

CHILDREN'S LAW CENTRE



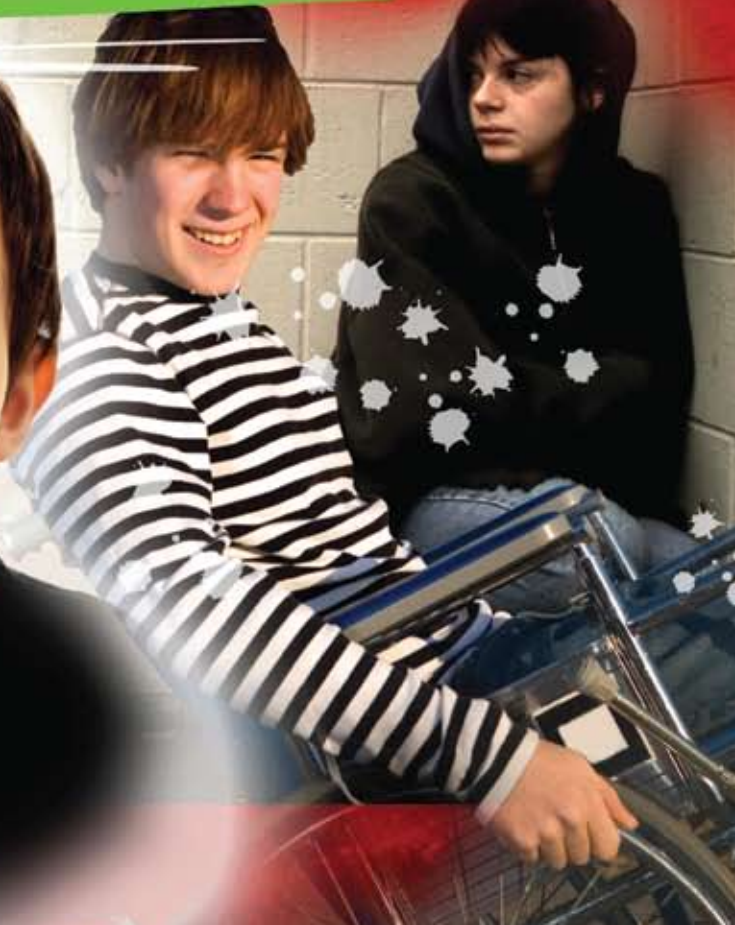
Annual Report
2008/2009

USING THE LAW TO PROMOTE, PROTECT AND REALISE CHILDREN'S RIGHTS

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STAFF

YOUTH@CLC

MANAGEMENT COMMITTEE

VOLUNTEERS

STAFF

- Sara Boyce
- Emma Campbell (started 1.9.08)
- Tara Caul
- Kiera Duddy (left 26.9.08)
- Diane Hammond
- Rachel Hogan (started 10.11.08)
- Paddy Kelly
- Trevor Kilpatrick (started 10.11.08)
- Stephanie McIlroy (started 1.9.08)
- Deborah McKenna (left 25.5.08)
- Ann-Marie McLaughlin
- Patricia McLaughlin
- Eamonn McNally (started 10.11.08)
- Liam Mackle
- Sinead Mulhern
- Helen Rafferty
- Kathryn Stevenson
- Natalie Whelehan

Youth@CLC MEMBERS

- Ciara Toner
- Matthew Bradley
- Nicholas Hammond
- Claire Rafferty
- Roisin Brunty
- Cathal Rooney
- Deepak Sharma
- Terence Donaghy
- Aoife Gordon
- Chris Maguire
- Claire Withers
- Erin Graham



CHALKY VOLUNTEERS

- Rosalind Dunlop
- Deirdre Vincent
- Terry McGuinness
- Pedram Norton
- Laura Fitzpatrick
- James McLernon

MANAGEMENT COMMITTEE

- Grainne Brady**
Sheridan and Leonard, Solicitors
- Anne Marie Kelly**
MKB Russells, Solicitors
- Paddy Mooney**
Include Youth
- Linda Guilfoyle**
VOYPIC
- Margaret Monaghan**
Belfast Education and Library Board
- Davy Hayes**
Queens University, Belfast
- Clionagh Boyle**
Derry Children's Commission
- Sheri Chamberlain**
Save the Children
- Carol Diffin**
Belfast Health and Social Care Trust

YOUTH@CLC

What is Crime ?

PHOTOGRAPHY PROJECT



This year, youth@clc undertook a photography project which sought to challenge the perception and representation of young people in our society. As young people, youth@clc were not content in allowing the media and other sections of our society to portray them as 'hoodies', yobs with ASBOs and without anything to contribute.

Youth@clc worked with photography based organisation 'Belfast Exposed' to learn how to take photographs 'on location' and in the studio, as well as being trained up on Photoshop applications to produce their images.

The idea behind the images was to firstly portray young people as we feel they are currently portrayed - intimidating, unapproachable and menacing. We then wanted to delve deeper and look at how young people should be portrayed - as articulate, intelligent, hard-working and caring.



ENGAGING WITH DECISION MAKERS



Youth@clc responded to a number of consultations over the past 12 months and, true to form, held decision-makers to account by articulately asserting their thoughts and views on issues that matter to them. One such engagement was in respect of the introduction of Test Purchase Powers for alcohol.

Members of youth@clc met with representatives from the PSNI to discuss their proposals to introduce powers which would allow the PSNI to use children to test purchase for alcohol. Youth@clc voiced their concern regarding the safety and protection of young people participating in this scheme and were dubious of how many young people would volunteer to participate in the scheme. The PSNI are currently considering responses to this consultation and youth@clc sincerely hope that their comments are taken on board when final decisions for these proposals are made.

Examination of the UK Government by the UN Committee on the Rights of the Child on their Implementation of the UNCRC



The UK government was examined by the UN Committee on the Rights of the Child in September 2008. Youth@clc assisted Save the Children and the Children's Law Centre to draft the NGO Alternative Report which was submitted to the UN Committee on the Rights of the Child. Youth@clc endorsed that report. The key issues in the report were presented to the UN Committee on the Rights of the Child at the pre-sessional hearing in June 2008.

As young people led organisations from Wales, Scotland and England had received funding support to submit their own reports they attended the pre-sessional hearing. Unfortunately there were no young people from Northern Ireland in attendance at the pre-sessional as there had not been funding to support such an initiative here. Therefore, it was felt vitally important that young people from Northern Ireland were present at the examination. The Children's Law Centre and Save the Children secured funding for 6 young people to witness the UK government being held to account on their record on children's rights. This allowed two young people from youth@clc, two young people from An Munia Tober and two young people from VOYPIC to travel to Geneva to attend the UK examination. The trip to Geneva proved extremely successful and even included a closed session between the young people from Northern Ireland and members of the Committee, to allow the young people to voice their views on issues that affect young people in Northern Ireland.



Upon return, the young people attending the examination promised to assist the Children's Law Centre and Save the Children in feeding back the outcomes of the examination to the sector, other young people, public bodies, politicians and Ministers. When they arrived back from the UK government examination members of youth@clc along with young people from VOYPIC and An Munia Tober, requested a meeting with the Junior Ministers, Gerry Kelly MLA and Jeffrey Donaldson MP MLA to discuss how they were going to take recommendations from the UN Committee forward in a Northern Ireland context.

The Junior Ministers accepted the young people's request and at the meeting discussion was honest and frank. Issues that were discussed at this meeting included concerns that the young people had over the failure of the NI Assembly to disseminate information on the UNCRC and information on the Concluding Observations. In both Wales and Scotland, government funded NGOs to produce a child friendly version of the Concluding Observations and the young people asked that this be done in Northern Ireland. Ministers undertook that they would work with the Children and Young People's Unit to produce something similar. Members of youth@clc also asked that government work on an Action Plan which would set out how they would address the failures to implement the UNCRC in Northern Ireland.

Discussions were also held around issues that young people in Northern Ireland face on a daily basis, including the rights of young people in care, the rights of young Travellers and the negative stereotyping of young people in our society. The young people from youth@clc, An Munia Tober and VOYPIC presented themselves as confident and articulate and represented the voice of young people in Northern Ireland with great skill and coherence.



Children's law centre

An opportunity to join an expanding, professional, multi-disciplinary team

SPECIAL EDUCATIONAL NEEDS & DISABILITIES

Ref: SR09/08 | NJC Scale 32-36

Recruitment AND Selection

As the inclusion of young people in all decision making is extremely important to both youth@clc and the Children's Law Centre as a whole, members of youth@clc received training in recruitment and selection processes and are now proud to boast involvement in the selection panels for the SENDIST Representative post and the Mental Health Solicitor post.

Youth@clc are particularly excited about the future appointment of a new Youth Support and Development Worker and look forward to working with them in the coming year!

A group of people, including young people and adults, are seated around a table in a meeting room. A banner for the Children's Law Centre is visible in the background.

Fundraising

With thanks to funding from Atlantic Philanthropies our first full time Fundraiser, Trevor Kilpatrick, joined the Children's Law Centre in mid November 2008 at a challenging financial time. His task is to help consolidate and expand our funding support in the midst of a global economic upheaval. Fundraising is always challenging but the recessionary economy coupled with an unprecedented global credit crisis is creating a level of uncertainty and insecurity both publicly and corporately which may prove to be the greatest challenge to confront voluntary sector fundraising.

The immediate task for the new Fundraiser was to review CLC's existing funding strengths and weaknesses and to identify for the next period the risks and priorities that needed to be addressed and the funding opportunities, both existing and new, that could be developed and captured to consolidate and then expand our support base. Traditionally CLC's funding has been secured from statutory funders and from grants received from Independent Trusts and Foundations. This support is greatly valued and remains essential to enable us to meet our existing commitments and respond to future demands. It is recognised however that CLC needs to simultaneously attract and secure income from new supporters and develop alternative fundraising markets to complement and possibly off-set some of our threatened funding sources.

Developing and evolving a fundraising strategy that will offer a greater mix of existing and new market opportunities coupled with new and existing fundraising products or offers has been the immediate priority. By diversifying our support base we can begin to mitigate against both known and unpredictable future funding risks. This strategy is beginning to emerge as CLC positions itself to introduce a fundraising portfolio for wider corporate engagement and marketing resources for attracting sustainable individual donors through tax effective support, including payroll giving and gift aided donations.

The Children's Law Centre offers a tremendous spectrum of project and thematic funding opportunities for prospective supporters in areas of children's educational rights including special needs, responding to mental health needs, disability issues, youth justice

and supporting children in care or at risk, to name just a few. All themes when coupled with our mission to use the law to promote, protect and realise children's rights provides us with a strong and engaging cause for individuals and organisations to support our work.

Matching our thematic activities and specific projects to the cause related interests of prospective supporters is essential for securing new partnerships that will prove mutually beneficial and sustainable for the future. As we look to the financially challenging year ahead, we would encourage all our existing contacts and supporters to consider how you can help. Making our business your business is our call to action to the corporate community. Simply consider some of the ways your business or your work colleagues could help to support our business - children and young

people. This may include:

- Adopting CLC as nominated Charity of the Year
- Employee fundraising and volunteering
- Event support and sponsorship
- Project funding and gifts in kind
- Employee payroll giving
- Corporate donations
- Cause related marketing
- Membership

The generosity, enthusiasm and commitment of individual supporters and donors is equally important for our continuing work with vulnerable and disadvantaged children. This may be by making a personal gift aided donation or committing to give regularly through a standing order or through your payroll or by giving a little of your time through volunteering as a community or workplace fundraiser and helping us through organising a fun event with your friends and colleagues. There are so many ways to support CLC's work for children. Simply contact the Centre to explore how you might be able to support the critical work of the Children's Law Centre.



Financial information for the year ended 31 March 2009

STATEMENT OF FINANCIAL ACTIVITIES (INCLUDING INCOME & EXPENDITURE ACCOUNT) for the year ended 31 March 2009

	2009 Unrestricted Funds £	2009 Restricted Funds £	2009 Total Funds £	2008 Total Funds £
Incoming resources				
Incoming resources from generated funds:				
<i>Voluntary income:</i>				
Donations and grants	50	-	50	10
Investment income	15,874	-	15,874	10,442
Incoming resources from charitable activities:				
Grants received	-	618,503	618,503	491,467
Other income	8,561	32,723	41,284	20,285
Total incoming resources	<u>24,485</u>	<u>651,226</u>	<u>675,711</u>	<u>522,204</u>
Resources expended				
Charitable activities	1,783	614,341	616,124	558,440
Governance costs	-	2,358	2,358	2,400
Total resources expended	<u>1,783</u>	<u>616,699</u>	<u>618,482</u>	<u>560,840</u>
Net incoming resources for the year	<u>22,702</u>	<u>34,527</u>	<u>57,229</u>	<u>(38,636)</u>
Transfer between funds	-	-	-	-
Net Movement in Funds	<u>22,702</u>	<u>34,527</u>	<u>57,229</u>	<u>(38,636)</u>
Total funds brought forward at beginning of year	113,306	186,633	299,939	338,575
Total funds carried forward at end of year	<u>136,008</u>	<u>221,160</u>	<u>357,168</u>	<u>299,939</u>

The above Statement of Financial Activities includes all information as required to be disclosed by the Companies (Northern Ireland) Order 1986.

The above amounts relate to the continuing operations of the Charity.

The company has no other recognised gains or losses and therefore no separate statement of total recognised gains and losses has been presented.

There is no difference between the net incoming/(outgoing) resources for the year stated above and their historical cost equivalents.

BALANCE SHEET at 31 March 2009

	2009 £	2008 £
Fixed assets		
Tangible assets	35,827	13,694
Current assets		
Debtors	9,436	37,156
Cash at bank and in hand	327,965	259,738
	337,401	296,894
Creditors - amounts falling due within one year	<u>(16,060)</u>	<u>(10,649)</u>
Net current assets	<u>321,341</u>	<u>286,245</u>
Net assets	<u>357,168</u>	<u>299,939</u>
Funds		
Unrestricted funds	136,008	113,306
Restricted funds	221,160	186,633
Total funds	<u>357,168</u>	<u>299,939</u>

The financial statements have been prepared in accordance with the special provisions of Part V111 of the Companies (Northern Ireland) Order 1986 relating to small companies.

A complete set of the Children's Law Centre audited accounts for 2008/2009 is available on request

INCOMING RESOURCES

	2009 Unrestricted Funds £	2009 Restricted Funds £	2009 Total Funds £	2008 Total Funds £
Voluntary income:				
Donations and grants				
Donations	50	-	50	10
	50	-	50	10
Activities for generating funds:				
Investment Income				
Bank interest	15,874	-	15,874	10,442
	<u>15,874</u>	<u>-</u>	<u>15,874</u>	<u>10,442</u>
Incoming resources from charitable activities:				
Grants received				
Department of Health, Social Services and Public Safety	-	70,214	70,214	68,501
Health and Social Services Boards	-	104,012	104,012	107,667
Save the Children	-	32,500	32,500	50,860
Comic Relief	-	45,977	45,977	47,416
Big Lottery Fund	-	-	-	23,223
Community Foundation	-	-	-	(1,000)
NICCY	-	50,800	50,800	42,329
Atlantic Philanthropies	-	315,000	315,000	144,000
	-	618,503	618,503	482,996
Change in deferred income	-	-	-	8,471
	-	618,503	618,503	491,467
Other Income				
Sales	8,206	-	8,206	7,944
NI Legal Services Commission income	-	32,723	32,723	10,500
Miscellaneous income	355	-	355	1,841
	8,561	32,723	41,284	20,285
TOTAL	<u>24,485</u>	<u>651,226</u>	<u>675,711</u>	<u>522,204</u>

DIRECTOR'S REPORT



2008/2009 has seen a very significant growth in the Children's Law Centre (CLC) reflecting not only the continuing growth in demand for the services provided by CLC but also the confidence of funders in the work and management of the Centre. Funding secured from Atlantic Philanthropies has in addition to securing current posts allowed the Centre to create 4 new key posts. Recognising the centrality of training to the strategic multi-disciplinary approach of the Centre to protecting, promoting and realising children's rights, the Centre successfully recruited a Training Co-ordinator. Targeted training for rights holders is a key priority of this post as it has been the experience of CLC that children and young people can only vindicate their rights when they or their parents/guardians/carers are aware that they have rights. It is also CLC's experience that duty bearers are not always aware of the full extent of their duties in respect of children's rights under domestic and international law and consequently benefit significantly from CLC's training, with the consequential benefit of increased compliance with both the spirit and letter of their obligations.

Building on the policy work previously undertaken CLC have continued to raise concerns in relation to the introduction and deployment of Tasers in this jurisdiction for use against children and young people. In the context that the child's right to life is engaged, we have continued to impress on the PSNI, the Northern Ireland Policing Board, other interested partner NGOs, the Northern Ireland Human Rights Commission, the Equality Commission and the Northern Ireland Commissioner for Children and Young People our concerns about the complete absence of any independent medical evidence which proves that Tasers, which discharge 50,000 volts, are safe to use on children and young people. Rather such evidence as does exist would support CLC's position that children by virtue of their smaller stature are one of the groups most likely to be injured or killed if hit by these weapons.

On 20th January 2009 the Children's Law Centre was given leave to intervene as a Third Party Intervener in a case taken by a child, which challenged the introduction of Tasers in Northern Ireland. The focus of our intervention was the children's rights implications of the use of Tasers against children and young people under 18 with specific regard to Article 2 of the ECHR as incorporated by the Human Rights Act 1998 (the right to life) and Section 75 of the Northern Ireland Act 1998. This case was heard by the High Court in March 2009 and judgment is awaited.

Despite a recommendation from the UN Committee on the Rights of the Child that, 'The State Party should treat Taser guns and AEPs as weapons subject to the applicable rules and restrictions and put an end to the use of all harmful devices on children,' it is currently legal in Northern Ireland for the PSNI to deploy Tasers for use against children. To protect and promote the child's right to life CLC will continue to work to protect all children from becoming a victim of these lethal weapons.

The Children's Law Centre is very appreciative of the ongoing financial support of its many funders without whom we could not provide the important services and undertake the important work of the Centre. Recognising however the need to build new and sustainable fundraising streams in a changing economic environment CLC recruited its first dedicated Fundraiser in 2008. The not inconsiderable fundraising challenge CLC faces is to secure income from new supporters and develop alternative fundraising opportunities in a time of recession and global economic crisis. The imperative for the successful discharge of this daunting task is the maintenance of the jurisdictionally unique service CLC provides to the most vulnerable children and young people. How financial support for the Centre can make a real difference to the lives of our most disadvantaged children is reflected in a series of new fundraising materials produced as part of CLC's fundraising strategy.

This year saw a number of significant steps in the ongoing and challenging process of developing a Bill of Rights for Northern Ireland, during which CLC continued to advocate for the maximum protection for children's rights. In March 2008 the Bill of Rights Forum, on which CLC along with Save the Children represented the children and young people's sector, presented its final report. Following the presentation of the Forum's report CLC, drawing on 10 years of evidence, actively engaged with the Human Rights Commission highlighting the children's rights deficits which needed to be addressed in any proposed Bill of Rights for Northern Ireland. In December 2008 the Human Rights Commission presented its long awaited advice to the Secretary of State for Northern Ireland. CLC welcomed the mainstreaming of children's rights protection and dedicated children's rights provisions in the Commission's advice. However in the context of the Human Rights Commission's adherence to international human rights standards, we are challenged by a number of gaps in the advice most notably in respect of physical punishment and the minimum age of criminal responsibility. As we enter the next phase in the long journey to drafting a Bill of Rights, CLC remain mindful of the origins of this work in the Good Friday/Belfast Agreement and the importance of guaranteeing children's rights in peace processes and recalls the appeal of Olara Otunnu, Special Representative of the Secretary General of the UN on Children in Armed Conflict, following his second visit to Northern Ireland in 2000:

"Following conflict, the prospects of recovery often depend largely on giving priority attention to young people in the rebuilding process, rehabilitating young people affected by war, and restoring their sense of hope. This issue must be a priority. All key actors responsible for developing post-conflict peace-building programmes...should make the rights and protections of children a central concern in their planning, programming and resource allocation."

He appealed to political leaders to "address the basic concerns of children in Northern Ireland, particularly social and educational integration, youth unemployment, substance abuse and poverty, improved access to health facilities and housing, increased access to counselling, and improved administration of child protection and juvenile justice. Children's rights should be incorporated into the new Northern Ireland Bill of Rights."

Having previously informed the NGO report submitted to the UN Committee on the Rights of the Child by CLC and Save the Children, in September 2008 two members of youth@clc, along with young people from Voice of Young People in Care and An Munia Tober travelled to Geneva to bear witness to the examination of the UK government by the UN Committee on the Rights of the Child. Building on meetings with the Chair and Rapporteur of the Committee held earlier in 2008 in Belfast, the young people had a private closed meeting with members of the Committee during the lunch recess to inform them directly of the children's rights concerns of young people in Northern Ireland. It is testimony to the advocacy skills of youth@clc that most of the issues they raised with the Committee are reflected in the Committee's Report including the demonisation of children and young people, which remains a major concern for CLC, youth@clc and many other children and young people in Northern Ireland.

The legal work of the Centre has continued to develop during the year with CHALKY dealing with over 1600 issues during the year, of which nearly a third relate to the child's right to education. With the appointment of a solicitor focusing on the rights of children with mental health needs in September 2007, the Centre has had the opportunity to increase advocacy services for this group of vulnerable children including representation at Mental Health Tribunals and in Judicial Reviews. This is a critical time in

the development of Child and Adolescent Mental Health Services in this jurisdiction with the focus on the implementation of the Bamford Review of Mental Health and Learning Disability (Northern Ireland). CLC's legal staff, along with the Centre's Policy Officer have advocated for appropriate children's rights protection in any new policy and legislation developed to give effect to the Bamford Report. The Centre's concerns that the outworking of the Review will not be children's rights compliant is reflected in its response to the DHSSPS's consultation on its proposed mental health and mental capacity legislation. Noting the critical lack of appropriate CAMHS provision for children with mental health needs in Northern Ireland the full implementation of the Bamford Review will remain a priority for the Centre as the DHSSPS develops new mental health and learning disability legislation and policy.

The administrative staff in the Centre have this year risen to the not insubstantial challenge of recruiting and supporting an expanding team with the same limited human, financial and technical resources. Their professional approach guarantees that the Centre continues to function smoothly regardless of the daily logistical challenges faced by organisations. As always we are indebted to them.

And finally 2008/2009 was also a very important year because Mollie was born, congratulations to Kathryn and Danny.

Paddy Kelly

ADMINISTRATION UNIT

The highly efficient and essential administrative support and financial management of the Children's Law Centre is provided by a small Administration team - Head of Administration and Finance Unit, Helen Rafferty and Receptionist/Administration Assistant, Ann-Marie McLaughlin. The continued growth of the Children's Law Centre in the past year is a testament to the vital work carried out by all the staff in ensuring the rights of children and young people in Northern Ireland are met.

Careful financial planning and monitoring has been key to maintaining and increasing funding for the Centre. We are particularly indebted to Atlantic Philanthropies for their increased funding which has enabled CLC to create four additional posts. The Administration team have been directly involved in the recruitment of new staff. The Administration team look forward to another busy, exciting and challenging year, during which we will continue to underpin the important work undertaken by the Children's Law Centre.

CHAIRPERSON'S REPORT

As Chair of the Children's Law Centre I have great pleasure in presenting CLC's 2008/2009 Annual Report. Even a cursory reading of this report will pay testimony to the vast volume of strategic work undertaken by CLC staff, Young People, Management Committee and Volunteers during this period. In a year which saw many significant achievements for the Centre detailed throughout this report including the renewal of LEXCEL accreditation, the securing of additional funding, the associated expansion of the organisation and youth@clc's engagement with the UN Committee on the Rights of the Child in Geneva during the UK government's examination, there was one undisputed highlight of the year, the delivery of the Children's Law Centre 2009 Annual Lecture by the President of Ireland, Mary McAleese. Reflecting on our recent past President McAleese's powerful and challenging lecture, "Children's Rights - A Foundation for Peace", re-enforced the responsibility we each bear to build a post conflict society worthy of our children. Quoting Mahatma Gandhi who once said, "If we wish to create a lasting peace we must begin with the children," President McAleese reflected that, "Children are part of that process, a vital and essential part of it. Their well-being whether in their homes, clubs, schools or streets will be the truest test of our success as peacemakers. Wherever their rights are abused is a danger zone we need to be aware of and dealing with. The multiplier effect of getting it wrong, of failing our children is devastating. That multiplier effect is not confined to the individual whose life is twisted out of shape by being the bully or the bullied but it cascades down through civic society in illness, dysfunction, underachievement, antisocial and criminal behaviour - a litany of problems which a more caring cradling could have avoided."

The benchmark for determining if we are in the 'danger zone' of denying children's rights remains the UK government's compliance with its obligations under the UNCRC. This year saw the 3rd examination of the UK government by the UN Committee on the Rights of the Child. This examination provided an opportunity to shine the spotlight of international scrutiny on the reality of the delivery of children's rights in Northern Ireland. Following Professor Yanghee Lee, Chair of the UN Committee on the Rights of the Child, delivering the Children's Law Centre's 2008 Annual Lecture, CLC in partnership with Save the Children led for the NGO sector in preparing an Alternative Report to the Committee. This substantial critique of the UK government's compliance with its obligations under the UNCRC was submitted to the Committee in March 2008 in advance of the Committee's pre-session examination in June 2008. The Report, along with additional information submitted after the pre-session examination in response to a request from the Committee, brought home to me the extent of the ongoing denial of children's rights in breach of the UNCRC and re-enforced the importance and centrality of the work of CLC in building a society where the rights of all children are protected without discrimination.

CLC, Save the Children and the Northern Ireland Commissioner for Children and Young People (NICCY) hosted the pre-examination visit to Belfast of Lucy Smith, one of two UNCRC Committee members appointed to act as Rapporteurs in respect of the UK government's examination. CLC and youth@clc played a key role in highlighting to the Committee the ongoing children's rights concerns in this jurisdiction. As evidenced by the strong Concluding Observations and Recommendations issued by the Committee following the examination, Ms. Smith's experiences in Belfast, including her meetings with children and young people, clearly had a marked impact.

I continue to be challenged by the breaches of children's rights which inform these indicting Observations. How in 2009 can children with mental health needs living in one of the most affluent western democracies be unable to access mental health services and how can a society, especially one emerging from conflict, continue to allow the use of the defence of reasonable chastisement in respect of the use of physical punishment in the home? These are just two of the many serious breaches of children's rights highlighted in the Committee's Report. We are all on notice of how we are daily failing children and the Committee's Concluding Observations and 130 Recommendations will stand as an indictment on all adults living in Northern Ireland until such time as our Executive takes the necessary action to defend the rights of its most vulnerable citizens.

CLC and youth@clc have, since the Concluding Observations and Recommendations were issued in October 2008, been focused in their work to ensure the UK government and the Northern Ireland Assembly and Executive comply with the UNCRC Committee's Recommendations. They are to be commended for their work. If they are to succeed in this work it is imperative that all of us who are committed to children's rights embrace these Recommendations and work in partnership with children and young people to challenge duty bearers and our elected representatives to deliver on these recommendations so that our society is genuinely one in which all children can enjoy their rights and their childhood. In this context I am mindful of President McAleese's insightful comment, "These uncertain economic times will bring a welter of added stresses and strains to many relationships, homes and communities. They will, in all likelihood, make some children more vulnerable. Those children need to know that their peace of heart and mind are on our minds. What we sow in these times we will reap. The children are always and ever our future. Abuse their rights and we disturb their peace of mind, perhaps for a lifetime. A peaceful future needs peaceful children."

Gráinne Brady

Legal services for children

LEGAL UNIT

The members of the legal team at the Children's Law Centre are Liam Mackle (Advice Manager), Kathryn Stevenson (Education Solicitor), Sinead Mulhern (Solicitor), Diane Hammond (Advice Worker), Patricia McLaughlin (Legal Secretary) and Tara Caul (Head of Legal Unit). We said goodbye to Kiera Duddy (Mental Health Solicitor) in September 2008. In November 2008, we welcomed Eamonn Mc Nally who took over as our Mental Health Solicitor and Rachel Hogan who commenced in post as our new SENDIST Representative (Special Educational Needs and Disability).

LEGAL INFORMATION FOR CHILDREN AND YOUNG PEOPLE

The following leaflets are currently available from CLC:

- Do You Know Your Rights About Being Looked After/ Being in Care?
- Do You Know Your Rights about Youth Justice?
- Do You Know Your Rights under the Human Rights Act 1998?
- Do You Know Your Rights about the UNCRC?
- Do You Know Your Rights About Suspensions and Expulsions?
- Do You Know Your Rights About Social Security?
- Do You Know Your Rights About Employment?
- Do You Know Your Rights About Admissions to Post Primary Schools?
- Do You Know Your Rights About Family Law?
- Do You Know Your Rights About Discrimination? (CLC and the Equality Commission)
- Discrimination - Do You Know Your Rights About Being Treated Fairly? (EasyRead version - CLC and the Equality Commission)

All of the above leaflets are available free of charge for children and young people and can all be accessed on our website. The revised version of "Do You Know Your Rights About Policing?"

and a new leaflet called "Do You Know Your Rights About Mental Health Law?" will be available shortly.

THE WEBSITE

Our information pack, leaflets and publications are on our website. There are clearly marked sections for children and young people and for adults/advisers. There is a members' section containing the information pack and CLC submissions which can be accessed by a pin code.

MENTAL HEALTH

The role of the new Mental Health Solicitor is to provide legal advice and information on children's rights and mental health law issues including delay in accessing mental health services, the rights of children and young people who are in hospital, the rights of children with mental health issues to education and representation at Mental Health Review Tribunals. The Mental Health Solicitor represents CLC on the Mental Health and Learning Disability Alliance, which is a coalition of several organisations with an interest in improving service provision and promoting legislative change in the field of mental health and learning disabilities.

SPECIAL EDUCATIONAL NEEDS

In November 2008 CLC appointed Rachel Hogan BL to the post of Special Educational Needs and Disability Tribunal Representative. The role involves providing legal advice about children's rights to access special educational provision which will meet their needs and their right to protection from disability discrimination in schools. Rachel provides legal representation in strategic cases at the Special Educational Needs and Disability Tribunal (SENDIST). This extension of the services offered by CLC within the area of

education has already yielded positive benefits to the community allowing children, parents, organisations and agencies to take advice about this complex area of law. Ultimately, through this work children with special educational needs or disabilities will gain greater access to their legal right to an effective education on an equal basis with their peers. As of March 2009 Rachel has provided representation at three Tribunal cases which included one Exclusion Appeal Tribunal and two SENDIST hearings. Each of these appeals has been successfully concluded to the benefit of the child.

The Children's Law Centre continues to host a regular Special Educational Needs Forum, along with our counterparts from external organisations who have an interest in special educational needs. This has provided excellent opportunities for information sharing and increased awareness of emerging issues amongst practitioners. In the coming year, there are plans to provide training on special educational needs.

WORKING TOGETHER

Children Order Advisory Committee

The voluntary childcare sector has been represented on the Children Order Advisory Committee (COAC) since January 2008 by Kathryn Stevenson from the Children's Law Centre. COAC produced its Eighth Report in April 2008 which is available on the publications section of the Northern Ireland Courts Service website. (www.courtsni.gov.uk)

NI Anti-bullying Forum (NIABF)

The Education Solicitor represents CLC on this forum which is seeking to raise awareness of bullying issues in schools across Northern Ireland. She continues to be involved in a sub-group of this forum which is considering cyber bullying and is developing an awareness leaflet for publication by NIABF and information

Children and young people

materials for a proposed NIABF website. The sub-group has also been responsible for the completion of a Northern Ireland based sample survey of post-primary children's experiences and views on cyber bullying. The Discrimination Solicitor at CLC has recently registered as a member of the Disability Task Group on this Forum.

Looked After Children in Education (LACE) Professional Advisory Group

The Education Solicitor continues to be a member of this advisory group, which provides ongoing support to the LACE Project.

Legal Services Commission Voluntary Sector Forum

The Head of Legal Unit continues to represent CLC on a group set up by the Legal Services Commission to consider the future role of the voluntary sector in the provision of legal services in Northern Ireland.

Voluntary Sector Legal Forum

This joint legal forum which was established in conjunction with the Law Centre NI, Housing Rights Service and CAJ, allows practitioners to meet three times per year to discuss legal issues of common interest. This continues to be a very valuable forum for solicitors and legal advisers working in the voluntary sector.

DHSSPS Adopting the Future Implementation Group

The Head of Legal Unit represents CLC on this group which is considering the new draft adoption legislation for Northern Ireland.

The International Network of Child Law Centres (INCLC)

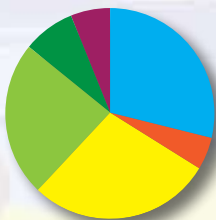
CLC are founding members of this network, which provides a great opportunity to share information about children's rights and the law with colleagues around the world.

CHALKY ADVICE SERVICE

CLC's Chalky advice service has continued to provide advice and information to increasing numbers of children, young people, their parents and professionals working with children. The service dealt with some 1619 issues during the year from April 2008 to March 2009.

The issues raised by clients covered the whole range of legal issues involving children.

Education issues accounted for 28% of all issues raised, with Special Educational Needs causing most concern within this category with one in three calls relating to education being about Special Educational Needs and accounting for 11% of the overall total. Other issues within education causing concern during the year were School Exclusions, raised 59 times and accounting for 4% of total issues raised. Family Law issues accounted for 28% of issues raised, with Contact and Residence issues accounting for 57% of that total and 16% of all issues. The General category generated 24% of all issues raised with general child protection issues (2%), At What Age? issues (4%) Social Security (3%) and Employment (2%) being the main issues raised within this category. Human Rights and Justice issues accounted for 8% of the total with Criminal Procedure raised 45 times. Care issues accounted for 5%. There were 133 (8%) requests for information during the year.



CHALKY Issues April 2008 - March 2009

Education	28%
Care	5%
Family Law	28%
General	24%
Information	8%
Human Rights/Justice	8%



Education Issues April 2008 - March 2009

Child Protection	4%
Pupil Welfare	11%
Admissions	10%
Special Education	36%
School Exclusion	13%
Transport	4%
Bullying	4%
Other Education	18%



General Issues April 2008 - March 2009

Child Protection	8%
Social Security	14%
At What Age?	15%
Leaving Home/Housing	20%
Employment	8%
Mental Health	4%
Data Protection	4%
Social Services	4%
Other General	23%

In respect of age, 78.6% of callers were either children and young people (4.3%) or adults phoning about a particular child or young person (74.3%). In respect of the geographical location of those callers, where we were able to obtain addresses, 49% of issues were raised in the Eastern HSSB area, 25% in the Northern HSSB area, 15% in the Southern HSSB area and 11% in the Western HSSB area.

CASEWORK

In relation to our casework, we operate a casework policy and in accordance with our waiver agreement with the Law Society of

Northern Ireland, we represent children and young people in a limited number of strategic cases. We operate a referral service to accredited solicitors on the Children Order Panel throughout Northern Ireland and we maintain a panel of solicitors who are willing to take referrals in respect of education cases.

CLC's strategic casework areas for this year were the child's right to education, non-discrimination and equality, the child's right to the provision of services under the Children (NI) Order 1995, children's rights and child and adolescent mental health and children's rights under the Human Rights Act 1998.

The Legal Unit secured the renewal of our Quality Standard, LEXCEL in November 2008. In order to do this we had to implement the Revised LEXCEL Standard in June 2008 and the Law Society Client Care Practice Regulations in September 2008.

138 cases were referred for consideration by the casework committee during the period 1st April 2008 - 31st March 2009. Many of these matters were resolved by way of further legal advice and information and the remaining cases were either retained by CLC for legal representation or referred out. As at 31st March 2009 there were 45 open case files at the Centre in which CLC were providing legal representation. The cases which were retained at the Centre during the period related to the following matters:

Education

- School transport
- The rights of Roma children attending schools with regard to lunches and school uniforms
- EOTAS (Education Otherwise than at School) provision
- The rights of the child under Article 9 of the ECHR in the context of educational placements and statementing
- Admissions

Access to services under Articles 17 and 18 of the Children (NI) Order 1995

- Respite care and care packages for children with complex disabilities/ autism
- We have noted regional variations in the implementation of UNOCINI and we are proceeding with a formal complaint in one case

Child and Adolescent Mental Health

- Delayed discharges from in-patient provision due to lack

of suitable alternative placements/support services in the community

- Educational provision for children who are detained/voluntary in-patients
- Delays in proper assessment of children and young people with mental health difficulties
- Lack of Tier 4 in-patient services for children and young people with eating disorders in Northern Ireland

Special Educational Needs

- Failure to specify levels of Occupational Therapy provision, Speech and Language provision and Classroom Assistance in Statements of Special Educational Needs - two appeals taken by CLC to the Special Educational Needs Tribunal with regard to the quantification and specification of OT in Statements of Special Educational Needs have been successful during the year
- Looked after children with Statements of Special Educational Needs
- The process for approving a school for the purposes of the provision of special educational needs education
- We have noted an increase in the refusal by Education Boards to agree to conduct statutory assessments and we have appealed one case
- Difficulties accessing home tuition
- The rights of children with mental health difficulties to an effective and practical education

THIRD PARTY INTERVENTIONS

- **Physical Punishment of Children** - This Judicial Review case was appealed by the Northern Ireland Commissioner for Children and Young People (NICCY) to the Court of Appeal and was heard on 2nd and 3rd February 2009. Having formally intervened as Third Party Interveners in the High Court together with Save the Children and the Parents Advice Centre in this case, we continued to monitor developments. The appeal was not successful. (*Northern Ireland Commissioner for Children and Young People's Application* [2009] NICA 10).
- **Re E (Holy Cross case)** - In June 2008 we intervened, jointly with NICCY in this House of Lords case by way of a written submission focusing specifically on the rights of the child under Article 3 of the ECHR (protection of children from torture, inhuman and degrading treatment). The case

involved the rights of children walking to and from Holy Cross Primary School in 2001. The matter was heard by the House of Lords from 17th June - 19th June 2008. Judgment has now been delivered in *In the Matter of an Application by E for Judicial Review* [2004] NIQB 35 [2006] NICA, [2008] UKHL, 66. The joint submission made by NICCY and the Children's Law Centre, which focused upon the State's duty to protect the rights of the child under Article 3 of the ECHR was referred to in very favourable terms by Baroness Hale in her judgment:

"[6] Fortunately we have had the assistance of some very helpful written submissions from the Children's Law Centre and Northern Ireland Commissioner for Children and Young People. They draw attention to the particular vulnerability of children when exposed to violent conflict. They quote Thomas Hammarberg, Council of Europe Commissioner for Human Rights, in his 2007 Children's Law Centre lecture;

'The atmosphere of violence and the tension tend to affect children deeply...younger human beings have less ability to see the context and understand why people behave as they do and, certainly, their time perspective is different. All this makes them so much more vulnerable.'

- **Child and Adolescent Mental Health Services** - The Children's Law Centre was granted leave to intervene in the case of JR 21 in the High Court in Northern Ireland on 11th November 2008. This case related to the lack of specialised Tier 4 in-patient services for young people in Northern Ireland who are being treated for eating disorders. This case did not proceed to full hearing, but CLC have now sent an abridged version of the Third Party Intervention to the DHSSPS to raise this issue formally with them.
- **JR1 (Taser Case)** - The Children's Law Centre was given leave on the 20th January 2009 to intervene as Third Party Intervener in this case which challenges the introduction of Tasers in Northern Ireland. The focus of our intervention was the children's rights implications of the use of Tasers against children and young people under 18 with specific regard to Article 2 of the ECHR as incorporated by the Human Rights Act 1998 (the right to life) and Section 75 of the Northern Ireland Act 1998. This case has been heard by the High Court in March 2009 and judgment is awaited.

Children's Human Rights Advisor

The past year has been an extremely busy one for CLC's Children's Human Rights Project with the publication of two separate reports with huge significance and potential with respect to the protection of children and young people's rights in this jurisdiction - namely the UN Committee on the Rights of the Child's Concluding Observations and the Northern Ireland Human Rights Commission's advice to the Secretary of State on the Bill of Rights for Northern Ireland.

UNCRC

Having submitted its NGO report to the UN Committee on the Rights of the Child in March 2008 CLC, along with Save the Children then maximised the various opportunities to engage with the UN Committee on the Rights of the Child in advance of its examination of the UK government in September 2008.

In June 2008 CLC attended the UN Committee's pre-sessional meeting which provided an important opportunity to brief the UN Committee members on the key children's rights issues in this jurisdiction. In August 2008 CLC, in response to a request from the UN Committee for additional information from the UK government in respect of its 'List of Issues' submitted additional information. Immediately in advance of the examination we were extremely pleased to host a visit, jointly with the Children's Commissioner, of one of the UN Committee's two UK Country Rapporteurs, Ms Lucy Smith. This enabled the Rapporteur to see and hear both the nature and the impact of breaches of children's rights in this jurisdiction. On her visit Ms Smith met with a wide range of individuals and organisations, including Executive Ministers, human rights and equality institutions and non-governmental organisations. This visit contributed greatly towards ensuring that UN Committee members were well informed regarding children's rights issues in this jurisdiction in advance of the examination. Children's Law Centre attended the UK examination as observers in September 2008 and used the opportunity to engage in further briefing of UN Committee

members. CLC also facilitated a group of young people to attend the examination, during which they were privileged to have a private meeting with the Members of the UN Committee.

The UN Committee issued its Concluding Observations on 3rd October 2008. This comprehensive and hard hitting report makes 130 recommendations to the UK government. CLC was particularly pleased to note that many of the issues we had raised with the UN Committee were subsequently included in its Concluding Observations, including the Bill of Rights, the Children's Strategy, physical punishment, Tasers, ASBOs and the minimum age of criminal responsibility. Another strength of the Concluding Observations was the number of references to the particular circumstances of Northern Ireland, including in relation to academic selection, mental health and child poverty.

Since their publication, CLC has actively promoted the implementation of the Concluding Observations by government. Work has included widespread dissemination of the Concluding Observations, production of briefing papers and the hosting of briefing events for various sectors including political parties. We have raised the Concluding Observations with a wide range of duty bearers, including key government departments and the PSNI, as well as with the various oversight bodies in relation to equality and human rights. We also submitted written evidence to the Westminster Joint Committee on Human Rights for their inquiry into children's rights in February 2009.

BILL OF RIGHTS

Following the publication of the Bill of Rights Forum's final report in March 2008 attention turned to the commitment given by the Northern Ireland Human Rights Commission to handover its advice to government on a Bill of Rights for Northern Ireland on International Human Rights Day, 10 December 2008. In advance of this, during autumn 2008 CLC, continuing its important involvement with the Human Rights Consortium, participated in lobbying trips

to both Westminster and Dublin, where useful meetings were held with, amongst others, the Good Friday Implementation Committee in Dublin, the UK Ministry of Justice and the Northern Ireland Office. During this period CLC also hosted Consortium meetings with the Methodist Church and the Conservative Party's Shadow Spokesperson on Northern Ireland, Owen Patterson.

The handing over of its advice on a Bill of Rights for Northern Ireland by the Commission was an extremely significant milestone in the journey towards a Bill of Rights for Northern Ireland and as such was greatly welcomed by CLC. The Human Rights Commission's advice has some strengths from a children's rights perspective, not least the approach to both mainstream provisions where appropriate as well as including dedicated children's rights provisions, something which CLC and others have argued long and hard for. The recommendation that all social and economic rights should be capable of judicial enforcement is also hugely significant from a children's rights perspective. However there are some serious and inadequately explained gaps in the provisions recommended, including the decision to specifically exclude the two key issues of physical punishment and the minimum age of criminal responsibility.

The Northern Ireland Office has indicated that it plans to launch a consultation on the Bill of Rights in late Spring 2009. It is absolutely critical that the NIO progresses with this consultation as promptly as possible as any delay in the process would most likely result in serious timing difficulties for the successful passage of any draft Bill of Rights for Northern Ireland through the Westminster parliamentary legislative process. In advance of the planned consultation, CLC has highlighted to the NIO its legal responsibilities vis-a-vis consultation with children and young people, both in terms of Section 75 of the Northern Ireland Act 1998 and Article 12 of the UN Convention on the Rights of the Child. CLC looks forward to engaging with the NIO's consultation when it will continue to advocate for the inclusion of the maximum legal protections for children and young people in the Bill of Rights for Northern Ireland.

Training & Education

Tailored Training ▶▶

With the appointment in September 2008 of Training Co-ordinator, Emma Campbell, CLC's capacity to deliver training significantly increased. Over the past year the Children's Law Centre delivered a series of bespoke presentations and seminars to a diverse range of stakeholders across the statutory and voluntary sector, as outlined right:

Training Calendar ▶▶

The Children's Law Centre are delighted that this year has seen the revival of our annual training calendar of seminars and workshops on different aspects of the law and children's rights. All events were well attended by participants from across the private, public and voluntary sectors and we anticipate the need to extend our range of training provision even further next year. Training calendar events delivered during the year were as follows:

Date	Organisation	Event
19 September 2008	Association of Family Solicitors	Presentation on Representing Children and Children's Rights
23 September 2008	Royal College of Nursing Child and Young People's Forum	Presentation on CAMHS and Children's Rights
6 November 2008	Various NGOs	Workshop on the UNCRC - 2008 "Concluding Observations to the UK Government"
17 November 2008	Ulster Teacher's Union	Presentation on Children's Rights and Education
17 November 2008	QUB Department of Social Work	Presentation on the UN Convention on the Rights of the Child
27 November 2008	All Ireland Association for Child and Adolescent Mental Health Conference	Presentation on Children's Rights and Mental Health
29 January 2009	Various NGOs	Briefing on the proposed Bill of Rights for NI
4 February 2009	Barnardos - Parenting Matters network	Presentation on CLC services and current children's rights issues
13 March 2009	Northern Board ACPC	Children's Rights are Human Rights

Date	Organisation
20 January 2009	UNCRC - 2008 "Concluding Observations" to the UK Government
18 February 2009	Assessing Legal Competence in Children
18 March 2009	The Fundamentals of Autistic Spectrum Disorder
25 March 2009	Protecting Children and Young People from Discrimination

During the course of the year, CLC also ran dedicated short workshops for young people, advising them of their rights and our advice service:

Date	Organisation	Content
14 October 2008	Rockport School	CHALKY and Children's Rights
6 November 2008	Goal Line Youth Club, Portadown	CHALKY and Children's Rights

