Ireland continue to experience rights equally.
2. The UK Government, Irish Government and European Union must work together to avoid any kind of hard border on the island of Ireland.
3. Governments must make sure that children and young people can be safeguarded by keeping current security, policing and justice mechanisms (e.g. Europol, Eurojust, ECRIS, European Arrest Warrant and Data protocols).
4. The UK and Irish Governments must work together to keep freedom of movement across the border so that children, young people and their families continue to access services and facilities on either side of the border (e.g. health, education, family life, sports, cultural and leisure activities.)
5. The UK Government (post-Brexit) should keep providing financial support currently given to Northern Ireland by the EU. This includes farming subsidies, finance for infrastructure (e.g. transport links, communications, energy) and make sure that funding is available for projects that help reduce poverty and support peace across Northern Ireland.
6. Make the UNCRC law in Northern Ireland to protect the Rights of all children and young people after Brexit.

## What is Legacy of the Conflict and why is it important?

The impact of the 'Troubles' and the divisions underlying it, continue to significantly impact on the lives of our children and young people, all of whom were born after the Good Friday Agreement. Unfortunately, NICCY is of the view that little progress has been made in addressing the 2018 SOCRNI recommendations.

Segregation continues to be a part of daily life for children and young people in Northern Ireland in accessing services, with segregated living significantly affecting how they live their lives. In Belfast, the vast majority of public housing is segregated into Protestant or Catholic areas. Children are largely educated in separate schools, with only 7% of children attending integrated schools.

The communities most deeply affected by the Northern Ireland conflict are also those in areas with the highest rates of mental ill-health and child poverty, and the lowest levels of educational attainment. On a daily basis, the children living in these communities deal with the ongoing impacts of a conflict not of their making and which ended before they were born.

Children and young people's knowledge of conflict, and opportunities to discuss and make sense of 'the Troubles' are still limited. More consistent, and safe, opportunities are required for young people to explore the past and the impact that it still has on our communities, especially around how inequalities can arise in society and why conflict, including prejudice, stereotyping, sectarianism and racism may arise in the community.

## NICCY's Recommendations to Government:

1. Make sure children are properly protected from trauma, violence or mistreatment in their communities, including from all forms of violence by non-State forces (paramilitaries). They should also be protected from being recruited by these forces.
  - This should involve full monitoring and evaluation of the pilot programmes to tackle paramilitarism. The Government should invest more in those programmes that are particularly effective and lead to positive outcomes.
2. Tackle the ongoing impact of conflict (e.g. mental ill health, family breakdown, child poverty and educational under attainment) and make sure children and young people get suitable services in their communities. Information about the conflict should be provided to children and young people with a view to achieving a shared understanding.
3. Make sure the school curriculum promotes understanding and integration between communities from an early age and regularly throughout school. Children from Catholic and Protestant schools must be given more opportunities to work together and integrate through education and working together.
4. Support children and young people to play a central role in building a peaceful future in Northern Ireland. Government should recognise that children and young people have been Human Rights Defenders in this country for many years. Make sure children and young people are supported to explore and celebrate their culture, and to recognise the right of others to celebrate theirs.

## What is Participation and why is it important?

The UNCRC is clear that children and young people should have a say in decisions that affect them now, not just when they are adults. This is important because they are experts on their own experience and can help make better decisions.

At the moment because of Coronavirus, lots of the usual places where children and young people can have their voices heard (e.g., school councils and youth groups) are not running as normal so Government needs to make sure that they find other ways to listen to the opinions of children and young people and feed back to them about why decisions are made.

It is good to see some progress in plans for participative structures that will make children and young people's voices heard in decisions made at local and NI Government and that these opportunities will be linked to make sure information gets to the right people. It is important that this is followed up with proper feedback showing how their opinions have been taken in to account. Government Department, the Assembly Commission and local Councils should work together to make sure children and young people have their voices heard.

We are sorry to see that the Department of Education still doesn't tell schools that they must involve pupils in decision making in the school, even though NICCY and the UN Committee have said they should. More work is needed to make sure that school councils are meaningful and really help pupils have a say in their school life.

## NICCY's Recommendations to Government:

Prioritise participation of children and young people by having good plans and training in place.

1. Make sure the *Participation in Decision Making Initiative* has support from all public bodies and provides opportunities for children and young people to have a say in all areas of their lives.
2. Make sure Government Departments and public bodies are properly trained to find out what children and young people think, put their ideas in place, feed back to those involved and report on how they are doing.
3. The Department of Education should make sure all schools have a meaningful school council or forum and make sure children's rights is taught in all schools.





## What is Challenging Discrimination and why is it important?

### Access to Goods, Facilities and Services

In Northern Ireland, it is proposed to introduce legislation to protect against discrimination on grounds of age when accessing goods, facilities and services (Age GFS). It is also proposed to apply these protections only to those aged over 16. NICCY has provided a wealth of compelling evidence to Government that clearly highlights the need to include children and young people of all ages within the scope of the Age GFS legislation<sup>1</sup>. NICCY welcomes the proposal under the New Decade, New Approach deal to bring an Age, Goods, Facilities, and Services Bill forward by the Executive as basis for ensuring that no one is discriminated against because of their age.

### Mental Capacity

The Department of Health, in the development of the Mental Capacity Act, have been clear that the inclusion of 16 and 17 years olds in the Act would mean that the legislation would apply to this age group in the same way as adults. NICCY argued that 16 and 17 year olds who come within the scope of the MCA due to their lack of capacity would be unable to access any of the protections and safeguards in the Act, unless they are deemed to be able to give consent. Throughout the development of the Act, NICCY also consistently expressed concern regarding the application of the Act only to those aged 16 and over, thus denying young people under 16 access to the protections and safeguards under the Act.

<sup>1</sup> <http://www.niccy.org/about-us/our-current-work/gfs-goods-facilities-and-services>

## Equal Protection

The articles of the UNCRC are understood to be indivisible, interrelated and interdependent and this can be clearly seen when examining children and young people's right to non-discrimination, particularly in the area of legal protection from all forms of violence and assault, including physical punishment. The case for change in Northern Ireland is further supported

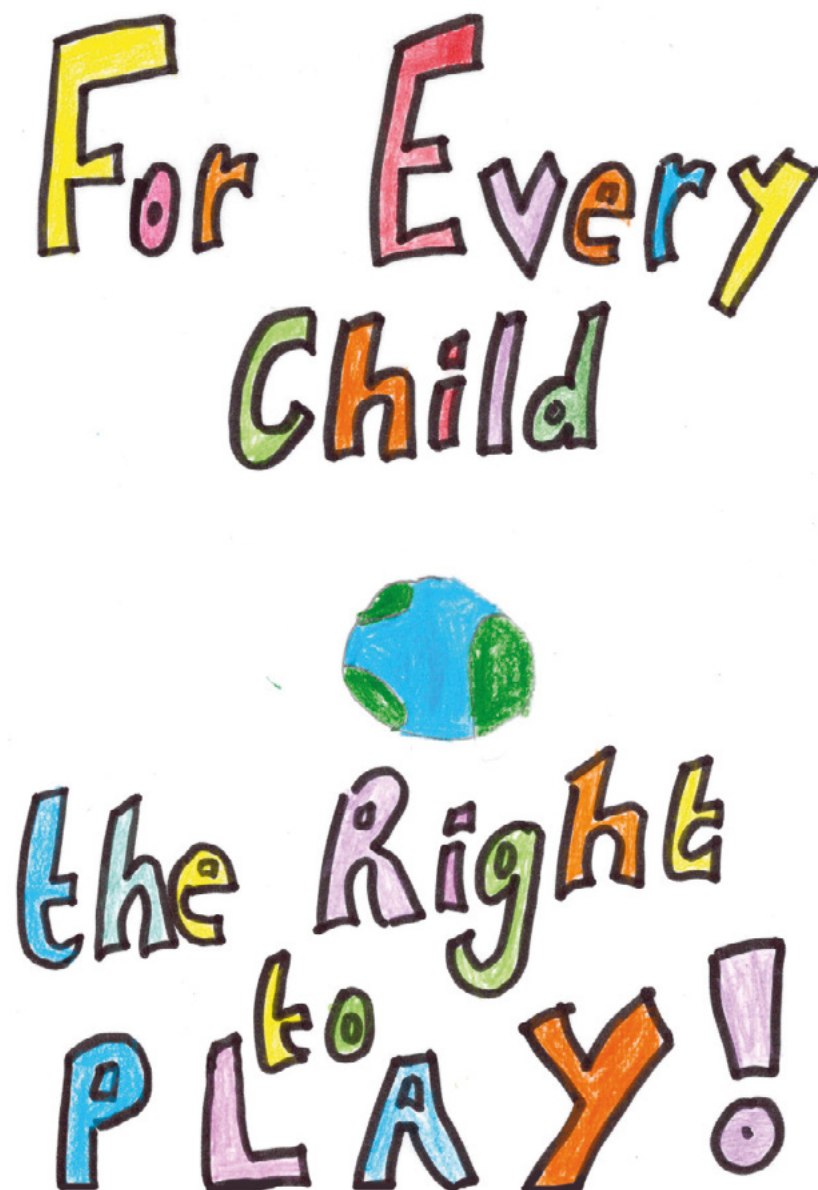


by NICCY's 2017 survey findings that explored adult attitudes towards physical punishment and legal reform.<sup>2</sup> Research results highlighted that the majority of adults (70% of adults and 76% of parents) viewed positive parenting as more effective than physical punishment and that just under one in four adults (24%) and only 18% of parents reported that physical punishment was acceptable as a method of discipline. It is time for Government to both reform the law to ensure children in Northern Ireland have Equal Protection and to better support parents and families with high quality positive parenting information and support.

## **NICCY's Recommendations to Government:**

1. Introduce law on age discrimination in the delivery of goods, facilities and services legislation that covers all age groups including children and young people.
2. Consider including children under 16 in the Mental Capacity Act and consider including child/parental consent for medical interventions.
3. Change the law so that children and young people are protected equally from all kinds of violence and assault in the same way as adults and give more support to families through effective parenting support.

<sup>2</sup> NICCY (2017) Changing Perceptions: Equal Protection for Children, NICCY's work and survey results on attitudes to physical punishment. Available at: <http://www.niccy.org/publications/2017/june/29/changing-perceptions-equal-protection-for-children/>





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