

**NORTHERN IRELAND NGO STAKEHOLDER REPORT
TO INFORM THE UN COMMITTEE ON THE RIGHTS OF THE CHILD'S
'LIST OF ISSUES PRIOR TO REPORTING'**

EDITED BY DEENA HAYDON

DECEMBER 2020

**PREPARED BY THE CHILDREN'S LAW CENTRE
ON BEHALF OF THE NORTHERN IRELAND NGO SECTOR**



CONTENTS	PAGE
INTRODUCTION	5
Initial Stakeholder Report from NGOs in Northern Ireland	5
Context	5
A. GENERAL LEASURES OF IMPLEMENTATION OF THE UNCRC	6
Legislation	6
Comprehensive policy and strategy	7
Coordination	8
Allocation of resources	8
Data collection	8
Independent monitoring	8
Making the UNCRC widely known to children and adults	9
B. DEFINITION OF THE CHILD	9
C. GENERAL PRINCIPLES	9
Non-discrimination	9
Best interests of the child	10
Right to life, survival and development	11
Respect for the views of the child	11
D. CIVIL RIGHTS AND FREEDOMS	11
Nationality	11
Freedom of thought, conscience and religion	12
Freedom of association and peaceful assembly	12
Right to privacy	12

E. VIOLENCE AGAINST CHILDREN	13
Torture and other cruel or degrading treatment or punishment	13
Corporal punishment	13
Violence, abuse and neglect	14
Sexual exploitation and abuse	15
Freedom of the child from all forms of violence	15
F. FAMILY ENVIRONMENT AND ALTERNATIVE CARE	16
Family environment	16
Children deprived of a family environment	17
Children of incarcerated parents	18
G. DISABILITY, BASIC HEALTH AND WELFARE	18
Children with disabilities	18
Health and health services	19
Mental health	19
Adolescent health	22
Nutrition	24
Standard of living	24
H. EDUCATION, LEISURE AND CULTURAL ACTIVITIES	26
Education	26
Rest, leisure, play, recreational activities, cultural and artistic activities	31
I. SPECIAL PROTECTION MEASURES	32
Asylum-seeking and refugee children	32
Children affected by armed conflict	32
Administration of juvenile justice	33

APPENDIX 1: SUGGESTED QUESTIONS

34

APPENDIX 2: ENDORSEMENTS AND SUBMISSION OF INFORMATION

47

INTRODUCTION

Initial Stakeholder Report from NGOs in Northern Ireland

This Report seeks to inform the ‘List of Issues’ to be sent to the UK Government by the Committee on the Rights of the Child [CRC] in February 2021.¹ It highlights key issues affecting children’s rights in Northern Ireland [NI] between 2016 and 2020. As in the UNCRC definition of the child, any reference to ‘child(ren)’ refers to under-18s. Background information and **supporting evidence** provided to the Children’s Law Centre [CLC] by NI voluntary and community sector organisations (NGOs), plus relevant statistics and research or consultation with children, **is available in a separate report: *Northern Ireland NGO Stakeholder Report to Inform the UN Committee on the Rights of the Child’s ‘List of Issues Prior to Reporting’: Supporting Evidence.***²

Context

Since the 2016 periodic reporting process involving the UK Government and devolved administrations, significant challenges have disproportionately affected the rights of children in NI. On 23 June 2016, 52% of UK voters in the ‘EU referendum’ - commonly referred to as **‘Brexit’** - voted to leave the European Union [EU] (56% in NI voted to remain). Thereafter, the *European Union (Withdrawal Agreement) Act 2020* was passed. The ‘Withdrawal Agreement’ between the UK and EU provided for the UK to leave the EU on 31 January 2020, with special NI provisions after the ‘withdrawal period’ (i.e. 31 December 2020) in recognition of the *Belfast/ Good Friday Agreement* and NI’s border with the Republic of Ireland. The **NI Assembly, suspended on 16 January 2017** when power-sharing arrangements collapsed, was **re-instated on 13 January 2020**. During this period no local legislation could be passed and civil servants could not fill the void on the grounds that this was beyond their legal powers or authority. NI went into a ‘lockdown’ on 23 March 2020 in response to the **Coronavirus pandemic** and schools were closed. The *Coronavirus Act 2020* was passed and came into effect on 25 March 2020. It empowers NI Ministers to make regulations to limit transmission of the disease and ease the burden on public health services. Between 2016 and 2018 the **NI economy stagnated** from the combined effects of the political vacuum and Brexit. With the added impact of COVID-19, and heightened concern over the future UK/EU trade agreement, the NI economy entered into recession in the last quarter of 2019. The UK economy similarly entered into recession in the second quarter of 2020. This is significant for NI as its economy

¹ See Appendix 1: Suggested Questions

² CLC would like to thank the organisations and individuals who provided a wealth of evidence to inform this Report and the Supporting Evidence. In addition, thanks to National Children’s Bureau and Include Youth who provided administrative support and advice during the preparation of both Reports. Finally, CLC would like to recognize the financial support provided by the NI Commission for Children and Young People in the compilation of these Reports, and to thank NICCY for this. The Stakeholder and Supporting Evidence Reports have been endorsed by 48 organisations/ individuals (see Appendix 2).

The Supporting Evidence is available at: <https://childrenslawcentre.org.uk/?mdocs-file=4168>

is dependent on Westminster for economic support once EU support ends, including funding to manage additional costs of transition.

A. GENERAL MEASURES OF IMPLEMENTATION OF THE UNCRC

Legislation

There is a significant **threat to protection of children's rights following UK withdrawal from the EU**. The *Human Rights Act 1998* [HRA] currently gives further effect to rights from the *European Convention on Human Rights* [ECHR] in UK domestic legislation, including access to UK courts for violations of ECHR rights, although it does not represent full protection of the ECHR. Following UK withdrawal from the EU, the Conservative government has indicated **likely repeal of the HRA** and its replacement with a *British Bill of Rights*. Some within the Conservative Party have proposed UK withdrawal from the *ECHR*. There are significant **concerns about the adverse impacts of withdrawal from the EU human rights framework**. As part of its EU withdrawal the UK 'ensured' that elements of EU law were retained within domestic UK legislation through the *EU Withdrawal Act 2018*, with the important exception of the *EU Charter of Fundamental Rights*, arguing this is not required within UK law as it adds no additional rights to retained rights. In practice, UNCRC compliance within EU competencies has been directly linked to Charter provisions. Concerns are speculative as the future UK/EU relationship has not been agreed. However, potential rights violations are highly likely. Having visited the UK in November 2018, the UN Special Rapporteur on extreme poverty and human rights stated Brexit "is likely to have a major adverse impact on the most vulnerable".

- How will the UK government:
 - ensure current rights protections, including enforcement and remedies, enjoyed under the ECHR and the *Human Rights Act 1998* and provided for in the *Belfast/Good Friday Agreement* are maintained in any future legislation which amends or repeals this Act?
 - ensure there will be no diminution of children's rights, including enforcement, post Brexit?
 - replace the protections of the *EU Charter of Fundamental Rights* and strengthen domestic human rights frameworks for children following the UK's exit from the EU?

Despite the *UK/EU Withdrawal Agreement*, and associated *NI Protocol* intended to maintain an open border on the island of Ireland, how protection, maintenance and development of **cross-border arrangements and relationships** will be carried out is unclear. The recently introduced *Internal Market Bill* empowers UK Ministers to amend the *Withdrawal Agreement*, allowing for primacy over any conflicting international law. Mainly concerning trade and the market for goods and services within the UK, the NI Secretary admitted this Bill would "break international law", setting an unwelcome precedent. In addition, the Common Travel Area [CTA] - a bilateral set of UK/Ireland arrangements on cross-border

cooperation - is not set out in legislation. NGOs are deeply concerned about potential risk to the peace process and that Brexit could lead to a hard border between NI and the Republic of Ireland. Those living in border communities are anxious about Brexit's potential to disrupt their lives.³

- What arrangements have the UK and NI governments made with the EU, and bilaterally with Ireland, to ensure an open border?

Identity, citizenship and differential rights are key issues. Brexit has increased racial tensions, including increased hostility towards migrants. In NI the impact of 'British'-identifying people losing access to EU citizenship and 'Irish'-identifying people retaining EU citizenship rights creates tension and potentially polarising difference in the enjoyment of rights between the two main ethno-political communities.

- How will the UK government ensure that children in NI who identify as 'British' retain the same rights entitlements and protections as children identifying as 'Irish' and other EU citizens post Brexit?

A **Bill of Rights for Northern Ireland**, intended to build on ECHR rights, was provided for in the 1998 *Belfast/Good Friday Agreement*. There has been no progress in achieving this goal.

- When will the UK Government legislate for a *Bill of Rights for NI*?

Emergency legislation in response to the COVID-19 pandemic was significant in relation to health and social care; temporary closure of educational institutions and childcare premises; amendment of education legislation, including duties in relation to Special Educational Needs [SEN] (see: 'Education' section).

- How did the UK and NI governments ensure emergency legislation introduced during the COVID-19 pandemic was compliant with international human rights standards?
 - were children's rights impact assessments undertaken before introducing emergency legislation?
 - were steps taken to ensure no differential adverse impact on children?
 - has emergency legislation, and associated measures, been repealed?

Comprehensive policy and strategy

A cross-Departmental *Children and Young People's Strategy for Northern Ireland*, published in December 2019, was not approved as the NI Assembly was suspended. The **final Strategy is to be considered by the NI Executive** imminently.

³ This includes cross-border access to healthcare, childcare, child protection, parental separation and child custody arrangements, education, enjoyment of sport and leisure facilities, travel and freedom of movement.

- Is the *Children and Young People’s Strategy for Northern Ireland* accepted as the delivery mechanism for UNCRC implementation?
- Will the NI Executive ensure sufficient resources, timelines and a monitoring/ evaluation framework for implementation of this Strategy and associated action plan?

Coordination

There is currently **no NI Minister with overall responsibility for children**, weakening oversight and accountability for delivery of children’s rights.

- When will the NI Executive appoint a Minister with overall responsibility for children, with the mandate, authority and resources to ensure cross-Departmental UNCRC implementation?

Allocation of resources

There is an **absence of children’s budgetary analysis**. The NI Executive has not produced a children’s budget.

- What measures are being taken to introduce children’s budgeting in NI, including to track allocation, use of resources for children, and defined budgetary lines for disadvantaged or vulnerable children who may require affirmative social measures, including in situations of emergency and economic recession?

Data collection

A UNCRC **child rights indicator framework** has **not been developed or implemented** in NI.⁴

- When will the NI Executive develop and implement a child rights indicator framework, covering every area of the UNCRC, to be used by all duty bearers?

Independent monitoring

The **legislation underpinning the powers and duties of the Northern Ireland Commissioner for Children and Young People [NICCY] remains unchanged**.

⁴ The Children and Young People’s Strategic Partnership (2020) has produced a *Northern Ireland UNCRC Monitoring Report* in relation to the 8 outcomes set out in *Children and Young People’s Strategy* but this does not include disaggregated data for all areas of the UNCRC or in relation to specific groups (including: girls/boys, LGBT+, BAME, refugees and asylum seekers, LAC, Roma, Travellers, migrant children, disabled children, children living in poverty).

- When will the NI Executive amend *The Commissioner for Children and Young People (Northern Ireland) Order 2003* to strengthen the Commissioner’s independence, in line with the Paris Principles and General Comment No. 2?

Making the UNCRC widely known to children and adults

There is **no comprehensive awareness raising or training about the UNCRC, children’s and human rights for professionals working with children**. The **UNCRC is not a statutory element of the NI curriculum, nor are UNCRC principles and provisions integrated into the structures and practices of all schools**.

- When will the NI Executive:
 - fund mandatory training on the UNCRC, children’s and human rights for professionals working with/for children?
 - include the UNCRC and children’s rights in the NI statutory curriculum?
 - ensure that the UNCRC principles are integrated into school policies and practices?

B. DEFINITION OF THE CHILD

The legal framework in NI enables marriage involving children between the ages of 16 and 17 with parental or judicial consent.

- When will the NI Executive repeal all legal provisions permitting the marriage of children and increase the minimum age for marriage to 18 years?

C. GENERAL PRINCIPLES

Non-discrimination

In NI **proposed age discrimination legislation**, which excluded children aged under 16 years of age, did not progress during the Assembly suspension and has **not been reintroduced**.

- When will the NI Executive introduce Age Discrimination legislation to protect all children from all forms of discrimination on the grounds of age and ensure effective remedies?

Children continue to experience discrimination and stigmatisation. *Children living in poverty* experience poorer education, housing, social environment and health outcomes. There is a widening gap between the health of children from affluent and deprived backgrounds.⁵ Highlighted and exacerbated during responses to the COVID-19 pandemic, ***disabled children*** experience differential adverse treatment in access to health, social care

⁵ For example, mental health, overweight/ obesity and dental decay indicators demonstrate worse outcomes for children from deprived backgrounds.

and education. **Looked After Children** [LAC] (i.e. children in the care of the State) are more likely to experience Special Education Needs [SEN], leave school with fewer/no qualifications, be unemployed or economically inactive because of caring responsibilities or sickness/disabilities. Many care leavers experience housing instability, including living in unstable accommodation and homelessness. Care experienced children are over-represented throughout the criminal justice system. Young **Irish language speakers** experience discrimination including accessing services and resources plus limited visibility of, and prejudice towards, the language. No law or strategy granting official status to the Irish language has been adopted. **Roma** and **Traveller children** face multiple deprivations in relation to health and well-being, housing, education, and employment in addition to racism and discrimination. Bi-lingual **migrants and children from minority ethnic communities** are often discouraged or prohibited from using their mother tongue in school and youth work settings and are not adequately protected from actual or threatened violence within/outside their homes. Although asylum matters remain under the remit of the UK Home Office, education, housing and health are devolved. The parents of **asylum seeking children** report not being able to afford basic food, clothing, transport, recreational activities and school trips; that inability to fully participate in school and community life has a harmful effect on their children; and that fear of enforced relocation prevents children from settling. **Refugees** identify language barriers, racism and lack of acceptance in local communities as barriers to cross-cultural friendships and social participation. **LGBT+** children report experiencing prejudice and harassment.

- What measures are being taken by the NI Executive to:
 - strengthen awareness of, and prevent, discrimination experienced by specific groups including: children living in poverty; disabled children; Looked After Children and care leavers; Irish language speakers; Roma; Travellers; migrants; children belonging to minority ethnic groups; asylum seeking and refugee children; LGBT+ children?
 - implement and resource programmes to support disadvantaged/vulnerable children and ensure they do not face inequalities in education, training, employment, health, accommodation?
 - ensure all discrimination against children is effectively addressed?

Best interests of the child

The **‘best interests’ principle** is **still not reflected in the majority of NI legislation.** ;

- What measures have been taken by the NI Executive to:
 - ensure that the ‘best interests’ principle is consistently interpreted and applied in all legislative, administrative, judicial proceedings and decisions, policies and programmes that impact on children?
 - develop and implement guidance for duty bearers for determining the best interests of the child and giving this due weight as a primary consideration?

Right to life, survival and development

Legislation to establish an independent Panel to review child deaths (including in custody, care and mental healthcare institutions) **has not been implemented**. Although the *Safeguarding Board (Northern Ireland) Act 2011* required this Board to establish processes to review child deaths, the Department of Health has not commenced Regulations to enable the Board to carry out this statutory role.

- Can the NI Executive:
 - explain why the establishment of a process to review child deaths remains outstanding, despite being in law for over 9 years?
 - provide a clear timescale for the implementation of a Child Death Review Panel?

Respect for the views of the child

Lack of child participation in legislation and policy development, service planning and delivery continues. UK and NI Governments have excluded children from major policy decisions, including Brexit or planning for/ responses to COVID-19. Children report lack of involvement in the planning and delivery of child-friendly health and children's services, within educational policy and practice, and in decisions about family proceedings and alternative care.

- What measures have the NI Executive taken to ensure that children's participation informs legislation, policy, service development/delivery/evaluation, including in relation to COVID-19-?

On 22 July 2020 the NI Assembly Commission announced **plans to introduce a Youth Assembly**. Organisations have sought assurances that this initiative will be informed through children's participation.

- How will the NI Executive ensure the Youth Assembly provides a structure for meaningful participation of children, including younger and disadvantaged or vulnerable children, in the development of laws, policies and services?

D. CIVIL RIGHTS AND FREEDOMS

Nationality

The NI Executive has **failed to ensure protection for the self-identity and citizenship of EU immigrant children who have been taken into care**. There has been a **failure to provide culturally appropriate alternative care**.

- What measures have been taken by the NI Executive to:

- guarantee the right of EU migrant children who are LAC to relevant documents proving their self-identity and citizenship?
- provide culturally appropriate alternative care for migrant children?

Freedom of thought, conscience and religion

Compulsory worship continues in NI schools and no action has been taken to permit pupils to withdraw from these sessions.

- When will the NI Executive:
 - repeal the requirement for schools to provide collective worship, replacing it with non-discriminating assemblies?
 - give children the right to withdraw from compulsory attendance at collective worship in school?
 - ensure meaningful educational alternatives for children whose parents have withdrawn them from collective worship, guaranteeing their spiritual, moral, social, and cultural development is not disadvantaged?

Freedom of association and peaceful assembly

Use of ‘mosquito devices’ to disperse gatherings of children in public spaces where they gather legally has not been prohibited.

- When will the NI Executive prohibit the use of acoustic devices in public spaces to disperse gatherings of children?

Right to privacy

The use of non-terrorist ‘stop and search’ powers by the Police Service of NI [PSNI] mainly include stop and search based on the legal test of ‘reasonable suspicion’.⁶ Statistics and young people’s accounts indicate **the legal test of reasonable suspicion is not being applied (or misapplied), records are not being properly kept, and the stop and search power is being used as a form of coercive control.**

- What measures are being taken by the NI Executive to:
 - end the disproportionate use of stop and search against children?
 - ensure police accountability, including compliance with the UNCRC, in PSNI use of stop and search powers against children?

⁶ Data demonstrates the PSNI are using stop and search at a higher rate per 1,000 of the population in NI than in all but 2 other UK police services, with one of the lowest UK arrests rates.

There is **no statutory protection of anonymity for children in NI who have been arrested but not charged**, some of whom may never be charged.⁷ **The right to privacy for the children of alleged offenders is also of concern** - news outlets using information (e.g the name of the street they live on) regarding arrested parents can have significant consequences for their children.

- What measures are being taken by the NI Executive to:
 - reform legislation to ensure that children who are arrested have the right to anonymity?
 - implement measures to ensure the right to privacy for the children of alleged offenders?

E. VIOLENCE AGAINST CHILDREN

Torture and other cruel or degrading treatment or punishment

Tasers have been drawn and fired at children.⁸ In NI it is still legal to use Attenuating Energy Projectiles [AEPs] against children and the **PSNI continues to use AEPs in public order situations when children are present**. The **PSNI have also used CS Spray against children** including, in 2016, in a children's home. Provided with extraordinary powers as part of a response to the Coronavirus outbreak, the PSNI introduced **use of 'spit and bite guards'** to 'protect' officers from COVID-19, despite the absence of evidence that they afford protection and indication that they may exacerbate transmission risk. These have been used on children.⁹ No consultation was conducted to assess impact of their use on children.

- What measures have been taken by the NI Executive to:
 - prohibit the use of Tasers, AEPs, CS spray and other harmful devices on children, in compliance with international human rights standards?
 - prohibit the use of spit and bite guards on children at any time, in any circumstances?

Corporal punishment

In NI, corporal punishment in the family remains lawful. **There are no plans to repeal the legal defence of 'reasonable chastisement'**.

⁷ Section 44 of the *Youth and Criminal Evidence Act 1999* contains pre-charge reporting restrictions prohibiting the disclosure of material which "is likely to lead members of the public to identify" a person who is the subject of criminal investigation. Devolved to NI in 2010, this has not been commenced.

⁸ Between 1.1.2017 and 30.6.2020, Tasers were used on 25 children aged 17 and under by the PSNI.

⁹ Between their introduction on 27 March and 30 June 2020, they have been used on at least two children. While a Thematic Review of the policing response to COVID-19 recommended their use should be ceased by 31.12.20, they could potentially be re-introduced.

- When will the NI Executive abolish corporal punishment through repeal of the defence of ‘reasonable chastisement’?
- What has the NI Executive done to promote positive, non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity?

Violence, abuse and neglect

NI rates of children on the child protection register are increasing and remain higher than in other UK jurisdictions. However, child protection referrals between March-June 2020 fell sharply, raising concern that children at risk were not identified during the COVID-19 lockdown due to their lack of contact with services. Lack of routine health data collection on child protection hinders provision of targeted support for vulnerable children. Under-reporting means official figures underestimate the true prevalence of child maltreatment. **Better comprehensive data on child protection is required.** Children highlight the **need for interventions to support families to protect children while helping them stay together**, rather than removing children. **Lack of effective protection for children who use social media and access online information** are concerning. The COVID-19 pandemic has heightened these concerns as more children are online for longer periods and are dependent on technology for education and contact with friends/family. Consequently, those seeking to harm children online have greater opportunity to do so. A NI *e-Safety Strategy* and action plan consultation was published in March 2019 but no NI legislation exists to ensure protection from online harms.

- What measures have the NI Executive taken to:
 - combat the abuse and neglect of children?
 - allocate requisite funding and resources, ensuring all vulnerable children receive timely and adequate support to protect them from abuse and neglect?
 - enhance systematic health data collection concerning child protection and ensure routine recording and sharing of information, and referral where appropriate, are embedded across Health and Social Care Services?
 - introduce legislation, plus resource, implement, monitor and review the effectiveness of its *e- Safety Strategy*?

Data collection and support for child victims of domestic abuse has not been strengthened. Data on numbers of children experiencing domestic abuse remains unpublished. However, there are reports of growing numbers of domestic violence incidents across NI, many involving children. Children’s vulnerability to domestic violence increased during the COVID-19 pandemic, especially during ‘lockdown’. **Government funding for this issue is difficult to determine** and there is no statutory obligation on public authorities to provide specialist domestic abuse services. **In the *Domestic Abuse and Family Proceedings Bill***, while child

aggravators are included, **children are not treated as victims of domestic abuse in their own right.**

- Will the NI Executive detail:
 - its plans and timeframe for improving disaggregated data collection regarding child victims of domestic violence?
 - measures taken to ensure provision of appropriate support for child victims of domestic violence?
 - why children were not included as victims of domestic abuse in their own right in recent *Domestic Abuse and Family Proceedings* legislation?

Sexual exploitation and abuse

Concerns remain about current arrangements and practices for prevention and detection of, and responses to, child sexual abuse. Most reported sexual offences continue to be committed against children and research shows under-reporting remains prevalent. High attrition and low conviction rates for sexual offences persist in the NI justice system.¹⁰ **Online child sexual abuse has increased in scale and complexity.**¹¹ **Implementation of the 2014 Marshall Inquiry: *Child Sexual Exploitation in Northern Ireland* recommendations remains outstanding.**

- What measures have been taken by the NI Executive to:
 - develop comprehensive services to support children who are victims, or at risk of, sexual exploitation and abuse?
 - strengthen the capacity of law enforcement authorities and the judiciary to detect and prosecute child sexual exploitation and abuse?
 - grant effective remedies to child victims of sexual exploitation and abuse?
 - ensure full implementation and monitoring of the 2014 Marshall Inquiry recommendations?

Freedom of the child from all forms of violence

As a society transitioning from conflict, specific circumstances pertain in NI which have a detrimental impact on children. **Threats, intimidation, exiling and physical attacks against children accused of 'anti-social behaviour' by paramilitary organisations continue,** particularly in economically deprived areas most impacted by the conflict. Lack of

¹⁰ Concerns about the treatment and re-traumatisation of child victims by the criminal justice system were highlighted in Judge Gillen's 2019 NI review of the law and procedures in relation to serious sexual offences and in a 2020 inspection of the criminal justice system's response to child sexual exploitation.

¹¹ In NI in 2019/20, 13% of PSNI recorded sexual crime against children had an online element.

disaggregated data collection and monitoring means the extent of this abuse is underestimated. Loyalist paramilitaries are also involved in racist violence and intimidation.

- What measures are being taken by the NI Executive to protect children from assaults, intimidation, and racist attacks by paramilitary organisations?

F. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Family environment

Lack of a Childcare Strategy and government funding for childcare are concerning. NI remains the only UK jurisdiction without a Childcare Strategy and legislation providing childcare services to all who need them. Most parents consider there is a **lack of sufficient, affordable childcare** in their area.

- What measures have been taken by the NI Executive to:
 - develop and implement a comprehensive, fully costed Childcare Strategy underpinned by rights-based legislation?
 - ensure that all NI families can access affordable, high quality childcare, protecting the child's right to development without discrimination?

Given a child's right to maintain personal relations and direct contact with both parents on a regular basis, unless this is contrary to the child's best interests, provision to support children and help parents share parental responsibilities is vital. **Funding for family mediation** as an alternative to the Court system is **minimal**.¹² **Some children of non-resident parents have had contact disrupted or stopped during the COVID-19 pandemic.**

- What measures are being implemented by the NI Executive to:
 - raise awareness of the benefits of separated parents co-parenting, based on the best interests of their children?
 - ensure children's right to maintain personal relations and direct contact with both parents when their parents separate, providing there is no risk to the child, including during emergencies (e.g. the Coronavirus pandemic)?

¹² Provision of cross-departmental funding is required for independent family mediation providers to divert parents from the courts and into early intervention mediation which focuses parents' attention on the needs of the child and improved access, rather than on 'winning' or 'losing' a court case. Not only would this reduce mediation waiting lists (which can encourage parents to resort back to the court), but also it is likely to reduce government spending on other services in the long term.

Children deprived of a family environment

NI legislation and regulations concerning adoption and foster care remain outdated, with current adoption legislation over 30 years old and foster care governed by 1996 regulations.¹³

- When will the NI Executive enact:
 - the *Adoption and Children (NI) Bill*?
 - revised Foster Care regulations?

Should Northern Ireland implement a strategy of outsourcing care services to private, for-profit companies, **the quality of care services may not be prioritized when for-profit companies are faced with pressure from shareholders to return a profit.**

- What has the NI Executive done to develop and implement minimum standards prioritising the best interest of the child to ensure statutory and independent care providers, including for-profit companies, deliver appropriate care?

Concerns persist over the **need to resource appropriate alternative care, with a variety of placement options to meet children's needs**. Official statistics evidence the number of children in care rising annually. Numbers in care, on the child protection register or referred to social services have risen since August 2020 (i.e. post Coronavirus pandemic lockdown). There is concern that social services may not be able to recruit and retain adequate numbers of foster carers to meet this need, leading to increased use of unregulated placements. Also necessary is adequate early intervention for children at the edge of care or in need. **Lack of participation in the planning and review of their care** has been reported by many children who feel uncomfortable attending review meetings (particularly younger children who are often either not included or invited to attend). **Transition from care** can be a daunting experience; children need a range of support to help them transition in ways which enable them to reach their full potential and prepare for adulthood. Many experience multiple moves, often within a short space of time, including placement in unsuitable accommodation that does not meet their needs.

- What measures have the NI Executive taken to ensure:
 - appropriate resourcing of children's social care, including early intervention to support families at the edges of care and recruitment of foster carers?
 - meaningful participation of care experienced children in decisions affecting their lives?
 - adequate and appropriate support for children in and leaving care, including access to education/training/employment and timely provision of appropriate accommodation?

¹³ Despite consultation in 2017, the *Adoption and Children (NI) Bill* remains in draft and new foster care regulations consulted on in 2015 also remain in draft.

Many young people placed in **secure accommodation in NI which deprives children of their liberty** have experienced time in custody, or the regional mental health hospital, or both. They are usually vulnerable young people with complex needs. Adequate plans are not always in place to support children when they leave secure care and return to the community. Concerns persist about changes being undertaken by the NI Departments of Health and Justice to combine Juvenile Justice and Secure Accommodation on the same campus (particularly regarding processes for placing children, including children with mental health needs, in secure accommodation). Current proposals are institutional based rather than specialised, community-based support.

- What measures have the NI Executive taken to ensure alternatives to secure accommodation which deprives children of their liberty, including appropriate community-based support for vulnerable children with complex needs?

Children of incarcerated parents

Children of incarcerated parents have the right to maintain relations and direct contact while separated from their parents, provided this is in the child's best interests. **Families are often not promptly assigned a social worker to complete an assessment regarding suitability of contact when a parent enters custody**, leading to a significant gap in contact which detrimentally impacts on the child/parent relationship. This also affects preparation with the child for the incarcerated parent's release from custody. **Significant numbers of children with an incarcerated parent are unknown to services and receive no support or advocacy.**

- What measures have the NI Executive put in place to ensure that:
 - a child can maintain their relationship and contact with an incarcerated parent when there is no court order preventing contact, including during emergencies such as COVID-19?
 - children of incarcerated parents receive appropriate information, support and advocacy?

G. DISABILITY, BASIC HEALTH AND WELFARE

Children with disabilities

No baseline data is being collected **on children with disabilities or long-term conditions**, making it impossible to consider the impact of policies on their right to equality of opportunity.

- What measures have been taken by the NI Executive to establish disaggregated baseline data on children with disabilities and long-term conditions to enable discharge of the

statutory equality duty under Section 75 *Northern Ireland Act 1998* and so ensure implementation of disabled children's rights?

Children with learning difficulties and/or mental health needs experience **limited options when transitioning from children's services to adult services.**

- What measures have the NI Executive put in place to ensure appropriate provision of services for disabled children, based on individual needs, including as they transition from children's services to adult services?

Many disabled children are denied their right to play due to a lack of suitable play opportunities and/or attitudinal barriers.¹⁴

- What measures have been taken by the NI Executive to:
 - address deficiencies in availability of safe, inclusive, accessible spaces for play, leisure and socialising that meet the needs of children of all abilities?
 - address negative attitudes towards children with disabilities within play facilities and more broadly in NI?

Health and health services

Recent NI litigation raised concerns about **application of the 'welfare' principle within healthcare** provision. The NI Health and Social Care Board failed to fund a private prescription for medicinal cannabis to a child with life-threatening epileptic seizures because it was contrary to policy to fund private care. It was argued the child's best interests under the welfare principle in Article 3 of the *Children (Northern Ireland) Order 1995* should apply in any decision.¹⁵

- Will the NI Executive extend the 'welfare' principle to the healthcare sector so that this principle will determine the provision of necessary prescription, procedures and care even when these cannot be accessed via publicly delivered healthcare?

Mental health

The scale of poor child mental health in NI is unclear due to **no regularly available prevalence data.**¹⁶ **Urgent concerns** include: suicide rates much higher than other UK jurisdictions;

¹⁴ Significant issues include: lack of inclusive play equipment; lack of appropriate toilet/changing facilities; travel distance required to access inclusive play opportunities; and other play park users' negative attitudes.

¹⁵ This case raised important questions about whether the welfare principle is confined to proceedings in the Family Court and the extent to which 'upbringing' should be interpreted to include medical care. It also challenged the extent to which a hard line can be maintained between the funding of publicly and privately delivered healthcare.

¹⁶ A *Youth Wellbeing Prevalence Survey*, published in October 2020, found that 1 in 8 (13%) of children in NI had an emotional disorder such as anxiety or depression, compared with 1 in 12 (8%) in England and Wales.

increasing incidence of self-harm; increasing anti-depressant prescription rates; poor emotional well-being; eating disorders; low levels of self-esteem; bullying, particularly via social media and online platforms; increased anxiety, particularly in young children; limited policy and practice in the areas of perinatal and infant mental health; high levels of self harm and suicidal thoughts among LGBT young people. NICCY's 2018 review of mental health services evidenced the system was under significant pressure, struggling to respond to the scale of need and complexity of issues in a context of chronic historic under-investment. **Mental health is a priority issue for children.** Peer research identified: lack of safe spaces to talk about mental health and receive information and/or support; the poor quality of available mental health information; little or no mental health education in schools/colleges; stigma stopping children talking about mental health contributing to a 'culture of silence'. In consultations they have identified: lack of adequate provision; uneven spread of available support, including only one adolescent mental health hospital with 33 beds; time taken to receive medication; vulnerabilities experienced when transferring from child to adult mental health services and adult provision not being tailored to their age or needs. The rate of admissions to Child and Adolescent Mental Health Services [CAMHS] in NI is the second highest in the UK.¹⁷ The NICCY report documented long waiting times; a postcode lottery for access to services; and lack of understanding about services, leading to inappropriate or rejected referrals. Children were negative about the **contribution of schools**, claiming many are not equipped to deal with children experiencing problems and define these as 'bad behaviour'. The Independent Counselling Service for Schools is at maximum capacity and not statutorily funded in primary schools. Lack of confidence, skills and knowledge amongst school and youth services staff to support children with mental health issues is a key issue.

- Will the NI Executive:
 - regularly collect disaggregated data on the prevalence of children's poor mental health?
 - adopt a universal, preventative approach to support positive emotional wellbeing for all children?
 - end age discrimination in the funding of mental health services, properly fund CAMHS and ensure service provision meets need?
 - ensure that children have access to appropriate CAMHS to meet their needs, when required, with particular attention to: younger children; disabled children; children affected by conflict, trauma, abuse and neglect; children living in poverty; children in care; children in contact with the criminal justice system; LGBT+ children; trafficked, refugee and asylum seeking children?
 - fund provision of school-based counselling for all pupils?

¹⁷ Referrals increased by 21% between 2014/15 and 2017/18.

The **COVID-19** pandemic and resultant 'lockdowns' have had a detrimental impact on children's mental health as children experience disruption to many aspects of their lives (including the closure of schools, reduced contact with friends and extended family, limited access to health services) as well as COVID-related fear and trauma.

- Will the NI Executive urgently address, including appropriate resourcing, the impact of the COVID-19 pandemic on children's mental health and wellbeing?

In NI, **living in a divided society and the legacy of the conflict** impact negatively on children's mental health, including inter-generational trauma.

- What measures have been taken by the UK Government and NI Executive to:
 - address the specific needs of children experiencing transgenerational trauma as a result of the conflict?
 - ensure the participation of children in processes and programmes to deal with the legacy of the conflict?
 - address the mental health needs of children whose lives are affected by paramilitary threat and/or violence?

The ***Mental Capacity Act (NI) 2016*** excludes under-16s from its scope.¹⁸ There are also **concerns regarding 16 and 17-year olds who fall within the scope of the *Mental Capacity Act*** as the Act allows parents to consent for them to be deprived of their liberty despite a UK Supreme Court ruling that no parent can consent to their child's deprivation of liberty.

- What measures are being taken by the NI Executive to:
 - address the exclusion of under-16s from the provisions, including protections, of the *Mental Capacity Act (NI) 2016*?
 - ensure NI mental health legislation is UNCRC compliant, including complying with the UK Supreme Court ruling in the matter of D (A child) [2019] regarding deprivation of liberty?

Some children with learning disabilities and co-occurring mental health needs are delayed discharge patients - medically fit to leave, they remain in a children's in-patient facility, sometimes for years.¹⁹

¹⁸ For under-16s, the *Mental Health (NI) Order 1986* will be retained with some amendments, despite being deemed by the 2007 *Review of Mental Health and Learning Disability* to be non-compliant with the *Human Rights Act*.

¹⁹ Due to inadequate funding and systemic failings, children are detained in an unsuitable setting when they should be discharged to appropriate accommodation, and detention may continue until they turn 18 without clear transition arrangements for them as young adults.

- What measures are being taken by the NI Executive to:
 - address delays in discharge from hospital for children with learning disability and co-occurring mental health needs?
 - adequately resource accommodation required to enable children who need supported living to live fulfilling lives outside of hospital?

NI is the only jurisdiction in the UK that does not provide a specialist psychiatric in-patient Mother and Baby Unit where a mother can care for her baby while remaining in a psychiatric hospital.

- What measures are being taken by the NI Executive to provide a specialised Mother and Baby Unit where women who are psychiatric in-patients can care for their babies, and make interim arrangements to ensure babies are not separated from their mothers when it is in both their best interests to be kept together?

Adolescent health

There is **limited data about children’s alcohol and drug use in NI**. Children and practitioners aware of the **links between drug use and poor mental health** express concern that not enough is being done to tackle the drugs problem or support children struggling with drug misuse. Conditions exacerbated by the use of drugs and alcohol are becoming increasingly severe.²⁰ There is **no dedicated in-patient facility for children with drug and alcohol issues in NI**. The gateway into the *Mental Capacity Act (NI) 2016* is a lack of capacity. Conditions caused by alcohol or drugs could impair capacity, bringing them within the Act’s remit. However, the Act only applies to persons aged 16 and over. For children under 16 the *Mental Health (NI) Order 1986* is the principal legislation governing the compulsory hospital detention for assessment and treatment of a mental health condition; conditions caused by drugs and alcohol are excluded from this Order – if under 16, a child can only be admitted to NI’s CAMHS hospital if they are also suffering from a co-existing mental health disorder. Some who do not have a diagnosable mental health issue are placed in NI’s Secure Care Centre, depriving them of their liberty. While the Centre tries to promote programmes for children who misuse substances, it is not a treatment facility. Many **community drug and alcohol services require direct referral from a healthcare professional**. It is impossible for children or their families to make a direct referral to statutory services, leading to over-reliance on NGO services.

- What measures have been taken by the NI Executive to:
 - determine the prevalence of drug and alcohol use amongst children in NI?

²⁰ Many in custody in NI’s Juvenile Justice Centre [JJC] have complex alcohol, drug and mental health problems. A 2015 inspection of the JJC found the rise in self-harm concerning; managers suggested this was due to increased numbers coming off drugs on entering custody – a repeated concern in the following inspection. Continuity of healthcare services is vital, especially for those requiring specialist services after release.

- provide adequate and suitable provision for children with drug and alcohol issues, particularly when combined with mental health needs?
- ensure all children with co-occurring mental health conditions and drug/alcohol issues enjoy the same legislative protections as adults?

In NI, **beyond statutory minimum content for Relationships and Sexuality Education [RSE], schools have flexibility in what they cover**, giving each school the scope to decide how best to meet pupils' needs.²¹ **Important RSE content may be excluded because it does not fit with the school's ethos. Current RSE provision is inadequate**, often failing to connect with the 'lived reality' of children's lives or experiences including sexting, family diversity, and LGBT+ relationships. This can lead children to seek information from ill-informed sources, leaving them vulnerable to harmful behaviours. Teacher RSE education is insufficient, translating into poor delivery, particularly for LGBT+ young people. While there is no legislative provision permitting **parental withdrawal of children from sex education** in NI, CCEA guidance states schools can agree requests **on the basis that "parents or carers have the right to have their children educated in accordance with their wishes"**. This is concerning in relation to sexual abuse as an abusive parent could withdraw their child from sex education, thereby preventing the child receiving safeguarding education.

- What measures are being taken by the NI Executive to:
 - ensure all schools are implementing comprehensive RSE programmes, including age-appropriate information about: confidential sexual and reproductive healthcare services; contraceptives; prevention of sexual abuse or exploitation, including sexual bullying; supports available in cases of sexual abuse and exploitation; and sexuality, including that of LGBT+ children?
 - ensure teachers have the knowledge, skills and confidence to deliver age-appropriate RSE?
 - abolish parents' ability to withdraw their children from RSE and, in the meantime, ensure children who are removed from RSE lessons receive information on relationships and sex?

From April 2020, children in NI who have an unwanted pregnancy have been able to access **Early Medical Abortion (EMA)** services up to the 10th week of pregnancy. For those under age 16, safeguarding policies are followed. Abortion is not available after ten weeks gestation, impacting on those who may not realise they are pregnant early enough to access EMA. These

²¹ The Department of Education's 2015 RSE Circular states schools are required to develop an RSE policy, based on the school's ethos, "which is relevant to the lives of pupils today". With respect to 'sensitive issues' (such as abortion, same-sex marriage, gender identity, sexual abuse), Council for the Curriculum, Examinations and Assessment [CCEA] guidance states that "Schools may wish to deal with such issues differently, depending on their distinctive" ethos.

girls are forced to travel outside NI for an abortion. During the Coronavirus pandemic, this put them and anyone accompanying them at risk.

- What measures are being taken by the NI Executive to ensure the provision of abortion services which guarantees that no young woman has to travel outside NI to access reproductive health care?

Nutrition

Food insecurity and 'holiday hunger' amongst families living in poverty is concerning. The scale of response is inadequate. **Poverty impacts on nutrition** as low income families are likely to be surviving on cheap food lacking nutrition. In families where a child has a disability, most parents report finding it difficult to afford healthy food, especially if the child has special dietary and/or sensory needs and/or food intolerances. Pre-Covid, NGOs led the response to rising levels of hunger. **During the Coronavirus lockdown, food need became so widespread that official programming was required.**²²

- What measures are being taken by the NI Executive to:
 - systematically collect data to identify root causes of child food insecurity and malnutrition (including during emergencies like the Coronavirus pandemic) to inform policies/programmes?
 - regularly monitor and assess the effectiveness of policies/programmes intended to address food insecurity and malnutrition, including: school meal programmes, food banks, food parcels, emergency measures during the Coronavirus pandemic?
 - ensure food security for every child in NI, regardless of immigration status?

Standard of living

Despite *Child Poverty Act 2010 targets* to eradicate child poverty by 2020, and a now outdated *Child Poverty Strategy 2016-2019*, **numbers of children living in poverty in NI remain unacceptably high.**²³ **No new child poverty Strategy has been developed;** the 2016-19 Strategy has been extended to 2022. **Regressive welfare reforms** (disproportionately affecting large families and lone parents), **have led to unprecedented levels of Universal Credit declarations, the proliferation of food banks, and a 122% rise in food parcels given**

²² The NI Department for Communities set up emergency measures initially targeting the elderly and others advised to shield. This scheme was expanded and £1.5m was provided to help ensure access to food for those most in need. NI government announced that in lockdown, during term time, it would make bi-weekly payments to families of 97,000 children in receipt of free school meals. This was extended to summer holidays.

²³ Following a 5% rise compared with the previous year, 24% of children (107,000) were living in relative income poverty and 21% in absolute poverty during 2018/19 according to data published in May 2020.

to children.²⁴ **Job losses and income instability caused by the Coronavirus pandemic have placed households in acute financial stress.** Conditions created by COVID-19 increased stressors on caregivers and child vulnerability while reducing safeguards - increasing potential for new and recurring cases of all forms of abuse.

- What measures are being taken by the NI Executive to:
 - address the fact that the 2020 target to reduce/eradicate child poverty has not been met?
 - establish clear accountability mechanisms for child poverty eradication including a Strategy beyond 2022, with concrete targets, set timeframes and measurable indicators to identify impacts of poverty and inequalities, plus monitoring and reporting processes?
 - implement policies and practices to better support children living in poverty, including mitigating inequalities in education, housing, and health outcomes?
 - undertake a comprehensive assessment of the cumulative impact of the Coronavirus pandemic and welfare reforms on children and mitigate adverse impacts?

Current Home Office policy leads to **enforced destitution for asylum seekers whose application for asylum has been refused**, with significant ramifications for children.

- What is the UK Government doing to ensure that children of asylum seekers do not endure severe poverty and periods of enforced destitution?
- Will the Home Office lift the 'no recourse to public funds' designation from asylum seekers whose claims have been rejected?
- Will the NI Executive lift the ban on asylum seeking parents working, and ensure that asylum seeking children are able to access essential services?

Legislation prohibiting prolonged placement of children in temporary accommodation by public authorities has not been enacted. Under the 'Looked After Child' system, social services have a duty to accommodate and support 16 and 17 year olds who are assessed as homeless. Concerns include failure to assess young people in a timely manner and use of unregulated placements such as Bed and Breakfast or hostel accommodation. Analysis of NI Housing Executive [NIHE] data indicates **the number of households facing homelessness and housing stress is increasing, as is the number of children in these households.**²⁵ Although housing shortage and need exist within both main communities, NIHE statistics evidence that

²⁴ Following his UK visit in 2018, the UN Special Rapporteur on extreme poverty and human rights highlighted food poverty; noting many recent UK changes to social security support have a disparate impact on children, including how parents are able to feed them.

²⁵ The Department for Communities reported that, in the first six months of 2020, 2,899 children were classed as statutorily homeless, 25% of whom were aged 0-2.

households on the waiting list, in housing stress, or with homeless status are disproportionately prevalent in areas where households are predominantly Catholic.

- When will the NI Executive:
 - enact legislation prohibiting placement of children by public authorities in temporary and/or unregulated accommodation?
 - address the systemic failure to ensure the rights of homeless children?
 - enforce the duty to provide suitable accommodation for LAC and children in need?
 - reduce homelessness and guarantee all children access to housing that provides physical safety, adequate space, protection against threats to health and structural hazards (including cold, damp, heat, pollution), and is accessible for children with disabilities?
 - address the fact that, according to Housing Executive evidence, housing shortage and children's housing need are disproportionately prevalent in areas that are predominately Catholic?

Concerns exist about **significant adverse impacts of lack of internet access and digital poverty** affecting children in rural areas, where internet coverage is patchy and connection is often of poor quality, as well as children living in families which cannot afford digital connectivity or associated devices. The COVID-19 lockdown has exacerbated digital poverty, particularly as children have had to access education via the internet. Maintaining relationships with friends and extended family has also been largely through 'virtual' communication. Children reported they use the internet more than any other means to access advice and/or support. Lack of internet access resulting in children not being able to access necessary support is particularly concerning in relation to child protection and violation of children's rights.

- What measures has the NI Executive put in place to ensure that *all* children and young people have access to decent, affordable digital connectivity and technology?

H. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Education

Inequalities in access to education and educational attainment pertain for specific groups. *Traveller children* are more likely to be excluded from school, have lower school attendance, be victims of bullying, and leave school without qualifications. *Roma* children have reported emphasis on learning English at the expense of other subjects, negative assumptions being made about their ability, and limited attendance at post-primary school. In addition to poorer educational attainment, *care experienced children* have highlighted how negative experiences of mainstream education are exacerbated by unidentified learning difficulties, problems experienced while in care not being understood by teachers, a restrictive learning

environment and negative adult/child relationships in schools where challenging behaviour may lead to suspension or expulsion. Concerns persist for **children who may not receive education at school for a period** due to illness, mental health issues, suspension or expulsion. This extends to a lack of support for **children with health needs**, who are taken out of school to attend appointments or are unable to participate in wider school curriculum activities. Deafness is not a learning disability, yet research shows every category of deafness (including mild hearing loss) negatively impacts on educational attainment for **deaf children**.²⁶ Systemic operational failures have impacted adversely on **children with Special Educational Needs [SEN] and disabilities**. Numbers of children with SEN requiring specialist provision are increasing annually but there are insufficient specialist placements available to accommodate children who cannot attend mainstream schools. The NI Education Authority [EA] is unable to cope with increased demand in parents and schools applying for statutory assessments and seeking statements of SEN. The SEN assessment process has been subject to extensive delays, with further delays caused by inadequate statements and parents having to apply for appeals/tribunals. **Refugee and asylum seeking children** often experience severe disruption to their learning, which continues as they settle in a new country. They also experience many Adverse Childhood Experiences - recognised as having potentially harmful and long-term impacts, including on educational outcomes. Schools are often poorly equipped to meet their specific needs. Securing placements in Special Schools can take longer, especially if a refugee child has complex medical needs. Differing approaches to support and placement of refugee children result in a postcode lottery in their educational experiences.²⁷

- What measures are being taken by the NI Executive to:
 - address inequalities in education generally, and the low educational outcomes of specific groups, including: Travellers, Roma, care experienced children, those unable to attend school for a period of time, deaf children, children with SEN or disabilities, refugee and asylum seeking children?
 - collect disaggregated data about the educational experiences of groups at risk of educational inequality, to inform policy and practice?
 - ensure the right to education for children with a statement of SEN?
 - enable the co-ordination of care appointments for children with health needs to ensure maximum attendance at school?

²⁶ Most deaf children are born to hearing parents and attend mainstream schools where they may be the only deaf child. The Teacher of the Deaf service provides specialist support for families in the early years, helping to ensure deaf learners in school have full access to the curriculum. A 2019 report found that the number of qualified Teachers of the Deaf in employment had fallen by 28% since 2011.

²⁷ Illustrating difficulties, a young man who arrived in NI with his family 6 years ago and achieved excellent A-level grades was offered a place to study for a degree at Queen's University Belfast. Refused leave to remain when he reached 18, he appealed this decision. He was initially informed that he was ineligible for a student loan or grant due to his asylum seeking status. While the financial situation was resolved, and he commenced his studies in September, his appeal is yet to be heard.

- reduce the widening attainment gap for deaf children and arrest decline in numbers of specialist Teachers of the Deaf?
- make the SEN assessment and statementing process fit for purpose, effectively support children going through this process and ensure the best possible outcomes for children with SEN?
- ensure legal compliance with the SEN and Disability framework, and enable full access to inclusive education through provision of necessary human/ financial resources?
- ensure the adoption of positive attitudes towards cultural diversity and equality in schools, with development of welcoming and inclusive environments for refugee and asylum seeking children?

Children with SEN and/or disabilities continue to experience ‘informal exclusions’ - sent home early from school, educated part-time for lengthy durations, or with no suitable school placement. ‘Informal exclusions’ are unregulated, potentially unlawful, disability discrimination and often indicative of unidentified learning difficulties or unmet need. Primarily affecting children who have behavioural difficulties, anxiety disorders, autism or learning disabilities, they are not formally documented or reported, resulting in no available data. This has become more prevalent due to financial austerity measures since 2016 and official failure to proactively prevent informal exclusions.

- What measures are being taken by the NI Executive to end informal school exclusions of children with SEN/disabilities?

In NI the **use of unregulated ‘transfer tests’ (i.e academic selection)** determines whether children attended a grammar or non-grammar post-primary school.²⁸ Academic selection differentially adversely affects children from disadvantaged groups, and recent research found that preparation for the transfer test was causing young children severe anxiety.

- What measures are the NI Executive taking to end academic selection and replace it with a children’s rights compliant system that ends educational inequalities?

The *Addressing Bullying in Schools (NI) Act 2016* has not been commenced. **Children from vulnerable groups have continued to report experiences of bullying.** For some, this affects their academic achievements in addition to significantly impacting on children’s emotional health and wellbeing.

- What measures have the NI Executive taken to ensure that legislation to address school bullying is commenced and effectively implemented to protect all children?

²⁸ Just under half of final year primary school children sit these tests for places at academically selective grammar schools.

School segregation by religion continues in NI. Children from different communities attend separate schools largely as the result of families choosing schools whose ethos aligns with their faith/community background. **‘Integrated education’** occurs in schools which balance pupil proportions from communities they serve, aiming at 40% Catholic, 40% non-Catholic (Protestant) and 20% other. Only 6% of primary, 16% of non-grammar post-primary, pupils are educated in integrated schools. Integrated schools are unable to meet demand, particularly at post-primary level.²⁹ There were no time bound targets for implementation of the recommendations of a 2016 Independent Review of Integrated Education. **‘Shared education’** is the education together of children of different religions, and children experiencing socio-economic deprivation with those who are not, via co-operation of two or more providers (e.g. sharing facilities or teachers delivering joint initiatives or classes).

Although shared education contributes to increased mixing between NI’s divided communities, it does not address a segregated education system. The 2020 *New Decade, New Approach* agreement stated the current diversity of school types is “not sustainable” and included the commitment to establish an external, independent review of education provision.

- What measures does the NI Executive have in place to:
 - establish a time-bound implementation plan for the recommendations of the 2016 Independent Review of Integrated Education?
 - increase integrated school provision, including capital and revenue funding, to meet demand and the statutory duty “to encourage and facilitate the development of integrated education”?
 - address shortcomings of shared education, including it being predicated on bringing together children of different religions with no reference to those holding non-religious beliefs?
 - conduct an independent review of NI education provision, as agreed in March 2020?

Although science is a statutory element of the NI curriculum, there is **no requirement to teach evolution**. Furthermore, there is **no prohibition on the teaching of pseudoscientific theories such as creationism or intelligent design**.

- What measures have the NI Executive in place to:
 - ensure evolution is explicitly included in the statutory science curriculum in all schools?
 - prevent schools teaching creationism, intelligent design and other pseudoscientific theories as evidence based?

²⁹ Almost 25% of Year 8 students applying for admission to an integrated school in 2019 were unsuccessful.

Religious Education [RE] is not inclusive. All NI grant-aided schools are legally required to provide RE explicitly “based on the holy scriptures”. The syllabus has been developed and is overseen by nominees representing the four main Christian churches, with no representation of minority faiths or humanism. Consequently, the RE curriculum is almost exclusively Christian. The rationale for teaching about non-Christian religions is “to develop knowledge of and sensitivity towards, the religious beliefs, practices and lifestyles of people from *other* religions in Northern Ireland” – this assumes pupils will be Christians learning about other faiths, rather than those who hold these faiths themselves. Humanism is absent from the curriculum, as is discussion about people holding non-religious beliefs.

- What measures have the NI Executive taken to:
 - address the core RE syllabus being designed by the four main Christian churches, with no involvement of representatives from non-religious or minority faiths?
 - ensure the NI RE curriculum acknowledges and respects the beliefs of children with no religion and those with minority faiths?

The **COVID-19 pandemic response increased educational inequalities. Distance learning differentially adversely impacted on disadvantaged children** – many had limited IT equipment and/or internet connectivity; parents lacked confidence, knowledge or skill to home school; parents who were frontline workers had practical and emotional challenges at work and home; and uneven responses of schools and teachers affected access to quality education. **An exam results ‘U-turn’** (with exam results replaced by teacher assessments) **was preceded by a high proportion of NI students receiving grades lower than their predicted grades.** It was argued the algorithm used to calculate the original grades entrenched education inequalities, with children from poorer backgrounds more likely to have had their grades lowered. **The Coronavirus Act 2020 enabled the diminution of legal obligations to children with SEN in NI,** conferring powers on the Department of Education to dis-apply or modify educational statutory duties relating to assessment of, and provision for, SEN by replacing the ‘absolute duty’ with a ‘best endeavours duty’. In the absence of child rights impact assessment, equality screening or consultation, subsequent policies resulted in avoidable and predictable adverse impacts on children with SEN/disabilities. Pre-existing issues (e.g. lack of access to education and disrupted education placement) were exacerbated. Children’s services in education could not cope with the level and type of need and stopped direct provision. Some children with severe learning disabilities, autism and challenging behaviour were left at home during school closures. They and their families suffered harm to their physical and mental health following loss of the protective factor provided by specialist school attendance alongside disruption of health and social services supports. Some children were medicated to reduce displays of distress (including challenging behaviour, self-harm and aggression). **Extensive delays in health assessments for children with SEN/ disabilities are blocking access to early intervention;** some children have been unable to access medical appointments for assessments for ADHD/Autism, Occupational Therapy, Speech and Language Therapy and ENT appointments. There are no known

contingency plans for future local/national lockdowns or periods when children may be at home during school term because of the Coronavirus pandemic.

- What measures are being taken by the NI Executive to:
 - assess the impact of legislation and policies introduced in response to the COVID-19 pandemic on children, including those at risk of educational inequalities?
 - address the adverse impact of COVID-19 emergency legislation on children's educational attainment and ensure that children most disadvantaged by the interruption of their education are adequately supported?
 - ensure future emergency legislation guarantees children's right to education, including ensuring all children have access to required equipment, internet access, resources and educational support?
 - ensure inter-departmental cooperation, particularly between Health and Education, to enable identification of vulnerable children and effective multi-disciplinary working to guarantee children's education, safety and wellbeing during future emergencies?

Rest, leisure, play, recreational activities, cultural and artistic activities

The 2019 draft *Children and Young People's Strategy 2019-2029* has 8 high level outcomes, including that 'children and young people enjoy play and leisure'. However, **no clear funding line** has been identified to support delivery of this outcome.³⁰ Anecdotal evidence from Youth Workers suggests that **statutory youth service provision has become much more 'outcomes focused', with content more appropriate for post-primary children**. Consequently, younger children are not necessarily gaining access to age appropriate play-based activities. Education Authority Youth Services have taken initial steps to address **insufficient places and facilities for play and leisure, and public space for adolescents to socialise** by piloting enhancement of provision in 2 (of 11) local authority areas through the 'Youth@Play' programme. There has been significant **impact of COVID-19 'lockdowns' on children's opportunities to engage in essential play and leisure**.³¹

- What measures have the NI Executive taken to:
 - review its 2011 *Play and Leisure Implementation Plan* and provide an updated, funded plan to deliver every child's right to play?
 - introduce a statutory duty for play?
 - work with Councils and/or community planning partnerships to embed and support the inclusion of play within local policies and strategies?

³⁰ Significant investment led to successful implementation of a two-year 'Play Matters' project but funding for this initiative has ended.

³¹ Restricting access to activities supporting development, learning, good health and wellbeing has reduced children's capacity to develop resilience, new skills, and social connectivity.

- ensure public spaces are child/play friendly, and that age-appropriate, safe, accessible, inclusive and smoke-free play and recreation spaces are developed in consultation with children?
- ensure the negative impacts of COVID-19 on children’s right to play are urgently addressed?
- support vulnerable children whose mental health and social development have been affected by COVID-19 lockdowns, including restricted access to play?

I. SPECIAL PROTECTION MEASURES

Asylum-seeking and refugee children

The UK has no provisions for allowing unaccompanied and separated refugee children to sponsor family members to join them in the UK. Although UK immigration law permits recognised refugees to sponsor family members for the purposes of family reunion, the categories of family members include spouses and minor children; they do not permit parents and minor siblings.

- Given the UK Government recognises the need for a refugee adult to enjoy family reunion with their spouse and dependent children, what action is being taken to recognise the equal (or greater) right for a child to enjoy family reunion with their parents and minor siblings?

Children affected by armed conflict

UNCRC Article 38.4 states that “State Parties shall take all feasible measures to ensure protection and care of children who are affected by armed conflict”. Principle 4 of the 2005 *Report of the Independent Expert to Update the Set of Principles to Combat Impunity* (the Orentlicher Principles) states: “Irrespective of any legal proceedings, victims and their families have the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victim’s fate”. In 1981, a 15 year old young man and a 14 year old young woman were killed in NI by plastic bullets in separate incidents. **Files on the killings of these two children**, held by the British government, have been **closed to the public** (until 2059 in the first case and 2062 in the second) **and the government refuses to give their families access to the files.**

- What is the legal basis for denying the family of a child, killed by UK Security Forces, access to government files?
- What ‘national security’ issues are raised in the circumstances surrounding the killing of a child by a police officer or British soldier firing a plastic bullet?

Administration of juvenile justice

The age of criminal responsibility in NI remains 10 years. The impact of delay in the administration of youth justice remains concerning.³² Although there is a commitment to alternatives to prosecution for children within the wider youth justice system, a clear emphasis on diversion *away from* the formal criminal justice system remains under-developed. **Concerns have been raised in relation to proportionality, legitimacy, effectiveness, efficiency and rights compliance regarding existing diversionary measures, particularly in relation to admission of guilt and the child's informed consent.**³³ **Some children are being inappropriately detained in the Juvenile Justice Centre due to lack of alternative accommodation. Some are being held on remand because they have breached unachievable bail conditions or are unable to perfect bail due to being homeless, despite social services' duty to provide such children with suitable accommodation. Specific groups remain over-represented in custody, including children in care, Catholic children, children with mental health issues or learning disabilities.**

- What measures have the NI Executive taken to:
 - raise the age of criminal responsibility, in compliance with the CRC Committee's recommendations?
 - address continuing delay in youth justice cases?
 - implement community-based diversionary measures outside the formal justice system, with appropriate safeguards (including informed and voluntary consent, access to legal advice, and no criminal record resulting from use of diversionary measures)?
 - ensure children are not detained due to lack of alternative accommodation, unjustified bail conditions or homelessness?
 - ensure children with learning disabilities or mental health needs, care experienced children, and Catholic children are not inappropriately detained in custody?

³² Despite a 2011 review of the youth justice system calling for the introduction of statutory time limits for all youth cases, a 120 day end-to-end statutory time limit from arrest to disposal has not been delivered.

³³ Many children find the various options under diversionary disposals confusing and are not fully aware of the impact of accepting a diversionary disposal, especially regarding a criminal record or the implications of admitting guilt on future educational/employment choices.

APPENDIX 1: SUGGESTED QUESTIONS

GENERAL MEASURES OF IMPLEMENTATION OF THE UNCRC

Legislation

- How will the UK government:
 - ensure current rights protections, including enforcement and remedies, enjoyed under the ECHR and the *Human Rights Act 1998* and provided for in the *Belfast/Good Friday Agreement* are maintained in any future legislation which amends or repeals this Act?
 - ensure there will be no diminution of children's rights, including enforcement, post Brexit?
 - replace the protections of the *EU Charter of Fundamental Rights* and strengthen domestic human rights frameworks for children following the UK's exit from the EU?
- What arrangements have the UK and NI governments made with the EU, and bilaterally with Ireland, to ensure an open border?
- How will the UK government ensure that children in NI who identify as 'British' retain the same rights entitlements and protections as children identifying as 'Irish' and other EU citizens post Brexit?
- When will the UK Government legislate for a *Bill of Rights for NI*?
- How did the UK and NI governments ensure emergency legislation introduced during the COVID-19 pandemic was compliant with international human rights standards?
 - Were children's rights impact assessments undertaken before introducing emergency legislation?
 - Were steps taken to ensure no differential adverse impact on children?
 - Has emergency legislation, and associated measures, been repealed?

Comprehensive policy and strategy

- Is the *Children and Young People's Strategy for Northern Ireland* accepted as the delivery mechanism for UNCRC implementation?
- Will the NI Executive ensure sufficient resources, timelines and a monitoring/ evaluation framework for implementation of this Strategy and associated action plan?

Coordination

- When will the NI Executive appoint a Minister with overall responsibility for children, with the mandate, authority and resources to ensure cross-Departmental UNCRC implementation?

Allocation of resources

- What measures are being taken to introduce children's budgeting in NI, including to track allocation, use of resources for children, and defined budgetary lines for disadvantaged or vulnerable children who may require affirmative social measures, including in situations of emergency and economic recession?

Data collection

- When will the NI Executive develop and implement a child rights indicator framework, covering every area of the UNCRC, to be used by all duty bearers?

Independent monitoring

- When will the NI Executive amend *The Commissioner for Children and Young People (Northern Ireland) Order 2003* to strengthen the Commissioner's independence, in line with the Paris Principles and General Comment No. 2?

Making the UNCRC widely known to children and adults

- When will the NI Executive:
 - fund mandatory training on the UNCRC, children's and human rights for professionals working with/for children?
 - include the UNCRC and children's rights in the NI statutory curriculum?
 - ensure that the UNCRC principles are integrated into school policies and practices?

DEFINITION OF THE CHILD

- When will the NI Executive repeal all legal provisions permitting the marriage of children and increase the minimum age for marriage to 18 years?

GENERAL PRINCIPLES

Non-discrimination

- When will the NI Executive introduce Age Discrimination legislation to protect all children from all forms of discrimination on the grounds of age and ensure effective remedies?
- What measures are being taken by the NI Executive to:

- strengthen awareness of, and prevent, discrimination experienced by specific groups including: children living in poverty; disabled children; Looked After Children and care leavers; Irish language speakers; Roma; Travellers; migrants; children belonging to minority ethnic groups; asylum seeking and refugee children; LGBT+ children?
- implement and resource programmes to support disadvantaged/vulnerable children and ensure they do not face inequalities in education, training, employment, health, accommodation?
- ensure all discrimination against children is effectively addressed?

Best interests of the child

- What measures have been taken by the NI Executive to:
 - ensure that the ‘best interests’ principle is consistently interpreted and applied in all legislative, administrative, judicial proceedings and decisions, policies and programmes that impact on children?
 - develop and implement guidance for duty bearers for determining the best interests of the child and giving this due weight as a primary consideration?

Right to life, survival and development

- Can the NI Executive:
 - explain why the establishment of a process to review child deaths remains outstanding, despite being in law for over 9 years?
 - provide a clear timescale for the implementation of a Child Death Review Panel?

Respect for the views of the child

- What measures have the NI Executive taken to ensure that children’s participation informs legislation, policy, service development/delivery/evaluation, including in relation to COVID-19-?
- How will the NI Executive ensure the Youth Assembly provides a structure for meaningful participation of children, including younger and disadvantaged or vulnerable children, in the development of laws, policies and services?

CIVIL RIGHTS AND FREEDOMS

Nationality

- What measures have been taken by the NI Executive to:
 - guarantee the right of EU migrant children who are LAC to relevant documents proving their self-identity and citizenship?

- provide culturally appropriate alternative care for migrant children?

Freedom of thought, conscience and religion

- When will the NI Executive:
 - repeal the requirement for schools to provide collective worship, replacing it with non-discriminating assemblies?
 - give children the right to withdraw from compulsory attendance at collective worship in school?
 - ensure meaningful educational alternatives for children whose parents have withdrawn them from collective worship, guaranteeing their spiritual, moral, social, and cultural development is not disadvantaged?

Freedom of association and peaceful assembly

- When will the NI Executive prohibit the use of acoustic devices in public spaces to disperse gatherings of children?

Right to privacy

- What measures are being taken by the NI Executive to:
 - end the disproportionate use of stop and search against children?
 - ensure police accountability, including compliance with the UNCRC, in PSNI use of stop and search powers against children?
- What measures are being taken by the NI Executive to:
 - reform legislation to ensure that children who are arrested have the right to anonymity?
 - implement measures to ensure the right to privacy for the children of alleged offenders?

VIOLENCE AGAINST CHILDREN

Torture and other cruel or degrading treatment or punishment

- What measures have been taken by the NI Executive to:
 - prohibit the use of Tasers, AEPs, CS spray and other harmful devices on children, in compliance with international human rights standards?
 - prohibit the use of spit and bite guards on children at any time, in any circumstances?

Corporal punishment

- When will the NI Executive abolish corporal punishment through repeal of the defence of 'reasonable chastisement'?

- What has the NI Executive done to promote positive, non-violent forms of discipline and respect for children's equal right to human dignity and physical integrity?

Violence, abuse and neglect

- What measures have the NI Executive taken to:
 - combat the abuse and neglect of children?
 - allocate requisite funding and resources, ensuring all vulnerable children receive timely and adequate support to protect them from abuse and neglect?
 - enhance systematic health data collection concerning child protection and ensure routine recording and sharing of information, and referral where appropriate, are embedded across Health and Social Care Services?
 - introduce legislation, plus resource, implement, monitor and review the effectiveness of its *e- Safety Strategy*?
- Will the NI Executive detail:
 - its plans and timeframe for improving disaggregated data collection regarding child victims of domestic violence?
 - measures taken to ensure provision of appropriate support for child victims of domestic violence?
 - why children were not included as victims of domestic abuse in their own right in recent *Domestic Abuse and Family Proceedings* legislation?

Sexual exploitation and abuse

- What measures have been taken by the NI Executive to:
 - develop comprehensive services to support children who are victims, or at risk of, sexual exploitation and abuse?
 - strengthen the capacity of law enforcement authorities and the judiciary to detect and prosecute child sexual exploitation and abuse?
 - grant effective remedies to child victims of sexual exploitation and abuse?
 - ensure full implementation and monitoring of the 2014 Marshall Inquiry recommendations?

Freedom of the child from all forms of violence

- What measures are being taken by the NI Executive to protect children from assaults, intimidation, and racist attacks by paramilitary organisations?

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Family environment

- What measures have been taken by the NI Executive to:
 - develop and implement a comprehensive, fully costed Childcare Strategy underpinned by rights-based legislation?
 - ensure that all NI families can access affordable, high quality childcare, protecting the child's right to development without discrimination?
- What measures are being implemented by the NI Executive to:
 - raise awareness of the benefits of separated parents co-parenting, based on the best interests of their children?
 - ensure children's right to maintain personal relations and direct contact with both parents when their parents separate, providing there is no risk to the child, including during emergencies (e.g. the Coronavirus pandemic)?

Children deprived of a family environment

- When will the NI Executive enact:
 - the *Adoption and Children (NI) Bill*?
 - revised Foster Care regulations?
- What has the NI Executive done to develop and implement minimum standards prioritising the best interest of the child to ensure statutory and independent care providers, including for-profit companies, deliver appropriate care?
- What measures have the NI Executive taken to ensure:
 - appropriate resourcing of children's social care, including early intervention to support families at the edges of care and recruitment of foster carers?
 - meaningful participation of care experienced children in decisions affecting their lives?
 - adequate and appropriate support for children in and leaving care, including access to education/training/employment and timely provision of appropriate accommodation?
- What measures have the NI Executive taken to ensure alternatives to secure accommodation which deprives children of their liberty, including appropriate community-based support for vulnerable children with complex needs?

Children of incarcerated parents

- What measures have the NI Executive put in place to ensure that:

- a child can maintain their relationship and contact with an incarcerated parent when there is no court order preventing contact, including during emergencies such as COVID-19?
- children of incarcerated parents receive appropriate information, support and advocacy?

DISABILITY, BASIC HEALTH AND WELFARE

Children with disabilities

- What measures have been taken by the NI Executive to establish disaggregated baseline data on children with disabilities and long-term conditions to enable discharge of the statutory equality duty under Section 75 *Northern Ireland Act 1998* and so ensure implementation of disabled children's rights?
- What measures have the NI Executive put in place to ensure appropriate provision of services for disabled children, based on individual needs, including as they transition from children's services to adult services?
- What measures have been taken by the NI Executive to:
 - address deficiencies in availability of safe, inclusive, accessible spaces for play, leisure and socialising that meet the needs of children of all abilities?
 - address negative attitudes towards children with disabilities within play facilities and more broadly in NI?

Health and health services

- Will the NI Executive extend the 'welfare' principle to the healthcare sector so that this principle will determine the provision of necessary prescription, procedures and care even when these cannot be accessed via publicly delivered healthcare?

Mental health

- Will the NI Executive:
 - regularly collect disaggregated data on the prevalence of children's poor mental health?
 - adopt a universal, preventative approach to support positive emotional wellbeing for all children?
 - end age discrimination in the funding of mental health services, properly fund CAMHS and ensure service provision meets need?
 - ensure that children have access to appropriate CAMHS to meet their needs, when required, with particular attention to: younger children; disabled children; children affected by conflict, trauma, abuse and neglect; children living in poverty; children in

care; children in contact with the criminal justice system; LGBT+ children; trafficked, refugee and asylum seeking children?

- fund provision of school-based counselling for all pupils?
- Will the NI Executive urgently address, including appropriate resourcing, the impact of the COVID-19 pandemic on children's mental health and wellbeing?
- What measures have been taken by the UK Government and NI Executive to:
 - address the specific needs of children experiencing transgenerational trauma as a result of the conflict?
 - ensure the participation of children in processes and programmes to deal with the legacy of the conflict?
 - address the mental health needs of children whose lives are affected by paramilitary threat and/or violence?
- What measures are being taken by the NI Executive to:
 - address the exclusion of under-16s from the provisions, including protections, of the *Mental Capacity Act (NI) 2016*?
 - ensure NI mental health legislation is UNCRC compliant, including complying with the UK Supreme Court ruling in the matter of D (A child) [2019] regarding deprivation of liberty?
- What measures are being taken by the NI Executive to:
 - address delays in discharge from hospital for children with learning disability and co-occurring mental health needs?
 - adequately resource accommodation required to enable children who need supported living to live fulfilling lives outside of hospital?
- What measures are being taken by the NI Executive to provide a specialised Mother and Baby Unit where women who are psychiatric in-patients can care for their babies, and make interim arrangements to ensure babies are not separated from their mothers when it is in both their best interests to be kept together?

Adolescent health

- What measures have been taken by the NI Executive to:
 - determine the prevalence of drug and alcohol use amongst children in NI?
 - provide adequate and suitable provision for children with drug and alcohol issues, particularly when combined with mental health needs?
 - ensure all children with co-occurring mental health conditions and drug/alcohol issues enjoy the same legislative protections as adults?
- What measures are being taken by the NI Executive to:

- ensure all schools are implementing comprehensive RSE programmes, including age-appropriate information about: confidential sexual and reproductive healthcare services; contraceptives; prevention of sexual abuse or exploitation, including sexual bullying; supports available in cases of sexual abuse and exploitation; and sexuality, including that of LGBT+ children?
 - ensure teachers have the knowledge, skills and confidence to deliver age-appropriate RSE?
 - abolish parents' ability to withdraw their children from RSE and, in the meantime, ensure children who are removed from RSE lessons receive information on relationships and sex?
- What measures are being taken by the NI Executive to ensure the provision of abortion services which guarantees that no young woman has to travel outside NI to access reproductive health care?

Nutrition

- What measures are being taken by the NI Executive to:
 - systematically collect data to identify root causes of child food insecurity and malnutrition (including during emergencies like the Coronavirus pandemic) to inform policies/programmes?
 - regularly monitor and assess the effectiveness of policies/programmes intended to address food insecurity and malnutrition, including: school meal programmes, food banks, food parcels, emergency measures during the Coronavirus pandemic?
 - ensure food security for every child in NI, regardless of immigration status?

Standard of living

- What measures are being taken by the NI Executive to:
 - address the fact that the 2020 target to reduce/eradicate child poverty has not been met?
 - establish clear accountability mechanisms for child poverty eradication including a Strategy beyond 2022, with concrete targets, set timeframes and measurable indicators to identify impacts of poverty and inequalities, plus monitoring and reporting processes?
 - implement policies and practices to better support children living in poverty, including mitigating inequalities in education, housing, and health outcomes?
 - undertake a comprehensive assessment of the cumulative impact of the Coronavirus pandemic and welfare reforms on children and mitigate adverse impacts?
- What is the UK Government doing to ensure that children of asylum seekers do not endure severe poverty and periods of enforced destitution?

- Will the Home Office lift the ‘No recourse to public funds’ designation from asylum seekers whose claims have been rejected?
- Will the NI Executive lift the ban on asylum seeking parents working, and ensure that asylum seeking children are able to access essential services?
- When will the NI Executive:
 - enact legislation prohibiting placement of children by public authorities in temporary and/or unregulated accommodation?
 - address the systemic failure to ensure the rights of homeless children?
 - enforce the duty to provide suitable accommodation for LAC and children in need?
 - reduce homelessness and guarantee all children access to housing that provides physical safety, adequate space, protection against threats to health and structural hazards (including cold, damp, heat, pollution), and is accessible for children with disabilities?
 - address the fact that, according to Housing Executive evidence, housing shortage and children’s housing need are disproportionately prevalent in areas that are predominately Catholic?
- What measures has the NI Executive put in place to ensure that *all* children and young people have access to decent, affordable digital connectivity and technology?

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Education

- What measures are being taken by the NI Executive to:
 - address inequalities in education generally, and the low educational outcomes of specific groups, including: Travellers, Roma, care experienced children, those unable to attend school for a period of time, deaf children, children with SEN or disabilities, refugee and asylum seeking children?
 - collect disaggregated data about the educational experiences of groups at risk of educational inequality, to inform policy and practice?
 - ensure the right to education for children with a statement of SEN?
 - enable the co-ordination of care appointments for children with health needs to ensure maximum attendance at school?
 - reduce the widening attainment gap for deaf children and arrest decline in numbers of specialist Teachers of the Deaf?
 - make the SEN assessment and statementing process fit for purpose, effectively support children going through this process and ensure the best possible outcomes for children with SEN?

- ensure legal compliance with the SEN and Disability framework, and enable full access to inclusive education through provision of necessary human/ financial resources?
- ensure the adoption of positive attitudes towards cultural diversity and equality in schools, with development of welcoming and inclusive environments for refugee and asylum seeking children?
- What measures are being taken by the NI Executive to end informal school exclusions of children with SEN/disabilities?
- What measures are the NI Executive taking to end academic selection and replace it with a children’s rights compliant system that ends educational inequalities?
- What measures have the NI Executive taken to ensure that legislation to address school bullying is commenced and effectively implemented to protect all children?
- What measures does the NI Executive have in place to:
 - establish a time-bound implementation plan for the recommendations of the 2016 Independent Review of Integrated Education?
 - increase integrated school provision, including capital and revenue funding, to meet demand and the statutory duty “to encourage and facilitate the development of integrated education”?
 - address shortcomings of shared education, including it being predicated on bringing together children of different religions with no reference to those holding non-religious beliefs?
 - conduct an independent review of NI education provision, as agreed in March 2020?
- What measures have the NI Executive in place to:
 - ensure evolution is explicitly included in the statutory science curriculum in all schools?
 - prevent schools teaching creationism, intelligent design and other pseudoscientific theories as evidence based?
- What measures have the NI Executive taken to:
 - address the core RE syllabus being designed by the four main Christian churches, with no involvement of representatives from non-religious or minority faiths?
 - ensure the NI RE curriculum acknowledges and respects the beliefs of children with no religion and those with minority faiths?
- What measures are being taken by the NI Executive to:
 - assess the impact of legislation and policies introduced in response to the COVID-19 pandemic on children, including those at risk of educational inequalities?

- address the adverse impact of COVID-19 emergency legislation on children’s educational attainment and ensure that children most disadvantaged by the interruption of their education are adequately supported?
- ensure future emergency legislation guarantees children’s right to education, including ensuring all children have access to required equipment, internet access, resources and educational support?
- ensure inter-departmental cooperation, particularly between Health and Education, to enable identification of vulnerable children and effective multi-disciplinary working to guarantee children’s education, safety and wellbeing during future emergencies?

Rest, leisure, play, recreational activities, cultural and artistic activities

- What measures have the NI Executive taken to:
 - review its 2011 *Play and Leisure Implementation Plan* and provide an updated, funded plan to deliver every child’s right to play?
 - introduce a statutory duty for play?
 - work with Councils and/or community planning partnerships to embed and support the inclusion of play within local policies and strategies?
 - ensure public spaces are child/play friendly, and that age-appropriate, safe, accessible, inclusive and smoke-free play and recreation spaces are developed in consultation with children?
 - ensure the negative impacts of COVID-19 on children’s right to play are urgently addressed?
 - support vulnerable children whose mental health and social development have been affected by COVID-19 lockdowns, including restricted access to play?

SPECIAL PROTECTION MEASURES

Asylum-seeking and refugee children

- Given the UK Government recognises the need for a refugee adult to enjoy family reunion with their spouse and dependent children, what action is being taken to recognise the equal (or greater) right for a child to enjoy family reunion with their parents and minor siblings?

Children affected by armed conflict

- What is the legal basis for denying the family of a child, killed by UK Security Forces, access to government files?
- What ‘national security’ issues are raised in the circumstances surrounding the killing of a child by a police officer or British soldier firing a plastic bullet?

Administration of juvenile justice

- What measures have the NI Executive taken to:
 - raise the age of criminal responsibility, in compliance with the CRC Committee's recommendations?
 - address continuing delay in youth justice cases?
 - implement community-based diversionary measures outside the formal justice system, with appropriate safeguards (including informed and voluntary consent, access to legal advice, and no criminal record resulting from use of diversionary measures)?
 - ensure children are not detained due to lack of alternative accommodation, unjustified bail conditions or homelessness?
 - ensure children with learning disabilities or mental health needs, care experienced children, and Catholic children are not inappropriately detained in custody?

APPENDIX 2: ENDORSEMENTS AND SUBMISSION OF INFORMATION

We the undersigned endorse this submission to inform the CRC's List of Issues Prior to Reporting:

Organisations

1. Action for Children (NI)
2. Barnardo's (NI)*
3. Cara-Friend
4. Children in Northern Ireland*
5. Children's Law Centre (CLC)*
6. Colin Neighbourhood Partnership
7. Committee for Administration of Justice (CAJ)*
8. Conradh na Gaeilge*
9. Early Years
10. Employers for Childcare*
11. Extern (NI)
12. Focus: The Identity Trust*
13. Human Rights Consortium*
14. Include Youth*
15. Integrated Education Fund*
16. Law Centre (NI)
17. Mencap Northern Ireland
18. National Children's Bureau (NCB) (NI)*
19. National Deaf Children's Society (NDCS) (NI)*
20. National Society for the Protection of Cruelty to Children (NSPCC) (NI)*
21. NIACRO*
22. Northern Ireland Humanists*
23. Northern Ireland Women's European Platform
24. Northern Ireland Youth Forum*
25. Participation and Practice of Rights (PPR)*
26. Pat Finucane Centre*
27. Parenting NI*
28. PlayBoard NI*
29. Relatives for Justice*
30. Royal National Institute of Blind People (RNIB) NI
31. Rural Community Network
32. Save the Children (NI)
33. South Tyrone Empowerment Programme (STEP)*
34. Quaker Service
35. Royal College of Paediatrics and Child Health (RCPCH) (NI)*
36. Start 360*

37. The Fostering Network*
38. The Rainbow Project
39. Voice of Young People in Care (VOYPIC)*

Individuals

1. Conchúr Ó Muadaigh*
2. Dr Dirk Schubotz, Senior Lecturer, School of Social Sciences, Education and Social Work, Queen's University Belfast*
3. Dr Elizabeth Agnew, School of Law, Queen's University Belfast*
4. Dr Goretti Horgan, Lecturer in Social Policy, Ulster University*
5. Dr John Topping, Senior Lecturer in Criminology, School of Social Sciences, Education & Social Work, Queen's University Belfast*
6. Dr Siobhan McAlister, Senior Lecturer in Criminology, School of Social Sciences, Education and Social Work, Queen's University Belfast
7. Monye Anyadike-Danes, QC*
8. Professor Laura Lundy, Centre for Children's Rights, Queen's University Belfast
9. Professor Phil Scraton, School of Law, Queen's University Belfast

**Organisations/ individuals also contributed information to assist the writing of the NI NGO Stakeholder Report to Inform the CRC's List of Issues Prior to Reporting and Supporting Evidence Report.*

The following organisations contributed invaluable information which helped formulate these Reports:

1. Family Mediation NI
2. NI Council for Integrated Education.