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NORTHERN IRELAND NGO STAKEHOLDER REPORT 2

SUBMITTED TO THE UN COMMITTEE ON
THE RIGHTS OF THE CHILD

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LIST OF ABBREVIATIONS

ACE	Adverse Childhood Experiences
ADHD	Attention Deficit Hyperactivity Disorder
AEP	Attenuating Energy Projectiles
ASD	Autism Spectrum Disorder
B&B	Bed and Breakfast accommodation
CAJ	Committee on the Administration of Justice
CAMHS	Child and Adolescent Mental Health Services
CAT	Committee Against Torture
CCEA	Council for the Curriculum, Examinations and Assessment
CED	Conductive Energy Devices [Tasers]
CEDAW	Committee on the Elimination of Discrimination Against Women
CJINI	Criminal Justice Inspection Northern Ireland
CLC	Children’s Law Centre
CTA	Common Travel Area
CRC	Committee on the Rights of the Child
CREU	Centre for Research in Educational Underachievement
CRIA	Child Rights Impact Assessment
CRIDE	Consortium for Research into Deaf Education
DUP	Democratic Unionist Party
EA	Education Authority
ECHR	European Convention on Human Rights
EMA	Early Medical Abortion
ENT	Ear, Nose and Throat
EOTAS	Education Other Than At School
ETI	Education and Training Inspectorate
EU	European Union
HRA	Human Rights Act
IDG	Inter-Departmental Group
IWF	Internet Watch Foundation
JJC	Juvenile Justice Centre [Woodlands]

LAC	Looked After Children
LGBTI+	Lesbian, Gay, Bisexual, Transgender, Intersex+
MBU	Mother and Baby Unit
MLA	Member of the Legislative Assembly
MMPR	Minimising and Managing Physical Restraint
NASUWT	National Association of Schoolmasters Union of Women Teachers
NGO	Non-Government Organisation
NI	Northern Ireland
NICCY	Northern Ireland Commissioner for Children and Young People
NICIE	Northern Ireland Council for Integrated Education
NIHRC	Northern Ireland Human Rights Commission
NISRA	Northern Ireland Statistics and Research Agency
NSPCC	National Society for the Prevention of Cruelty to Children
ONS	Office for National Statistics
PACE	<i>Police and Criminal Evidence (NI) Order 1989</i>
PPR	Participation and the Practice of Rights
PSNI	Police Service of Northern Ireland
RCPCH	Royal College of Paediatrics and Child Health
RE	Religious Education
RSE	Relationship and Sexuality Education
RQIA	Regulation and Quality Improvement Authority
SBNI	Safeguarding Board for Northern Ireland
SEN	Special Educational Needs
SENDIST	Special Educational Needs and Disability Tribunal
STEP	South Tyrone Empowerment Programme
UK	United Kingdom
UNCRC	United Nations Convention on the Rights of the Child
VOYPIC	Voice of Young People in Care

INTRODUCTION

Northern Ireland NGO Stakeholder Report 2

This ***Northern Ireland NGO Stakeholder Report 2*** is based on the topics covered in the ‘List of Issues’ sent to the UK Government by the Committee on the Rights of the Child [CRC] in February 2021, with additional issues specified where relevant. An accompanying ***Evidence Report*** provides background information and evidence. These Reports highlight key issues affecting the promotion and protection of children’s rights in Northern Ireland [NI] over the six years since the previous examination of the UK Government by the CRC (2016-2022). This ***Stakeholder Report 2*** includes Proposed Questions for the Committee’s dialogue with the UK Government in May 2023 (see Appendix 1), and Suggested Recommendations to inform the Committee’s subsequent Concluding Observations (see Appendix 2). In addition, based on a survey of 12-17 year olds across Northern Ireland and workshops with some of the most vulnerable and disadvantaged groups, the ***Rights Here, Right Now: Children and Young People’s Report*** has also been submitted to the Committee.¹

In September 2020, the Children’s Law Centre [CLC] contacted voluntary and community sector organisations working with children, young people and families across Northern Ireland requesting information about what they considered to be the key issues affecting realisation of children’s rights. Drawing on their submissions, the ***Northern Ireland NGO Stakeholder Report 1*** and a ***Supporting Evidence Report*** were submitted to the CRC in December 2020 to inform the ‘List of Issues Prior to Reporting’. These organisations were contacted again in September 2022 with a request for submissions providing updates and information regarding developments in the two years 2020-2022. CLC would like to thank the organisations and individuals who provided a wealth of evidence (including legislative and policy developments, research, consultations, illustrative cases, statistics, organisational knowledge and experiences) to inform the ***NI NGO Stakeholder Report 2*** and ***Evidence***. These have been endorsed by 50 organisations and individuals (see Appendix 3).

Context

As in the UNCRC definition of the child, any reference to ‘child(ren)’ refers to under-18s. Since the last periodic reporting process involving the UK Government and devolved administrations in 2016, a number of challenges have disproportionately affected the rights of children in Northern Ireland, both directly and indirectly.

On 23 June 2016, 52% of UK voters in the ‘EU referendum’ voted to leave the EU - commonly referred to as ‘**Brexit**’. (In Northern Ireland 56% voted to remain). Thereafter, the ***European Union (Withdrawal Agreement) Act 2020*** was passed. The ‘Withdrawal Agreement’ entered into by the UK and EU provided for the UK to leave the EU on 31 January 2020, with special

¹ The ***NI NGO Stakeholder Report 2: Evidence Report*** is available and The ***Rights Here, Right Now: Children and Young People’s Report*** is available at: <https://childrenslawcentre.org.uk/policy-work/>

provisions existing after the end of the ‘withdrawal period’ on 31 December 2020 for Northern Ireland in recognition of the *Belfast/ Good Friday Agreement* and its border with the Republic of Ireland, including a commitment that there would be “no diminution of rights”. A *Northern Ireland Protocol*, negotiated as an element of the Brexit trade deal with the European Union, was intended to maintain an open border on the island of Ireland.

The **Northern Ireland Assembly** was **suspended on 16 January 2017**, when power-sharing arrangements collapsed, and was not re-instated **until 13 January 2020**. During this period no local legislation could be passed.² Civil servants were precluded from filling the void by entering into any ad hoc arrangements on the grounds that this was beyond their legal powers or authority.³ The *New Decade, New Approach* agreement restored the Assembly in January 2020 after this three-year hiatus. However, in **February 2022** the First Minister of Northern Ireland, a member of the main Unionist party [DUP: Democratic Unionist Party], resigned in protest about the *Northern Ireland Protocol*, arguing that the Protocol creates economic barriers between Northern Ireland and the rest of the UK which represent a threat to the future of Northern Ireland’s place within the Union of the UK’s four nations. The First Minister’s resignation meant an immediate **collapse of the Northern Ireland Executive** as Sinn Féin’s Deputy First Minister was automatically stripped of her position. Although other Ministers maintained their seats, the Executive was no longer able to meet or make policy decisions. Following elections which led to Sinn Féin emerging as the largest party for the first time, in May 2022 the DUP refused to engage in the process of selecting a new speaker and also refused to nominate for the position of Deputy First Minister as part of its protest about the Protocol, preventing the formation of a new Executive. The Northern Ireland Assembly has therefore not been able to function, a situation which pertains to date (November 2022).

The **COVID-19 pandemic** reached Northern Ireland in February 2020 and on 23 March 2020, with the rest of the UK, Northern Ireland went into its first lockdown. The *Coronavirus Act 2020* was passed on 25 March 2020 and came into force on the same day. It empowered Ministers in Northern Ireland to make regulations in a range of sectors to limit transmission of the disease, ease the burden on public health services, assist healthcare workers and the economically affected. Following a number of lockdowns and imposed restrictions, the last remaining restrictions were lifted on 15 February 2022.

Throughout the period 2016 to 2018 the **Northern Ireland economy stagnated** from the combined effect of the political vacuum and Brexit.⁴ With the added impact of COVID-19, and

² For example, the House of Commons Northern Ireland Affairs Committee, considering education funding in Northern Ireland, stated: “the political deadlock at Stormont has meant that the education system has been unable to respond to the urgent challenges facing schools”, and that the UK’s approach of passing budgets for Northern Ireland on a rolling annual basis “has been an obstacle to investment and improvement in children’s education”, *HC 1497 of Session 2017–19*, 22 July 2019, pp 56–7

³ *Re Buick’s application (ARC21) for Judicial Review* [2018] NIQB 43 – Keegan J delivered 14 May 2018

⁴ NISRA (2018) *Northern Ireland Composite Economic Index (NICEI) Quarter 1 2018*

heightened concern over the ‘trade agreement’ between the UK and the EU after the ‘withdrawal period’, the Northern Ireland economy entered into recession in the last quarter of 2019.⁵ The UK economy similarly entered into recession in the second quarter of 2020.⁶ This is significant as the Northern Ireland economy is dependent on the UK Government to provide economic support once that from the EU is no longer available, including financial assistance to manage the additional costs of transition.

Deterioration in the finances of their carers, and the economy as a whole, have had a significant impact on children.⁷ Since 2020, many households have struggled with **spiralling living costs** and the situation is likely to worsen in the coming months. New research predicts a fuel poverty rate (ie % of households in fuel poverty) of 72%: 551,000 households in Northern Ireland by January 2023.⁸ This means over 1.4 million people will be struggling to afford their energy bills.

I. NEW DEVELOPMENTS

COVID-19 pandemic

Emergency legislation in response to the COVID-19 pandemic - the *Coronavirus Act 2020* - was particularly significant in relation to health and social care as well as temporary closure of educational institutions and childcare premises. In August 2020, over 50 organisations made a plea to the Northern Ireland Executive that, in responses to COVID-19, children and young people must be prioritised as much as health and the economy.⁹ The impacts of emergency legislation and responses to the pandemic are evidenced throughout this Report.

Child Rights Impact Assessments to ensure that laws and policies consider children’s rights **were not conducted on legislative measures introduced during the pandemic**. The Northern Ireland Commissioner for Children and Young People [NICCY] reported that she had “raised concerns about lack of consultation with the [NICCY] office with respect to the development

⁵ Rice, C. (2019) *Northern Ireland economy 'enters or is entering' recession*, BBC NEWS, 9 September 2019. Available at: <https://www.bbc.co.uk/news/uk-northern-ireland-49609767>

⁶ Office of National Statistics (2020) *Coronavirus and the impact on output in the UK economy: June 2020*, 12 August 2020

⁷ See: Fanjul, G. (2014) *Children of the Recession: The impact of the economic crisis on child well-being in rich countries*, UNICEF; Child Poverty Alliance (2014) *Beneath the Surface: Child Poverty in Northern Ireland*

⁸ Bradshaw, J. and Keung, A. (2022). *Fuel poverty: Estimates for the UK*. Available at: <https://cpag.org.uk/news-blogs/news-listings/fuel-poverty-estimates-uk>

⁹ Action for Children et al (2020) *A Vision for Recovery in Northern Ireland. Overarching Principles and Actions*, 7 August 2020

of emergency coronavirus legislation and its impact on children’s rights”.¹⁰ 16 year old respondents to the 2021 *Young Life and Times* survey stressed the importance of the government taking time to understand their opinions, experiences and the issues faced by them in terms of potential impact of government action on their lives.¹¹

Withdrawal from the European Union [EU]

Despite a *Withdrawal Agreement* between the UK and EU, and the associated *Northern Ireland Protocol*, the **impacts on** practical protection, maintenance and development of **cross-border arrangements and relationships remain unclear**. The *Internal Market Bill* gives Ministers power 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 (then) Northern Ireland Secretary accepted that that this Bill would “break international law in a very specific and limited way”,¹² setting an unwelcome precedent. In addition, the Common Travel Area [CTA], a bilateral set of arrangements on cross-border cooperation between the UK, does not have a legislative basis. There is anxiety that Brexit could lead to a hard border between Northern Ireland and the Republic of Ireland, and civil society organisations have expressed concerns about potential risks to the peace process. Those living in border communities are acutely aware of the potential for Brexit to disrupt their lives in terms of cross-border access to healthcare, childcare, child protection, parental separation and child custody arrangements, the education of children who live on one side of the border but attend school on the other, membership of clubs, enjoyment of sport and leisure facilities, travel and freedom of movement. Neither the UK Government nor the Northern Ireland Assembly can remedy these issues without them being addressed by both the UK and the EU Commission.¹³

Identity, citizenship and differential rights are key issues. At a UK level, the Brexit referendum campaign was built on a narrative of ‘Britishness’ and the UK ‘taking back control’ of laws, borders and sovereignty. According to young people, Brexit has increased racial and sectarian tensions; affecting their lives, interpersonal relationships, friendships and deepening divisions

¹⁰ NICCY (2021) *A New and Better Normal. Children and Young People’s Experiences of the Covid-19 Pandemic*. Available at: <https://www.niccy.org/media/3882/niccy-covid-report-main-report-final-aug-21.pdf>, p12

¹¹ ARK (2021) *2021 Young Life and Times Survey*, Coronavirus Module: COVADVICE

¹² See: <https://www.bbc.co.uk/news/UK-politics-54073836> 8 September 2020

¹³ See: Hervey, T. (2022) *Brexit, Health and its potential impact on Article 2 of the Ireland/Northern Ireland Protocol*, NI Human Rights Commission. Available at: <https://nihrc.org/publication/detail/brexit-health-and-its-potential-impact-on-article-2-of-the-ireland-northern-ireland-protocol>

(particularly hostility towards migrants).¹⁴ The impact of ‘British’-identifying people losing access to EU citizenship and ‘Irish’-identifying people retaining the rights attached to EU citizenship creates an inherent tension and potentially polarising difference in the realisation of rights between the two main ethno-political communities in Northern Ireland.

II RIGHTS UNDER THE UNCRC AND OPTIONAL PROTOCOLS

A. GENERAL MEASURES OF IMPLEMENTATION OF THE UNCRC

Legislation

Implementation of the UNCRC and Optional Protocols in domestic law

The UNCRC has not been incorporated into domestic legislation in Northern Ireland. The principles and provisions of the Convention are therefore not directly applicable or justiciable under domestic law.

The ‘best interests’ principle is not reflected in the majority of Northern Ireland legislation. Even when the principle is included in law, this does not necessarily impact on practice. For example, Section 98 of the *Justice (Northern Ireland) Act 2015* inserted new wording into Section 53(3) of the *Justice (NI) Act 2002* which “compels all those working in the youth justice system to take account of the best interests of children with whom they are working as a primary consideration”. However, issues raised in the ‘Special Protection Measures: Administration of juvenile justice’ section of this Report demonstrate that this has not led to rights-based practice prioritising the best interests of children in conflict with the law.

Child Rights Impact Assessments [CRIA]

As noted in the State Party Report (2022, para 39), although some Northern Ireland departments have used Child Rights Impact Assessments when developing policies, **there is no formal CRIA process** in place.

Proposals to revise the Human Rights Act

There is a significant **threat to protection of children’s rights following withdrawal of the UK from the European Union.** The *Human Rights Act 1998* [HRA] currently gives further effect to rights from the *European Convention on Human Rights* [ECHR] in domestic legislation across the UK. It allows access to UK courts for violations of ECHR rights, although it does not represent full protection of the ECHR. Following the UK’s withdrawal from the European Union, the Conservative Government indicated likely **repeal of the HRA** and its replacement with a *British Bill of Rights*. Some politicians within the Conservative Party also proposed UK

¹⁴ Children’s Law Centre (2017) *Consultation with Children and Young People on Brexit*. Available at: <http://www.childrenslawcentre.org.uk/index.php/component/zoo/item/bbc-broadcast-appeal-for-clc-copy-2-copy-3> ; NI Youth Forum submission to Children’s Law Centre, September 2020

withdrawal from the *European Convention on Human Rights*. In September 2022 the Government ‘shelved’ its proposal to introduce a so-called *British Bill of Rights* but has since indicated its intention to revisit planned reforms. Concerns about the previous plans remain relevant to new proposals to alter overarching human rights protections and structures within which the UK, and specifically Northern Ireland, operate.¹⁵

There are significant **concerns about the adverse impacts of withdrawal from the EU human rights framework**. As the UK moved to exit the European Union it ensured that elements of EU law were retained within domestic UK legislation through the *EU Withdrawal Act 2018*. One important exception was the *EU Charter of Fundamental Rights*, which the UK Government argues is not required within UK law as it adds no additional rights to those already retained. In practice, the ability to ensure UNCRC compliance within EU competencies has been directly linked to Charter provisions. Potential rights violations as a consequence of Brexit are highly likely. Having visited the UK in November 2018, the UN Special Rapporteur on extreme poverty and human rights stated that Brexit was likely to have adverse impacts on “the most vulnerable and disadvantaged members of society who will be least able to cope and will take the biggest hit”.¹⁶

Bill of Rights for Northern Ireland

As noted, the *Human Rights Act 1998* does not represent the full protection of the ECHR. Provision for a ***Bill of Rights for Northern Ireland***, intended to build on the rights contained within the ECHR by including supplementary rights influenced by international standards and reflecting the particular circumstances of Northern Ireland, was provided for in the 1998 *Belfast/Good Friday Agreement*. Despite reference to the *Bill of Rights for Northern Ireland* in a series of Agreements, and the CRC’s recommendation (CRC, 2016: para 7b), there has been **no progress towards achieving this goal**. The *New Decade, New Approach* document provides for the now functioning Ad Hoc Committee on a Bill of Rights. However, with no agreed process for delivery of a meaningful set of rights outcomes when the Committee concludes its work, there is concern that the Committee could become the latest delaying tactic in a long-running process.

¹⁵ See: CLC (2022) *CLC response to the Ministry of Justice consultation: Human Rights Act Reform*, March 2022; CLC (2022) *Joint Civil Society Briefing on the Bill of Rights Bill: Implications for Children*, 12 September 2022.

¹⁶ Alston, P. (2018) *Statement on visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights*, London, 16 November 2018. Available at: https://www.ohchr.org/Documents/Issues/Poverty/EOM_GB_16Nov2018.pdf, p3 and p23

Comprehensive policy, strategy and co-ordination

Implementation of the UNCRC across all areas of Northern Ireland government

The *Children and Young People's Strategy 2020-2030* was finally published by the Executive in January 2021.¹⁷ It is claimed that this Strategy is rooted in the UNCRC, and the *Delivery Plan 2021-2024*¹⁸ outlines actions departments will take to “improve the children’s wellbeing and rights” (State Party Report, 2022, para 52). However, **lack of relevant indicators, data, costed budget and involvement of children in the development of the Delivery Plan** have been key concerns.¹⁹

Monitoring and evaluating implementation and impact of policies and programmes for children’s rights

Despite the CRC’s (2016, para 14) recommendation, a **child rights indicator framework** covering all areas of the UNCRC, and taking into account the UN High Commissioner for Human Rights publication *Human Rights Indicators*, **has not been developed nor implemented** in Northern Ireland.²⁰

In terms of *independent* monitoring, despite the CRC’s 2016 (para 16a) recommendation, the **legislation underpinning the powers and duties of the Northern Ireland Commissioner for Children and Young People [NICCY] remains unchanged**. NICCY has conducted a number of rights-based reviews providing detailed evidence of key issues and rights violations across a range of topics plus clear recommendations for relevant Departments and agencies. However, NICCY’s progress updates often demonstrate limited improvement. **Government departments and public bodies do not have a statutory requirement to respond to NICCY reviews, advice and recommendations.**²¹

¹⁷ See: <https://www.education-ni.gov.uk/publications/children-and-young-peoples-strategy-2020-2030>

¹⁸ See: <https://www.education-ni.gov.uk/consultations/consultation-children-and-young-peoples-strategy-initial-3-year-delivery-plan-2021-2024>

¹⁹ Children’s Law Centre submission, November 2022

²⁰ The Children and Young People’s Strategic Partnership (2020) produced a *Northern Ireland UNCRC Monitoring Report* in relation to the 8 outcomes set out in the NI Executive *Children and Young People’s Strategy*. However, this did 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). See: <https://reports.instantatlas.com/report/view/82f7dbf9e2b64cd0bc3effb41ccb6b0/ni001>

²¹ Haydon, D. (2022) *Response to independent review of NICCY*, submitted to reviewers in August 2022

Effective co-ordination of UNCRC implementation

A re-organisation of government departments in Northern Ireland was conducted in 2016. Previously, two junior Ministers within the (then) Office of the First Minister and Deputy Minister held overall responsibility for children. However, despite the CRC's recommendation (CRC, 2016: para 11a), currently **no Minister has overall responsibility for children**. This has weakened oversight and accountability for issues relating to children and the implementation of children's rights.

Allocation of resources

Child rights-based approach in budgeting processes

Regardless of the CRC's (2016, para 13) recommendation, there remains an ongoing **absence of children's budgetary analysis**. To date, the Northern Ireland Executive has not produced a children's budget.

Impacts of austerity measures and measures taken in response to the COVID-19 pandemic

During Coronavirus lockdowns, food need became so widespread that official programming was required. The Department for Communities set up emergency measures, including food parcels, allocation of additional funds to support district councils ensure access to food for those most in need, and free school meals payments. With no Minister in place and restricted decision-making by civil servants, the situation beyond February 2023 is unclear. A statement by the Secretary of State on 24 November 2022 implied that this programme of support would be protected, but this was a general commitment rather than a specific, time-framed undertaking.²²

Job losses and income instability caused by the Coronavirus pandemic have placed households in acute financial stress. The conditions created by COVID-19 have increased stress on caregivers, exacerbated child vulnerability, and reduced safeguards. This has increased the potential for new and recurring cases of all forms of abuse. While poverty as an isolated factor does not cause child maltreatment, it can have a significant impact on parenting capacity, exacerbating and contributing to parental mental ill-health or substance misuse.²³ [See 'Standard of living']

²² See: <https://questions-statements.parliament.uk/written-statements/detail/2022-11-24/hcws385>

²³ See: Bywaters et al (2016) *The relationship between poverty, child abuse and neglect: an evidence review*, Joseph Rowntree Foundation

Data collection

Collection and quality of disaggregated data

It is evident in the State Party Report (2022, Annex E) that **essential data is not available in a range of UNCRC areas and the data provided by the State Party has not been *disaggregated*** (specifically by age, gender, disability, ethnicity).

As is evident within later sections of this Report, particular issues in Northern Ireland include lack of routine data collection regarding: children with disabilities or long-term conditions; child protection; the prevalence of poor mental health; the specific wellbeing and developmental needs of babies and young children; child victims of domestic abuse; children and young people's drug and alcohol use; and use of restrictive practices such as restraint and seclusion in education and other institutional settings.

Dissemination and awareness-raising

Awareness-raising programmes for children

The UNCRC is not a statutory element of the curriculum in Northern Ireland. Young people continue to demonstrate limited knowledge about children's rights, the UNCRC and the role of the Northern Ireland Commissioner for Children and Young People.²⁴

The principles and provisions of the Convention are not integrated into the structures and practices of all schools, despite the Department for Education's *Circular 2014/14* guidance for Principals and Boards of Governors regarding how pupil participation can be encouraged.²⁵

Training of relevant professional groups

Although the UNCRC was ratified by the UK Government 30 years ago, many professionals do not fully understand or value the significance of children's rights.²⁶ There is **no comprehensive awareness-raising nor training about the UNCRC, children's and human rights for professionals working with children.**

²⁴ Haydon, D. (2022) *Rights Here, Right Now: Children and Young People's Report to the UN Committee on the Rights of the Child*, Belfast: Children's Law Centre

²⁵ NI Youth Forum (2015) *#Pupil Voice. Making a Difference*, NIYF/ NICCY

²⁶ VOYPIC submission, September 2020

B. DEFINITION OF THE CHILD

Minimum age of marriage

The current legal framework in Northern Ireland enables marriage between the ages of 16 and 17 with parental or judicial consent. In July 2022, following a public consultation on marriage law, the Finance Minister noted that an overwhelming majority of respondents supported raising the minimum age of marriage and outlined his **intention to increase the minimum age for marriage or civil partnership to 18 years**, stating that work was underway to prepare new legislation to be enacted once a functioning Assembly and Executive have been resumed.²⁷

In its response to the consultation regarding marriage law, the CLC highlighted concerns about the **protection of Roma girls in Northern Ireland from child, early and forced marriage**.²⁸

C. GENERAL PRINCIPLES

Non-discrimination

Discrimination on the grounds of age

In Northern Ireland **proposed legislation on age discrimination**, which excluded children aged under 16 years of age, did not progress while the Assembly was suspended (January 2017 – January 2020) and has **not** been **reintroduced**.

Negative public attitude towards children, especially adolescents

Despite the CRC's previous concerns (2016, para 23), **children and adolescents continue to experience negative stereotyping and 'intolerance' in public attitudes and the media**. In the *Rights Here, Right Now* survey, 66% of survey respondents agreed that children and young people are negatively stereotyped in the media, reflecting persistent and discriminatory media representation of under-18s. This proportion was significantly higher among older respondents aged 16-17 (78% compared with 56% amongst 12-13 year olds) and among those with disabilities (72% compared with 66% of those without disabilities).²⁹

²⁷ See: <https://www.finance-ni.gov.uk/news/finance-minister-outlines-plan-marriage-law-reform>

²⁸ Children's Law Centre (2002) *Response to Department of Finance Public Consultation on Marriage Law*, February 2022, p6-7

²⁹ Haydon, D. (2022) *Rights Here, Right Now: Children and Young People's Report to the UN Committee on the Rights of the Child*, Belfast: Children's Law Centre

Discrimination with regard to health, education, alternative care and child justice

Despite the CRC's (2016, para22c) recommendation, children continue to experience discrimination and stigmatisation. The following paragraphs outline the **discrimination experienced by specific groups**.

For **children living in poverty**, inequality significantly impacts on their education, housing, social environment and health outcomes, with a widening gap between the health of children from affluent and those from deprived backgrounds. Mental ill-health, overweight/obesity and dental decay are indicators that demonstrate worse outcomes for children from deprived backgrounds.³⁰

Children with disabilities do not access their rights on an equal basis to their non-disabled peers. These inequalities were exacerbated during the response to the COVID-19 pandemic, with differential adverse treatment being experienced by disabled children in access to health, social care and education.³¹

Care experienced children and young people continue to endure significant inequalities. Data for 2020/21 demonstrated that children who had been in care continuously for 12 months or longer were more likely than their peers to: have Special Education Needs, gain fewer qualifications, be suspended from school, receive a caution or conviction and be detained in custody.³² Care leavers aged 16-18 were more likely than others of the same age to: have a statement of Special Educational Need, leave school with no qualifications, have fewer qualifications, not be involved in education, training or employment.³³ In addition, many experience housing instability, including living in unstable accommodation and homelessness.³⁴

³⁰ RCPCH (2020) *State of Child Health 2020*. Available at: <https://stateofchildhealth.rcpch.ac.uk/evidence/nations/northern-ireland/>

³¹ Children's Law Centre submission, November 2022

³² Department of Health (2022) *Children in Care in Northern Ireland 2020-2021 Statistical Bulletin*, 23 August 2022. Available at: <https://www.health-ni.gov.uk/sites/default/files/publications/health/child-care-ni-20-21.pdf>, p28, 32, 36, 38

³³ Department of Health (2022) *Northern Ireland Care Leavers 2020/21*, 16 February 2022. Available at: https://www.health-ni.gov.uk/sites/default/files/publications/health/nicl-20-21_0.pdf, p12, 18, 21, 31

³⁴ Include Youth submission, September 2020; Include Youth response to *NICCY Corporate Plan 2020-2023*, p14-15. Available at: <http://www.includeyouth.org/mgmt/resources/include-youth-response-to-niccy-corporate-plan-2020-2023.pdf>

Young carers find access to certain rights are diminished due to their caring responsibilities, in particular their rights to health and health services, social security, an adequate standard of living, and education.³⁵

Issues faced by young **Irish language speakers** include difficulties accessing services and resources, limited visibility of the language as well as prejudice and discrimination towards the language.³⁶ A further issue is that SEN services and support are based on assessment tools derived in using monolingual samples, which are not ‘fit for purpose’ in use with bi- or multi-lingual children including those immersed in the Irish-medium context. Anecdotal evidence suggests that Irish-medium pupils requiring SEN assessment and interventions are compelled to leave the Irish-medium sector, denying them the opportunity to be educated in the same setting as other family members.³⁷

The **Roma** community is “routinely subjected to verbal and physical abuse and faces multiple discrimination, from barriers in accessing schools, housing and healthcare to restricted employment opportunities”.³⁸ Exiting the EU is likely to have a significant impact on Roma, particularly regarding the application process for ‘settled’ status.

Traveller children and families in Northern Ireland continue to experience violation of their rights in relation to education, housing, poverty, policing and justice (including the over-representation of Traveller children in stop and search figures) and mechanisms for representation.³⁹

Migrants and children from minority ethnic communities are often actively discouraged or prohibited from using their mother tongue in school and youth work settings. They also experience inadequate protection from actual or threatened violence within and outside the home environment. Failure to provide culturally appropriate alternative care includes migrant children being unable to retain their mother tongue when placed in English-speaking foster families or residential care. Lack of knowledge or understanding can also lead to failure of

³⁵ Action for Children submission, October 2022

³⁶ Conradh na Gaeilge submission, September 2020;

NIHRC (2018) *Submission to the Committee of Experts of the European Charter for Regional and Minority Languages*. Available at:

https://www.nihrc.org/uploads/publications/NIHRC_Submission_to_COMEX_May_2018.pdf

³⁷ Comhairle na Gaelscolaíochta submission, October 2022

³⁸ CFNI (2014), cited in NI Housing Executive (2019) *The Roma Community in Northern Ireland: A Scoping Review*, August 2019, p14

³⁹ Children’s Law Centre and STEP (2022) *Joint submission to Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities: Rights of Traveller Children and Families in Northern Ireland*

alternative care providers to respect the cultural and religious practices of the child's biological family.⁴⁰

Asylum seekers often cannot afford basic food, clothing and expenditure such as transport, recreational activities and school trips and inability to fully participate in school and community life has a detrimental impact on children in asylum seeking families.⁴¹ Those placed in hotels face particular issues.⁴²

Syrian **refugee children** have identified language barriers, shyness, racism and not feeling accepted in their local communities as barriers to cross-cultural friendships and social participation.⁴³

LGBTI+ children and young people experience prejudice and discrimination regarding their sexual orientation and/or gender identity, including verbal abuse, physical abuse, homophobic or transphobic attitudes from family members. In addition to negative responses in school, in youth work organisations LGBT young people experience homophobic attitudes displayed by staff and young people, as well as the privileging of heterosexual relationships.⁴⁴

Failure to understand the experiences of **intersex** and **trans young people** has a profound impact on all aspects of their lives,⁴⁵ particularly in educational environments⁴⁶ where key issues include binary-gender classification and language/use of names.⁴⁷ Transgender people report that they experience high levels of prejudice and harassment.⁴⁸

⁴⁰ STEP submission, September 2020

⁴¹ Housing4All (2019) *A Prison Without Walls. Asylum, Migration and Human Rights*, PPR, June 2019

⁴² See: <https://www.nlb.ie/blog>

⁴³ Robertson, A. (2020) 'A New Life for Me'. *Integration Experiences of Syrian Refugee Children and Their Families*, Barnardo's NI

⁴⁴ Neill, G. and Meehan, D. (2017) *Still Shouting. The needs and experiences of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT)*, Cara-Friend/ Youth Action, p14, p24

⁴⁵ Focus – The Identity Trust submission, September 2020

⁴⁶ McBride, R-S. and Schubotz, D. (2017) Living a fairy tale: the educational experiences of transgender and gender non-conforming youth in Northern Ireland, *Child Care in Practice*, Vol. 23, Issue 3, DOI: [10.1080/13575279.2017.1299112](https://doi.org/10.1080/13575279.2017.1299112)

⁴⁷ Public and Corporate Economic Consultants (2017) *Post-primary school experiences of 16-21 year old people who are Lesbian, Gay, Bisexual and/or Transgender (LGB&T)*, Research Briefing, September 2017, Department of Education, p6

⁴⁸ Neill, G. and McAlister, S. (2019) *The Missing T: Baseline Attitudes Towards Transgender People in Northern Ireland*, ARK Research Update 128, p4

Complaints of discrimination against children

The State Party Report (2022, Annex E, Q37a) did not provide data about cases of discrimination against children in any of the UK jurisdictions.

The NI Commissioner for Children and Young People [NICCY] conducts **casework responding to enquiries or complaints** from children, young people, their parents/carers concerning potential breaches of individual's rights by relevant authorities, particularly in relation to education. Recently, NICCY has been actively involved in legal proceedings external to its complaints casework in support of stakeholders and at the request of families. This has included: intervening in judicial review cases regarding delayed discharge of young people from secure health facilities; supporting cases involving use of restraint or isolation; the admissions criteria of some post-primary schools; and the role of the SEN and Disability Tribunal.⁴⁹

Children's access to justice

Applications for legal aid in cases with children's rights implications **have a high rate of denial in the first instance, but are often overturned when appealed**. Creating unnecessary delays in a substantive case being taken forward can have significant implications for the individual child, given that such cases often concern the most vulnerable children and young people.

Children cannot apply for legal aid on their own, leading to additional barriers for specific demographics of young people (e.g. homeless children and young people, those estranged from their parents) who are required to find an adult prepared to act as a 'next friend' in the legal aid application.

Legal aid for advice and assistance is heavily restricted. Of particular note, it does not cover representation at Special Educational Needs and Disability Tribunals (SENDIST).⁵⁰

Right to life, survival and development

Review of unexpected death or serious injury involving children

Since January 2018, despite extensive recruitment drives, there has been no Paediatric Pathologist in Northern Ireland. Consequently, **infants requiring a post mortem are taken to the Alder Hey Hospital in Liverpool, England, separating families from their recently**

⁴⁹ NICCY (2020) *Annual Complaints and Legal Report 2019-2020*. Available at: <https://www.niccy.org/media/3680/niccy-legal-casework-19-20-final-web.pdf>

NICCY (2021) *Annual Complaints and Legal Report 2020-2021*. Available at: <https://www.niccy.org/media/3963/niccy-legal-casework-2020-21-web.pdf>

⁵⁰ Children's Law Centre submission, November 2022

deceased babies.⁵¹ It has been reported that 469 deceased babies were taken from Belfast to Liverpool by boat for post mortem examination between 2019 and 2021, accompanied by an undertaker and relatives if they chose to travel.⁵²

Contrary to consistent CRC (2008, para 29; 2016, para 28b) recommendations, **legislation to establish an independent Panel to review child deaths has not been implemented.** Under Sections 7(1b) and 3(5) of the *Safeguarding Board (Northern Ireland) Act 2011*, the Safeguarding Board for Northern Ireland [SBNI] is required to establish processes to review child deaths. However, the Department of Health has not commenced Regulations to enable the Board to carry out this statutory role, despite strong advocacy to ensure proper reporting and learning to reduce preventable deaths as well as recommendations from an independent review of the SBNI⁵³ and an Inquiry into hyponatraemia-related deaths.⁵⁴

Avoidable child deaths

Since 2001, the leading cause of avoidable death in children and young people has been injuries. Other causes include: conditions relating to pregnancy, childbirth and the perinatal period; congenital malfunctions; diseases of the respiratory system such as asthma or pneumonia, alcohol or drug-related deaths; and infectious diseases. In 2019, 34% of all deaths among 0-19 year olds in the UK were considered avoidable (1,590 deaths out of 4,717). Avoidable deaths in children and young people constituted 1% of the total number of avoidable deaths in the UK. **Since 2001, child mortality rates in Northern Ireland and Scotland have remained significantly higher than in England and Wales.**⁵⁵ 435 avoidable child and teenage deaths (278 males, 157 females) were recorded in Northern Ireland between 2014 and 2017.⁵⁶

Northern Ireland's Mental Health Champion has stated that changes are required in mental health services to better protect those at risk of **suicide**.⁵⁷ Child-specific data relating to the

⁵¹ See: <http://www.northerntrust.hscni.net/site/wp-content/uploads/2017/07/143721-NHSC-Child-Loss-Practical-Information.pdf>, p5

⁵² See: <https://www.independent.ie/irish-news/almost-500-deceased-babies-taken-to-uk-for-postmortem-due-to-lack-of-paediatric-pathologist-in-the-north-40888694.html>

⁵³ Jay, A. and Somers, K. (2016) *A Review of the Safeguarding Board for Northern Ireland [SBNI]*, Recommendation 6

⁵⁴ O'Hara, J. (2018) *The Inquiry into Hyponatraemia-Related Deaths*, Recommendation 88

⁵⁵ See:

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/causesofdeath/bulletins/avoidablemortalityinenglandandwales/2019#avoidable-mortality-in-children-and-young-people>

⁵⁶ See: <https://www.belfasttelegraph.co.uk/news/northern-ireland/call-for-action-as-its-revealed-northern-ireland-has-highest-level-of-avoidable-child-deaths-in-uk-37844487.html>

⁵⁷ BBC NEWS (2022) *Bereaved mother says daughter 'should have been safe'*, 28 April 2022. Available at: <https://www.bbc.co.uk/news/uk-northern-ireland-61262586>

suicides of those aged under-18 is not available in the statistics published by the Northern Ireland Statistics and Research Agency [NISRA].

In April 2022, a 17 year old young woman took her own life while in Northern Ireland's in-patient child and adolescent mental health Unit. Understandably, her mother expressed concern about how this could happen in a secure facility, which should have been her daughter's "safe space".⁵⁸ At the time of writing, a Serious Incident Review was being conducted.

Respect for the views of the child

Ensuring the right of the child to be heard, with adequate support, and that children's views are given due consideration in decisions affecting them

Children and young people report a lack of involvement in decisions affecting their lives, including: the planning and delivery of child-friendly health and children's services,⁵⁹ educational policy and practice, as well as in relevant legal and administrative proceedings including those concerning domestic violence, parental custody, placement in alternative care,⁶⁰ mental health treatment.⁶¹

Lack of participation in the planning and review of alternative care has been reported by 'looked after' children and young people. Many do not feel comfortable attending review meetings, particularly younger children who are often neither included nor invited to attend because they are considered too young to understand and fully participate in the process.⁶² For organisations working with care experienced children, key issues in which children's voices need to be encouraged, included and listened to are: about their placements, within their reviews, at end of placement reviews, about their relationships with social care staff and

⁵⁸ Ibid

⁵⁹ RCPCH &Us (2020) Voice bank: <https://www.rcpch.ac.uk/topic/children-young-people-voice>; RCPCH (2020) *Reimagining the future of paediatric care post-COVID-19*; Haydon, D. (2022) *Rights Here, Right Now: Children and Young People's Report to the UN Committee on the Rights of the Child*, Belfast: Children's Law Centre

⁶⁰ VOYPIC submission, September 2020; The Fostering Network submission, September 2020

⁶¹ Haydon, D. (2022) *Rights Here, Right Now: Children and Young People's Report to the UN Committee on the Rights of the Child*, Belfast: Children's Law Centre

⁶² Department of Health (2019) *Children in Care in Northern Ireland 2017-2018*, Statistical Bulletin, 12 September 2019, p22

the services they receive.⁶³ Many care experienced young people do not consider that social workers take their views into account when making decisions regarding their lives.⁶⁴

Young people placed in secure accommodation have clearly expressed a lack of involvement in decisions taken about them, including their placement in detention.^{65 66}

In relation to mental health treatment, **individuals detained in the in-patient adolescent child and mental health Unit have reported being denied their right to participation** on the basis that they “have no mental capacity”.⁶⁷ CLC represented and supported a young person, who considered that her views were not taken into account and that she had minimal, if any, treatment options, to give her own evidence at a Mental Health Tribunal.⁶⁸ Organisations working with young people in this Unit are concerned about commonly reported issues in relation to limited participation of, and communication with, young people regarding decision-making processes.⁶⁹

Meaningful participation of children within the family and community, at school, in local/national policy making

Asked whether they considered adults would listen to them if they gave their opinion, the proportion of *Rights Here, Right Now* survey respondents aged 12-17 from across Northern Ireland answering ‘Yes’ differed depending on the adults concerned: adults with whom they lived: 79%; teachers: 41%; adults in their community: 35%; and politicians: 15%. These figures indicate that children and young people do not consider their views would be taken seriously by adults outside their home lives, least of all by politicians.⁷⁰

⁶³ VOPIC and The Fostering Network submissions, September 2020

⁶⁴ Haydon, D. (2022) *Rights Here, Right Now: Children and Young People’s Report to the UN Committee on the Rights of the Child*, Belfast: Children’s Law Centre

⁶⁵ Haydon, D. (2016) *Promoting and Protecting the Rights of Young People Who Experience Secure Care in Northern Ireland*. Belfast: Children’s Law Centre, p62-65

⁶⁶ Haydon, D. (2022) *Rights Here, Right Now: Children and Young People’s Report to the UN Committee on the Rights of the Child*, Belfast: Children’s Law Centre

⁶⁷ Haydon, D. (2022) *Rights Here, Right Now: Children and Young People’s Report to the UN Committee on the Rights of the Child*, Belfast: Children’s Law Centre

⁶⁸ Children’s Law Centre submission, November 2022

⁶⁹ Children’s Law Centre submission, November 2022

⁷⁰ Haydon, D. (2022) *Rights Here, Right Now: Children and Young People’s Report to the UN Committee on the Rights of the Child*, Belfast: Children’s Law Centre

The UK and Northern Ireland Governments exclude children from major policy decisions, the most recent examples being lack of consultation about Brexit and responses to the COVID-19 pandemic.

At a local level, **only two of Northern Ireland's eleven Councils have established Shadow Youth Councils.**

After many years of lobbying by child and youth organisations, the **Youth Assembly** was **established in 2021**. At its first in-person meeting on 6 November 2021, the agreed areas of focus for the following two years were: Education; Environment; Health; Rights and Equality.

D. CIVIL RIGHTS AND FREEDOMS

Freedom of expression, religion, association and peaceful assembly

Compulsory attendance at collective worship in publicly funded schools, and the right to withdraw from religious observance at school

Compulsory worship continues in Northern Ireland's schools and no action has been taken to permit pupils to withdraw from these sessions. Parents have a legal right to withdraw their children from collective worship but when parents request an exemption, the process of withdrawal is often difficult and children are rarely given a meaningful alternative of equal educational value during the time their peers are attending worship.⁷¹ The current system favours one faith perspective (Christianity) over other religious and non-religious beliefs and pre-supposes that children will participate in religious activities unless opted out by their parents. In a recent case, the High Court in Northern Ireland ruled that this approach is incompatible with Article 2 of the *First Protocol of the European Convention on Human Rights* (A2P1) read with Article 9 of the ECHR, therefore breaching the rights of a non-religious father and his child.⁷²

Use of acoustic devices to disperse public gatherings of young people

The use of 'mosquito devices' to disperse gatherings of children and young people in public spaces where they are legally entitled to be has not been prohibited.

⁷¹ Erwin, A. (2019) 'Non-religious couple in legal challenge over Northern Ireland school religious teaching', *Belfast Telegraph*, 19 November 2019. Available at: <https://www.belfasttelegraph.co.uk/news/northern-ireland/non-christian-couple-in-legal-challenge-over-northern-ireland-school-religious-teaching-38706408.html>

⁷² *In the matter of an application by JR87 and her father for Judicial Review* [COL11833], 5.7.2022. Available at: <https://humanists.uk/wp-content/uploads/COL11833-JR-87-Judgment-dated-05-07-2022.doc.pdf>, para 122

Right to privacy

Use of stop and search checks against children

The use of ‘ordinary’ (i.e. non-terrorist) stop and search powers by the Police Service of Northern Ireland [PSNI] include stop and search based on the legal test of ‘reasonable suspicion’. Yet figures demonstrate that **the PSNI use stop and search at a higher rate per 1000 of the population than in all but 2 other UK police services, with one of the lowest ‘outcome’ rates (arrests)**. Between 2010/11 and 2018/19 c.35,000 under-18s were recorded as being subjected to use of this power, with 15-17 year old males four times more likely to be stopped and searched proportionate to their number in the population.⁷³ Between 1 July 2021 and 30 June 2022, 2,259 (11%) of those stopped and searched were aged 17 and under, 55 of whom were children aged 12 and under. Of these 2,259 children and young people, only 63 were arrested - a conversion rate of 2.8%.⁷⁴

Young people’s accounts indicate that **the legal test of reasonable suspicion is not being applied, records are not being properly kept, and the stop and search power is being used as a form of coercive control**.^{75 76} Young people report feeling targeted and victimised by PSNI

⁷³ Topping, J. (2018) Policy Briefing for the NI Executive Knowledge Exchange Seminar Series. Available at: <https://kess.org.uk/2018/05/17/dr-john-topping-qub-police-stop-search-powers-understanding-nature-extent-adversarial-contact-psni-public/>

⁷⁴ PSNI (2022) *Use of Stop and Search Powers by the Police in Northern Ireland. 1 July 2021 to 30 June 2022*. 24 August 2022. Available at: https://www.psni.police.uk/sites/default/files/2022-09/PSNI%20Stop%20and%20Search%20Report%20Q1%202022_2023v2.pdf, p5-6

⁷⁵ Topping, J. and Schubotz, D. (2018) *The ‘usual suspects’? Young people’s experiences of police stop and search powers in Northern Ireland*, ARK Research Update Number 120, May 2018

⁷⁶ HMICFRS (2020) *The Police Service of Northern Ireland. An inspection of how well the service treats its workforce and the people of Northern Ireland*, p11-13. Available at: <https://www.justiceinspectrates.gov.uk/hmicfrs/wp-content/uploads/psni-inspection-how-well-service-treats-workforce-and-people.pdf>

use of these powers, considering that age, appearance, location and family history lead to them being targeted.^{77 7879}

Additional issues

Strip searching of children

‘Strip searches’ involve the removal of clothing and can include the exposure of body parts. They differ from ‘intimate searches’ which involve the physical examination of a person’s body orifices other than the mouth. The Children’s Law Centre is extremely concerned about the **PSNI conducting strip searching on children**. There has been a **failure to complete records accurately and in a timely manner**, leading to the need for clarification and amendment of figures. In May 2022, it was reported that 34 under-18s had been subjected to strip searches by PSNI officers in the previous reporting year. The majority were aged 15-17, but two 12-14 year olds were strip searched. In 14 of the 34 cases, the PSNI was unable to provide justification for these strip searches, despite officers being obliged to record this information. In only three instances was something harmful discovered, in each case this was drugs.⁸⁰ Subsequently, these figures were amended - of the 34 reported strip searches, 7 were recorded in error (i.e. did not happen). 7 of the 27 searches which did occur were inputted retrospectively and only one was conducted in the presence of an appropriate adult.⁸¹

Statutory protection of anonymity for children

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. Although the power

⁷⁷ Include Youth consultations. Available at:

<http://www.includeyouth.org/mgmt/resources/include-youth-response-to-psni-service-instruction-bwv-september-2018.pdf> <http://www.includeyouth.org/mgmt/resources/include-youth-comments-on-draft-psni-children-and-young-people-strategy-october-2018.pdf>

<http://www.includeyouth.org/mgmt/resources/include-youth-engagement-with-young-people-on-local-policing-review-november-2018.pdf>

<http://www.includeyouth.org/mgmt/resources/include-youth-response-to-draft-northern-ireland-policing-plan-2020-2025.pdf>

⁷⁸ Seymour, D. (2019) *Eleventh Report of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007*, March 2019

⁷⁹ Findings of *PSNI Stop & Search Survey* (aged 11 – 18), received by the Children’s Law Centre (via email), 27 January 2022

⁸⁰ Winters, R. (2022) ‘NI strip searching of under-18s is “deeply shocking”’, *The Detail*, 20 May 2022. Available at: <https://www.thedetail.tv/articles/psni-strip-searching-of-under-18s-is-deeply-shocking>

⁸¹ Children’s Law Centre submission, November 2022

to commence S.44 was devolved to Northern Ireland in 2010, no commencement legislation has been introduced to protect the identity of children and young people who are the subject of criminal investigations.⁸² There is therefore **no statutory protection of anonymity for children who have been arrested and not yet charged**, some of whom may never be charged.

The right to privacy for the children of alleged offenders is a further **issue of concern**, with news outlets publishing specific information (such as the name of the street or housing development) regarding arrested adults who are parents, with significant consequences for their children.⁸³

Access to appropriate information

Equitable access of children to online services and connectivity

Organisations working directly with children and young people are aware of the **significant adverse impact of lack of internet access and digital poverty** affecting those who live in rural areas as well as children living in families which do not have the means to pay for internet connection or associated devices. Lack of internet access compromising their ability to access necessary support is a particular concern regarding child protection or violations of their rights.

Legislation on online harms

Lack of effective protection for children who use social media and access online information are matters of concern, heightened by the COVID-19 pandemic when not only were more children online for more time but also they were dependent on digital technology for educational and other activities. Risks created by the design of digital services have also been magnified. Two main issues are: (i) exposure of children to cyberbullying, pornographic material, sexting, peer pressure, self-harm/suicide, online gambling,⁸⁴ and (ii) the low age of consent (13 years) to personal data being processed.⁸⁵

⁸² See: *Re JKL (a Minor)* [2016] NIQB 99 Colton J, a case concerning a 15 year old with Asperger's syndrome who was arrested and interviewed by the PSNI as a suspect in an alleged cyber-crime involving the 'hacking' of customer details retained by a telecommunication company, who was released on bail but whose details were reported in the media.

⁸³ For example, in the case of a child whose mother had been arrested, an article in the local newspaper mentioned their name and the cul-de-sac in which they lived. This left the family vulnerable and the child being targeted in school. The child subsequently stopped attending school for an extended period. The charges against their mother were later dropped, and there was no conviction. NIACRO submission, September 2020

⁸⁴ IWF (2022) *Three-fold increase of abuse imagery of 7-10 year olds as IWF detects more child sexual abuse material online than ever before*. 13 January 2022. Available at: <https://www.iwf.org.uk/news-media/news/three-fold-increase-of-abuse-imagery-of-7-10-year-olds-as-iwf-detects-more-child-sexual-abuse-material-online-than-ever-before/>

⁸⁵ House of Commons and House of Lords Joint Committee on Human Rights (2019) *Third Report of Session 2019*, 30 October 2019

The **Online Safety Bill** will have an impact across the United Kingdom once it becomes law. NSPCC has called for safety duties together with a culture of compliance in regulated firms through senior manager liability and the publication of risk assessments, Codes of Practice to address child abuse risks via private messaging, and the introduction of a statutory user advocacy body to protect children's interests online.⁸⁶ **Northern Ireland** published an **Online Safety Strategy and Action Plan** in February 2021.⁸⁷ The Safeguarding Board for Northern Ireland, as the central co-ordinating body for online safety, is responsible for implementation of the Action Plan. Ensuring that online safety remains a priority for the Department of Health while it faces crises in health and social care is a significant challenge.

E. VIOLENCE AGAINST CHILDREN

Torture and other cruel, inhuman or degrading treatment or punishment

Use of Tasers, attenuating energy projectiles, spit hoods and other harmful devices on children

CED [Conductive Energy Devices] (i.e., **Tasers**) **have been drawn and fired at children in Northern Ireland**. Between 1 January 2017 and 30 June 2020, Tasers were used by the PSNI on 25 children aged 17 and under.⁸⁸ This included a Taser being 'fired' at one child, 'red dotted' at eighteen children, and 'drawn' at six children.⁸⁹ Of particular concern is that, in two of the recorded incidents involving children aged 10 and 14, the reason given for use was 'Accidental'.

⁸⁶ NSPCC (2002) *Parliamentary Briefing: Report Stage of the Online Safety Bill*. Available at: <https://www.nspcc.org.uk/globalassets/documents/policy/online-safety-bill-report-stage-parliamentary-briefing.pdf>

⁸⁷ Northern Ireland Executive (2021) *Keeping children and young people safe: an Online Safety Strategy for Northern Ireland 2020-2025*. Available at: <https://www.health-ni.gov.uk/sites/default/files/publications/health/online-safety-strategy.pdf>
Online Safety Commitments to Action [3 Year Action Plan]. Available at: : <https://www.health-ni.gov.uk/sites/default/files/publications/health/online-safety-action-plan.pdf>

⁸⁸ Information provided in response to a Freedom of Information request by journalist Peter Moor, November 2020.

⁸⁹ Categories of Taser use include 'Fired' - discharged with a live cartridge installed; 'Red dotted' - not fired, but deliberately aimed and then partially activated so that a red laser dot is placed on the person; 'Drawn' - drawing of a Taser in circumstances where any person would reasonably perceive the action as a use of force: Cooper, L. (2020) *Children's Rights and Policing: Tasers and children's rights*, CRAE, p3

The PSNI continues to use AEPs in public order situations when children are present. The police have also used CS Spray against children including, in a children's home.^{90 91}

The PSNI introduced **use of 'spit and bite guards'** - known as 'spit hoods' - as a 'health and safety' response to COVID-19, despite the absence of evidence that they afford protection to police officers and warnings that the process of fitting hoods and ensuing struggles were likely to generate aerosol particles, exacerbating risk of transmission.⁹² Several organisations have raised concerns about the potentially dangerous impacts of spit hoods, calling for their use to be ceased.⁹³ Prior to their introduction in Northern Ireland, no consultation was conducted with children or the children's rights sector to assess the impact of use on children and young people. Concerns raised by the Northern Ireland Commissioner for Children and Young People, Amnesty International, the Children's Law Centre, Include Youth, the Committee on the Administration of Justice and other organisations include: non-compliance with the UNCRC and ECHR; failure to impact assess their use; contradiction with PSNI safeguarding policies and trauma-informed practice; lack of evidence to support need for/ the effectiveness of their use; potential dangers and adverse effects.

Use of pain-inducing techniques and seclusion against children for disciplinary purposes in schools and institutional settings

There is currently **no mandatory requirement to record use of restrictive practices**, including incidents involving restraint or seclusion, **in educational settings or to inform parents about these incidents when they occur**. Non-verbal children are particularly vulnerable. A NICCY rights based review on use of restraint and seclusion in educational settings, with a particular

⁹⁰ See: [https://policeombudsman.org/Media-Releases/2016/CS-spray-use-against-juveniles-justified-during-Ballymena, Co Down and Derry/Londonderry incidents](https://policeombudsman.org/Media-Releases/2016/CS-spray-use-against-juveniles-justified-during-Ballymena,CoDownandDerry/Londonderry-incident)

⁹¹ PSNI 'use of force' figures include use of AEP, Taser, Baton, CS Spray, PAVA Spray, Firearm, Dog. According to information provided to Children's Law Centre (29.9.20), there were 1,438 reports of use of force involving an individual aged under 18 in 2019/20, equating to 10.5% of all use of force reports.

⁹² Amnesty International (2020) *The case against the use of spit hoods in response to Covid-19*, 5 November 2020. Available at: <https://www.amnesty.org.uk/blogs/belfast-and-beyond/case-against-use-spit-hoods-response-covid-19-0>

⁹³ See: <https://www.amnesty.org.uk/press-releases/northern-ireland-police-spit-hoods-may-increase-risks-spread-covid-19-psni-should>;

[https://redress.org/wp-content/uploads/2019/05/UK-Implementation-of-UNCAT REDRESS March2019 Web.pdf](https://redress.org/wp-content/uploads/2019/05/UK-Implementation-of-UNCAT-REDRESS-March2019-Web.pdf)

[https://yjlc.uk/wp-content/uploads/2020/04/CRAE POLICING-SPITHOODS PRINT.pdf](https://yjlc.uk/wp-content/uploads/2020/04/CRAE-POLICING-SPITHOODS-PRINT.pdf)

<https://www.iccl.ie/news/cra-spit-hoods-fly-in-face-of-progressive-youth-strategy/>

<http://www.crae.org.uk/news/crae-responds-to-metropolitan-police-announcement-on-spit-hoods/>

<https://www.cypnow.co.uk/News/article/concerns-over-use-of-potentially-fatal-spit-hoods-on-children>

focus on children and young people with additional needs and/or SEN, identified legislative gaps in the ‘use of reasonable force’; unclear guidance to schools about initial reporting and recording/ monitoring of incidents; deficiencies in policy regarding the complex support needs of some pupils and collaboration with other professionals such as allied health professionals and social workers. It highlighted deficiencies in the current complaints process in educational settings, notably in relation to the role of the Board of Governors and the power imbalance experienced by parents for whom the complaints process is often lengthy, stressful and has limited outcomes.⁹⁴

Use of restraint against children with disabilities in schools and institutional settings

Parental evidence has highlighted that vulnerable disabled children have routinely been subjected to restrictive practices such as use of restraints and seclusion in locked rooms, in special schools and within mainstream schools. **There is no regulatory framework in place to prevent or severely limit these potentially harmful and traumatic interventions, or to record and monitor use of restrictive practices where they have been employed.** Education law currently permits use of “reasonable force” for the purpose of maintaining order and discipline under Article 4(1c) of the *Education (Northern Ireland) Order 1998*. Concerns about use of restrictive practices in educational settings have been raised by the British Association of Social Workers in Northern Ireland,⁹⁵ and by the Northern Ireland Human Rights Commission.⁹⁶ The Education Committee brought forward a motion calling on the Minister of Education to urgently develop new guidance on the restraint and seclusion of children and young people, particularly those with additional support needs.⁹⁷ The Department of Education subsequently issued interim guidance,⁹⁸ and conducted a review which

⁹⁴ NICCY (2021) *Neither Seen Nor Heard. Rights Based Review on the Use of Restraint and Seclusion in Educational Settings*, December 2021. Available at: <https://www.niccy.org/wp-content/uploads/media/4026/niccy-restraint-and-seclusion-main-report-final-16-dec-21.pdf>

⁹⁵ See: https://www.basw.co.uk/system/files/resources/basw_ni_policy_statement_on_restraint_seclusion_of_children_young_people_in_schools_educational_facilities_20_may_2021.pdf

⁹⁶ See: <https://nihrc.org/publication/detail/submission-ni-committee-for-education-on-the-human-rights-implications-of-current-guidance-relating-to-the-use-of-restrictive-practices-in-schools>

⁹⁷ Education Committee (2021) *Education Committee Calls on Minister to Urgently Develop New Guidance on Restraint and Seclusion*, 24 May 2021. <http://www.niassembly.gov.uk/news-and-media/press-releases/session-2020-2021/education-committee-calls-on-minister-to-urgently-develop-new-guidance-on-restraint-and-seclusion/>

⁹⁸ Department of Education (2021) *Interim Guidance on the Use of Restraint and Seclusion in Educational Settings*. Circular Number 2021/13. Available at: <https://www.education-ni.gov.uk/sites/default/files/publications/education/DE%20Circular%2013%20of%202021%20-%20Restraint%20and%20Seclusion.pdf>

recommended legislative change to repeal Article 4(1c) of the *Education (Northern Ireland) Order 1998*.⁹⁹ Although a positive development, this has not yet taken place.

The *Mental Capacity Act (NI) 2016*, which includes Deprivation of Liberty Safeguards for young people aged 16 and 17 who lack capacity, does not overtly legislate for protections in education settings.¹⁰⁰

Corporal punishment

Legal defence of ‘reasonable punishment’, promotion of positive and non-violent forms of discipline

There are no plans to repeal Article 2 of the *Law Reform (Miscellaneous Provisions) (NI) Order 2006* which provides for **the legal defence of ‘reasonable punishment’**. Regardless of compelling international evidence that physical punishment is ineffective in improving children’s behaviour in the long term and, in fact, has an adverse impact on children’s well-being,¹⁰¹ adults can legitimately assault a child in Northern Ireland.

Freedom of the child from all forms of violence

Domestic violence

There has been an **increase in the number of domestic violence incidents across Northern Ireland**, many of which directly or indirectly involve children. The PSNI reported 22,142 domestic abuse crimes during the 12 months from 1st July 2021 to 30th June 2022, an increase of 2,519 (12.8%) on the previous 12 months and the highest number recorded in a 12-month period since 2004/05.¹⁰² Concerns expressed about children’s increased vulnerability and

⁹⁹ Department of Education (2022) *Review of the Use of Restraint and Seclusion in Educational Settings in Northern Ireland*, March 2022. Available at: <https://www.education-ni.gov.uk/sites/default/files/publications/education/Report%20on%20the%20Review%20of%20Restraint%20and%20Seclusion%20in%20Educational%20Settings.pdf>

¹⁰⁰ This gap in legal protection for those aged 16 and 17 who actually do attract a level of protection was made clear in the case of *ML (2021) NI Fam 15* regarding a young person in a locked door classroom surrounded by a fence and under close supervision. Available at: <https://www.judiciaryni.uk/judicial-decisions/2021-nifam-15>

¹⁰¹ Gershoff, E.T. and Grogan-Kaylor, A. (2016). Spanking and child outcomes: old controversies and new meta-analyses. *Journal of Family Psychology*, Vol.30, Issue 4, pp453-469; Heilmann, A., Kelly, Y. and Watt, R.G. (2015) *Equally Protected? A review of the evidence on the physical punishment of children*, Edinburgh: Children and Young People’s Commissioner Scotland, Children 1st, Barnardo’s Scotland, NSPCC Scotland.

¹⁰² PSNI (2022) *Domestic Abuse Incidents and Crimes Reported by the Police in Northern Ireland*. Update to 30th June 2022. 25 August 2022. Available at: https://www.psni.police.uk/sites/default/files/2022-09/domestic-abuse-bulletin-jun_-22_0.pdf, p1

reduced options for support following experiences of domestic violence during the COVID-19 pandemic, especially during periods of lockdown, have been realised. During the pandemic there was an unprecedented rise in the number of domestic abuse crimes recorded by the PSNI.¹⁰³

Levels of Government funding are difficult to determine and **there is no statutory obligation on public authorities to commission specialist domestic abuse services.**¹⁰⁴ Support for children who are victims of domestic abuse is piecemeal and dependent on the ability of third sector organisations to fund and provide services. Children’s access to support reflects a postcode lottery - an inappropriate and unsustainable position.¹⁰⁵

The *Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021* received Royal Assent on 1 March 2021. While ‘child aggravators’ are contained in the Act (ie it may be specified as an allegation alongside a charge of domestic abuse that the offence is aggravated by the person to whom the offence is alleged to have been committed being under 18 at the time, or if a relevant child witnessed the alleged abuse), **children are not treated as victims of domestic abuse in their own right.** The Council of Europe *Convention on Preventing and Combating Violence Against Women and Domestic Violence* [Istanbul Convention] was signed by the UK Government in June 2012, ratified in July 2022 and entered into force on 1 November 2022.

Violence against girls and women

Having issued a ‘call for views’ on a new *Ending Violence Against Women and Girls Strategy*, a Summary Report of responses noted the **need for mandatory, age-appropriate, inclusive Relationship and Sexuality Education [RSE]** to “help children and young people understand what constitutes healthy relationships, the meaning of consent, and what different forms of abuse look like”.¹⁰⁶

Sexual exploitation and abuse

The majority of reported sexual offences continue to be committed against children, particularly girls. During 2020/21, on average over 5 sexual crimes were committed against a child in Northern Ireland every day; 3,335 sexual offences were reported and 1,949 (58%) of

¹⁰³ PSNI (2021) *Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2020/21*. 12 November 2021. Available at: <https://www.psni.police.uk/sites/default/files/2022-08/domestic-abuse-incident-and-crimes-in-northern-ireland-2004-05-to-2020-21.pdf>, p4

¹⁰⁴ See: CAADA (2014) *In Plain Sight: Effective help for children exposed to domestic abuse*.

¹⁰⁵ NSPCC submission, October 2022

¹⁰⁶ Northern Ireland Executive (2022) *EVAWG Strategy. Call for Views. Summary Report*. Available at: <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/EVAWG%20Call%20for%20Views%20Summary%20Report%20August%202022-4.pdf>, p37

these were against children aged under 18; girls were the victim in 1,452 (75%) of all recorded sexual offences where the victim was aged under 18.¹⁰⁷

The *Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022* amended the *Sexual Offences (Northern Ireland) Order 2008* to **extend ‘abuse of trust’ offences to include sport and religious settings**, securing additional protections from sexual abuse for 16 and 17 year olds by adults in non-statutory roles in these settings who are in a position of trust. **However, limiting focus to religion and sport excludes a raft of other extracurricular activities.**¹⁰⁸ The Department of Justice is consulting on specific areas of risk which would necessitate an extension of the law, which closes on 22 December 2022.

Implementation of the 2014 Marshall Inquiry: *Child Sexual Exploitation in Northern Ireland* recommendations remains outstanding, with serious concerns relating to full implementation of the Inquiry recommendations expressed by NICCY,¹⁰⁹ the Gillen Review¹¹⁰ and the Criminal Justice Inspectorate.¹¹¹

Reporting and prosecution of all cases of violence, including sexual offences, against children

Concerns remain about current arrangements and practices regarding the prevention and detection of, and responses to, child sexual abuse. NSPCC research demonstrates that under-reporting of child sexual abuse remains prevalent.¹¹² High attrition and low conviction rates for sexual offences remain a persistent feature of the justice system in Northern Ireland. PSNI figures for 2017/18 show that the charge or summons rate for rape offences where the victim was either a child or adult was just 5.5%.¹¹³

¹⁰⁷ PSNI (2021) *Police recorded crime annual trends 1998/99 to 2020/2*. Excel spreadsheet. Available at: <https://www.psni.police.uk/about-us/our-publications-and-reports/official-statistics/police-recorded-crime-statistics>

¹⁰⁸ NSPCC submission, October 2022

¹⁰⁹ NICCY (2018) *Reflections on Government Child Sexual Exploitation Progress Reports (Third and Fourth Composite Reports)*

¹¹⁰ Sir John Gillen (2019) *Report into the law and procedures in serious sexual offences in Northern Ireland*

¹¹¹ Criminal Justice Inspection Northern Ireland (2020) *Child Sexual Exploitation in Northern Ireland: An inspection of how the criminal justice system responds to child sexual exploitation in Northern Ireland*

¹¹² NSPCC estimates that for every child on a child protection plan or register another eight experience maltreatment or abuse. See: Bentley, H. et al (2017) *How safe are our children?* London: NSPCC

¹¹³ See: Sir John Gillen (2019) *Report into the law and procedures in serious sexual offences in Northern Ireland*, p462

Child-friendly, multi-sectoral interventions in cases of child abuse

Judge Gillen's 2019 review of the law and procedures in relation to serious sexual offences in Northern Ireland and a 2020 inspection of how the criminal justice system responds to child sexual exploitation¹¹⁴ both reflected positively on the **implementation of a multidisciplinary and interagency Barnahus (Child House)¹¹⁵ system to tackle child sexual abuse and exploitation in Northern Ireland**. This was a strategic priority in the Department of Justice *Gillen Review Implementation Plan*,¹¹⁶ although has not been established to date and there are no plans for such developments.

Protection of child victims and witnesses of violence and sexual abuse throughout legal proceedings

Grave concerns about the treatment and re-traumatisation of child victims by the criminal justice system were highlighted in two recent reviews which documented: inordinate delays; lack of advocacy and access to therapeutic intervention; inconsistent application of special measures, including failure to introduce pre-recorded cross-examination.¹¹⁷

Tackling cyberbullying, online sexual exploitation and abuse, gang-related violence and knife crime against children

Online child sexual abuse has increased in scale and complexity. Globally, internet usage increased significantly during the Coronavirus pandemic,¹¹⁸ resulting in increased risk of online harm and technology-facilitated abuse.¹¹⁹ Police data suggests that 9,724 online child sex

¹¹⁴ Sir John Gillen (2019) *Report into the law and procedures in serious sexual offences in Northern Ireland*;

Criminal Justice Inspection Northern Ireland (2020) *Child Sexual Exploitation in Northern Ireland: An inspection of how the criminal justice system responds to child sexual exploitation in Northern Ireland*;

Sir John Gillen (2019) *Time for Change: Improving Our Justice System for Child Victims of Sexual Offences*, 22 March 2019. Available at: <https://www.niccy.org/media/3283/floating-along-with-current-events-and-trying-to-steer-sir-john-gillen-22-march-19.pdf>

¹¹⁵ See: Council of Europe (2018) *Protection of children against sexual exploitation and abuse: Child friendly, multidisciplinary and interagency response inspired by the Barnahus model*;

Haldorsson, O.L. (2017) *European Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence*, Promise Project

¹¹⁶ See: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/the-gillen-review-implementation-plan.PDF>

¹¹⁷ Sir John Gillen (2019) *Report into the law and procedures in serious sexual offences in Northern Ireland*; Criminal Justice Inspection Northern Ireland (2020) *Child Sexual Exploitation in Northern Ireland: An inspection of how the criminal justice system responds to child sexual exploitation in Northern Ireland*

¹¹⁸ UNICEF et al (2020) *Coronavirus Disease (COVID-19) and its implications for protecting children online*

¹¹⁹ Europol (2020) *Catching the virus cybercrime, disinformation and the COVID-19 pandemic*

crimes were recorded across the UK in 2020/21.¹²⁰ In Northern Ireland during this period, 16% of police recorded sexual crime against children had an online element.¹²¹

Protecting children from violence by non-State actors involved in paramilitary-style attacks and from recruitment by such actors into violent activities

As a society transitioning from conflict, a number of specific circumstances pertain in Northern Ireland which impact on the safety of children and young people. **Threats, intimidation, exiling and physical attacks against young people accused of 'anti-social behaviour' by paramilitary organisations continue**, particularly in economically deprived areas associated with high levels of conflict-related violence.¹²² Lack of disaggregated data collection and monitoring means that the extent of this issue is under-estimated. PSNI statistics for the year January to December 2019 show there were 67 recorded casualties of 'paramilitary-style' assaults, of which 5 were aged under 18.¹²³ An additional issue is Loyalist paramilitary involvement in racist violence and intimidation.¹²⁴

Recruitment of children as informants

When recently questioned about the use of children as Covert Human Intelligence Sources, the PSNI refused to answer, responding with the comment that “it can neither confirm nor deny that it holds the information”.¹²⁵

¹²⁰ The NSPCC sent Freedom of Information requests to all police forces in England, Wales, Northern Ireland and the Channel Islands asking for the number of sexual offences against under 18-year-olds that had a cyber-flag attached to them between 1 April 2020 and 31 March 2021.

¹²¹ PSNI data provided to NSPCC reported that 308 of the total 1,949 recorded sexual offences against under-18s in 2020/21 had a cyber-flag assigned to them.

¹²² McAlister, S., Scraton, P. and Haydon, D. (2009) *Childhood in Transition. Experiencing Marginalisation and Conflict in Northern Ireland*. QUB, Prince's Trust and Save the Children; McAlister, S., Dwyer, C. and Carr, N. (2018) *Experiencing Paramilitarism: Understanding the Impact of Paramilitaries on Young People in Northern Ireland*, ARK Research Findings, Number 1; ARK (2021) *Young Life and Times Survey*, Community Safety Module

¹²³ PSNI (2020) *Police Recorded Security Situation Statistics. 1 January 2019 to 31 December 2019*, p1. Available at: <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/security-situation-statistics/2019/december/security-situation-statistics-to-december-2019.pdf>

¹²⁴ Winters, R. (2020) Racist intimidation in the Village in south Belfast “going on for years”, *The Detail*, 26 May 2020. Available at: <https://www.thedetail.tv/articles/racist-intimidation-in-the-village-in-south-belfast-been-going-on-for-years>

¹²⁵ Jackson, M. (2022) Police remain tight-lipped on use of child informers, *Belfast Media*, 2 April 2022: <https://belfastmedia.com/psni-child-informants>

F. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Family environment

Childcare services

Lack of a Childcare Strategy and government funding for childcare are ongoing issues of concern. Despite the CRCs (2016, para 51) recommendation, Northern Ireland remains without a Childcare Strategy and underpinning legislation to provide childcare services to all who need them, although an *Early Learning and Childcare Strategy* is in development.

The 2021 *Northern Ireland Childcare Survey* with parents and childcare providers found that the average cost of a full-time childcare place is £170 per week/ £8,840 per year, which equates to 34% of the median household income before housing costs. 69% of parents (73% of lone parents and 87% of parents who have a child with a disability), consider there is **insufficient provision of one or more types of affordable childcare** in their area.¹²⁶

Family support

A recent survey found that many parents feel overwhelmed, with 1 in 5 reporting a low level of emotional and mental health, which obviously has an impact on their parenting; 87% stating that parents do not 'get enough support', particularly parents of children with disabilities.¹²⁷ Respondents to a different survey considered that the **Government is investing too little in services that support childhoods**, leading to calls for the Executive to: invest in early mental health and wellbeing services for children; deliver an *Anti-Poverty Strategy* and introduce a child payment; ensure that all families have a right and access to family support that is adequately funded.¹²⁸

Ensuring both parents share responsibilities for the upbringing and development of their children

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. However, **funding for family mediation** as an alternative to the Court system is **minimal**.¹²⁹ **Some children of non-resident parents had contact disrupted or stopped during the COVID-19 pandemic**, with lack of

¹²⁶ Available at: <https://www.employersforchildcare.org/report/northern-ireland-childcare-survey-2021/>

¹²⁷ Parenting NI (2022) *Big Parenting Survey Findings 2021*. February 2022. Available at: <https://www.parentingni.org/wp-content/uploads/2022/01/Big-Parenting-Survey-2021-FINAL-1.pdf>, p14

¹²⁸ See: <https://www.actionforchildren.org.uk/our-work-and-impact/policy-work-campaigns-and-research/policy-reports/report-brighter-future-ahead/>

¹²⁹ Family Mediation NI submission, September 2020

‘normal’ court proceedings making it difficult for them to seek recourse when contact arrangements had been breached.¹³⁰

Children deprived of a family environment

Services to prevent children from entering alternative care

Rates of children on the child protection register in Northern Ireland remain higher than in other UK jurisdictions and the numbers are increasing. On 31 March 2021, 2,298 children and young people were listed on the Child Protection Register (representing 52.1 children per 10,000 population under 18 years of age).¹³¹ While remaining high, in 2020 the number of child protection referrals made between March and June fell sharply from 795 for the quarter ending March 2020 to 629 in the quarter ending June 2020. There is concern that this reflected children in need not being identified during COVID-19 lockdown due to their lack of contact with services, rather than a genuine decrease in need.¹³²

Children and young people have highlighted **need for interventions aimed at supporting families to protect children while helping them stay together**, rather than removing children.¹³³ Adequate early intervention is also necessary for those at the edge of care or in need.¹³⁴

A major concern is the **need to resource appropriate alternative care for children, with a variety of placement options to meet children’s needs**. The number of children in care has risen annually since 2015/16.¹³⁵ On 31 March 2021, 3,530 children and young people were in care in Northern Ireland, the highest number recorded since the introduction of the *Children (Northern Ireland) Order 1995* and a rise of 41% in the last ten years. The majority were in foster care placements (81%), 9% were placed with parents, 6% in residential care and 4% in other placements; 31% had been looked after for five years or longer.¹³⁶

¹³⁰ Parenting NI submission, September 2020

¹³¹ Department of Health (2021) *Children’s Social Care Statistics for Northern Ireland 2020/21*, 11 November 2021, p14

¹³² Children’s Law Centre (2020) *Children’s Social Care (Coronavirus) (Temporary Modification of Children’s Social Care) Regulations (NI) 2020*

¹³³ RCPCH submission, September 2020

¹³⁴ The Fostering Network submission, September 2020

¹³⁵ Department of Health (2021) *Children’s Social Care Statistics for Northern Ireland 2020/21*, 11 November 2021, p6

¹³⁶ Ibid, p27, 34, 35

Concern expressed in 2020 about **social services not being able to recruit and retain adequate numbers of foster carers to meet increasing need** (particularly in relation to teenagers and sibling groups), leading to increased use of unregulated placements,¹³⁷ has been realised. Individual Trusts are routinely circulating lists of 40 children requiring foster placements to independent fostering agencies; Trusts are accommodating teenagers in B&Bs and hotels due to lack of kinship, fostering and residential options.¹³⁸

Placement of children in unregulated alternative care or residential care homes without appropriate safeguards

The number and type of care services outsourced to private, for-profit, companies in other jurisdictions has increased. Should Northern Ireland implement this strategy, concerns have been raised about the **potential for quality of care services not being prioritised when for-profit companies are faced with pressure from shareholders to return a profit.**¹³⁹

Support for children leaving care

Transition from care can be a daunting experience and many young people need a range of support to help them make this transition successfully in ways which enable them to reach their full potential and adequately prepare for adulthood.¹⁴⁰ Reported issues include **lack of appointment of Personal Advisors and limited preparation of meaningful Pathway Plans, resulting in children leaving care with no accommodation** and therefore being reported to the Northern Ireland Housing Executive as homeless on their 18th birthday. A sizeable cohort continue to experience multiple moves, often within a short space of time, including **placement in a range of unsuitable accommodation not appropriate for their specific needs.**¹⁴¹ Timely access to appropriate accommodation is essential to providing care experienced young people with stability.¹⁴²

Adoption and Children Bill, and the strategy for looked after children

The Adoption and Children Act (Northern Ireland) 2022 is intended to reform adoption law, making amendments to the Children (Northern Ireland) Order 1995 to improve outcomes for

¹³⁷ The Fostering Network submission, September 2020

¹³⁸ Action for Children submission, October 2022

¹³⁹ VOYPIC submission, September 2020

¹⁴⁰ VOYPIC submission, September 2020; Include Youth (2018) *Response to the Department of Health consultation on the Strategy for Looked After Children: Improving Children's Lives*. Available at: <http://www.includeyouth.org/mgmt/resources/include-youth-response-to-improving-childrens-lives-strategy-for-looked-after-children-july-2018.pdf>

¹⁴¹ Children's Law Centre submission, November 2022

¹⁴² VOYPIC submission, September 2020

looked after children and care leavers. A raft of regulations are required to implement this Act in full and the Department of Health is planning to develop these over the 5 year period 2022-2027.

However, **foster care in Northern Ireland remains governed by 1996 regulations.** Although new regulations were published for consultation in 2015, these were not approved and remain in draft. Had they received assent, they would have triggered the development of minimum standards for foster care and an inspection process to ensure that foster care provision meets the assessed needs of children.¹⁴³ Draft foster placement and fostering agencies regulations are currently out for consultation until 23 December 2022, although without a functioning Executive these will not be implemented.¹⁴⁴

In 2021, the Departments of Health and Education finally produced the **Looked After Children Strategy: A Life Deserved: 'Caring' for Children and Young People in Northern Ireland.**¹⁴⁵

Additional issues

Secure accommodation

Under Article 44(2) of the *Children (NI) Order 1995*, a Health and Social Care Trust may apply to a magistrate's court to admit a child to secure care: (a) if the child has a history of absconding and is likely to run away from any other type of accommodation and, if s/he absconds is likely to suffer significant harm; (b) if kept in any other type of accommodation s/he is likely to injure her/himself or others. A Multi-agency Panel for Admission to Secure Care considers each application for a secure placement in terms of whether children meet specified criteria. Young people should be invited to attend the Panel, or their views can be represented by an advocate. **The young person does not have legal representation during this process.** In this context, the process may not be compliant with ECHR Article 6 (right to a fair and public hearing).

Many individuals placed in secure accommodation have also experienced detention in custody, or in the regional in-patient child and adolescent mental health Unit, or both.¹⁴⁶ Usually vulnerable young people, they have complex needs.¹⁴⁷ In consultations, **young people have expressed concerns about use of secure care**, suggesting that it merely "puts a lid on

¹⁴³ The Fostering Network submission, September 2020

¹⁴⁴ See: <https://www.health-ni.gov.uk/news/minister-launches-consultation-draft-foster-placement-and-fostering-agencies-regulations-northern>

¹⁴⁵ See: <https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-lac-strategy.pdf>

¹⁴⁶ Archibald, D. (2018) *Review of Regional Facilities for Children and Young People*, Department of Health, p57

¹⁴⁷ Haydon, D. (2016) *Promoting and Protecting the Rights of Young People who Experience Secure Care in Northern Ireland*, Children's Law Centre

them for a while” and does not provide necessary help.¹⁴⁸ Some have questioned their deprivation of liberty, noting the negative impacts of repeat admissions and being detained in a very restricted environment.¹⁴⁹ Further, adequate plans are not always in place to ensure consistency of support to individuals when they leave secure care and return to the community.¹⁵⁰

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. However, **families are often not promptly assigned to a social worker so that an assessment can be made regarding suitability of contact when a parent enters custody**, leading to a significant gap in contact. Not only does this have a detrimental impact on a child’s relationship with their parent, but also it affects provision of support to prepare the child/ family for the incarcerated parent’s release from custody and future family dynamics. **Significant numbers of children with an incarcerated parent are unknown to services and therefore do not receive support or advocacy.**¹⁵¹

G. BASIC HEALTH AND WELFARE

Health and health services

Inequalities in health outcomes and access to high-quality health services for children in disadvantaged situations

[See ‘Non-discrimination’ section for information about access to health services for specific groups.]

Northern Ireland’s Department of Health *Health Inequalities Annual Report 2022* demonstrated that **inequality gaps had widened** in relation to key indicators over the last five years.¹⁵²

¹⁴⁸ Include Youth consultation with IY Derry Young People’s Group (August 2020), cited in Include Youth submission, September 2020

¹⁴⁹ Haydon, D. (2022) *Rights Here, Right Now: Children and Young People’s Report to the UN Committee on the Rights of the Child*, Belfast: Children’s Law Centre

¹⁵⁰ VOYPIC submission, September 2020

¹⁵¹ NIACRO submission, September 2020

¹⁵² See: <https://www.health-ni.gov.uk/sites/default/files/publications/health/hscims-report-2022.pdf>, p12

Malnutrition, overweight and obesity among children

The **current framework for preventing and addressing overweight and obesity in Northern Ireland: A Fitter Future for All 2012-2022**¹⁵³ is due to expire and there is no publicly available information to indicate that there are any plans to renew this Strategy.

Food insecurity and nutrition

In 2017, several organisations gave evidence at an event about **food insecurity** and **'holiday hunger'**, demonstrating that the scale of the response needed to tackle food insecurity falls far short of the need experienced by children and families.¹⁵⁴ Financial difficulties are exacerbated during holidays when some parents have a reduced income because they are on term-time contracts and others, particularly lone parents, reduce their hours to care for their children.

Poverty has an impact on nutrition as low income families are likely to be surviving on cheap food lacking the nutritional elements required for growing children. In a survey of parents of children with disabilities, 79% of families responded that they found it difficult to afford healthy food either 'often' or 'sometimes' in the last 12 months, with almost half (46%) having to miss a meal to prioritise feeding their children. They reported seeking cheaper but less healthy/ filling food, often because of tiredness and the time needed for other caring responsibilities.¹⁵⁵ These issues have been exacerbated by the current 'cost of living' crisis [see 'Standard of living' section].

Breastfeeding

*Breastfeeding – A Great Start: A Strategy for Northern Ireland 2013-2023*¹⁵⁶ is soon due to expire. According to a mid-term review in 2018, **Northern Ireland continues to have the lowest breastfeeding rates in the UK.**¹⁵⁷

Access to safe abortion and post-abortion care services

In 2019 abortion was decriminalized in Northern Ireland by the UK Government, when the Northern Ireland Executive was not in place. The *Abortion (Northern Ireland) (No 2) Regulations 2020* provides a new legal basis for medical professionals to terminate pregnancies lawfully. Consequently, since the start of April 2020, young women in Northern

¹⁵³ See: <https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/obesity-fitter-future-framework-ni-2012-22.pdf>

¹⁵⁴ Children in Northern Ireland submission, September 2020

¹⁵⁵ Finlay, E. (2017) *Holiday Hunger Evidence Session*. All Party Group on Children and Young People, CiNI. Available at: http://www.ci-ni.org.uk/DatabaseDocs/nav_1480087_new6383235agfinalreport.pdf

¹⁵⁶ See: <https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/breastfeeding-strategy-2014.pdf>

¹⁵⁷ See: <https://www.health-ni.gov.uk/sites/default/files/publications/health/draft-mid-term-review-breastfeeding-strategy.pdf>, p4

Ireland 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. However, abortion is not available after ten weeks gestation and this has an impact on those who may not realise they are pregnant sufficiently early to access EMA. These young women have been forced to travel to other jurisdictions for an abortion, including during the Coronavirus pandemic which put them and anyone accompanying them at risk. Of the 63 terminations of pregnancy carried out in Health and Social Care hospitals in Northern Ireland as an inpatient or day case during 2020-2021, 10 were on women aged 24 and under.¹⁵⁸

The **Health Minister has refused to centrally commission abortion services**, insisting that this requires the approval of the five-Party coalition Executive, which has not been functioning.¹⁵⁹ Individual Health and Social Care Trusts, therefore, have had to commission and offer these services on an ad-hoc basis. On 24 October 2022 the Secretary of State announced that the UK Government will commission abortion services to ensure these can be provided, stating “The UK Government has been forced to act three years after the decriminalisation of abortion in Northern Ireland, as the ... Department of Health has not ensured the availability of services ... and have shown no indications that they will act to provide them.”¹⁶⁰ On 2 December 2022 it was announced by the Northern Ireland Office that the Secretary of State had written to the Department of Health, instructing the Department to formally commission abortion services in Northern Ireland.¹⁶¹

Alongside a lack of information and centrally-funded services, **harassment and intimidation outside abortion providers are a significant barrier to access**.¹⁶² Although legislation creating ‘buffer zones’ in the immediate vicinity of clinics passed its final stage in the Northern Ireland Assembly in March 2022,¹⁶³ this was not been enacted as the Attorney General’s office

¹⁵⁸ See: <https://www.health-ni.gov.uk/sites/default/files/publications/health/hs-termination-of-pregnancy-stats-20-21.pdf>, p4

¹⁵⁹ See: <https://www.irishtimes.com/news/social-affairs/ni-health-minister-defends-role-as-abortion-services-still-not-commissioned-1.4517186>;
<https://www.belfasttelegraph.co.uk/news/northern-ireland/stormont-health-minister-pressed-to-commission-abortion-services-40119659.html>

¹⁶⁰ See: <https://www.gov.uk/government/news/uk-government-to-commission-abortion-services-in-northern-ireland>

¹⁶¹ See: <https://www.gov.uk/government/news/uk-government-to-commission-abortion-services-in-northern-ireland>

¹⁶² See: <https://www.theguardian.com/world/2022/sep/16/protesters-abuse-campaigners-battling-uk-abortion-clinics-back-off-scotland>

¹⁶³ See: <https://humanists.uk/2022/03/25/northern-ireland-assembly-passes-buffer-zone-law-to-protect-women-accessing-abortion-services/>

referred it to the UK Supreme Court. The Supreme Court considered the case in June 2022 and its ruling on whether clause 5(2)(a) of the *Abortion Services (Safe Access Zones) (Northern Ireland) Bill* is ‘outside the legislative competency of the Northern Ireland Assembly because it disproportionately interferes with the rights of persons who wish to express their opposition to the provision of abortion treatment services in Northern Ireland’,¹⁶⁴ was announced on 7 December 2022. The Supreme Court reached a unanimous judgment which stated that the restrictions were in pursuit of a legitimate aim (promoting public health) and compatible with the ECHR rights of anti-abortion protesters. The Chief Commissioner of the Human Rights Commission commented that the Bill should receive Royal Assent as a matter of urgency.¹⁶⁵

Mental illness and self-harm

Northern Ireland’s Health Minister established the Mental Health Support Fund in 2021, allocating £8.7m to enhance mental health support available through charitable and community organisations. In 2022 a further £6.8m funding was allocated in grants,¹⁶⁶ including £260,000 to The Rainbow Project in partnership with HEReNI (both LGBTQI+ sector organisations).¹⁶⁷ While a positive development, the breadth of reach this will have is unclear.

Ensuring that children with mental health conditions have prompt access to mental health services

Concerns are growing in relation to the level of funding available to deliver the commitments of the 2021-2031 Mental Health Strategy.¹⁶⁸

There has been a **long-standing, chronic under-investment in CAMHS**. Despite 2021 Census figures indicating that the under-18 population is approximately 23% of Northern Ireland’s overall population, the *2021-2031 Mental Health Strategy* states: “Currently CAMHS funding is approximately £20-25m per year, which is between 6.5% and 8.5% of the total mental health budget” and that the budget for CAMHS “must increase to 10% of the overall mental

¹⁶⁴ See: <https://www.supremecourt.uk/cases/uksc-2022-0077.html>

¹⁶⁵ Siddique, H. (2022) Northern Ireland can create abortion clinic buffer zones, supreme court rules, *The Guardian*, 7 December 2022. Available at: <https://www.theguardian.com/uk-news/2022/dec/07/northern-ireland-abortion-clinic-buffer-zones-supreme-court-ruling>

¹⁶⁶ See: <https://www.health-ni.gov.uk/news/mental-health-support-fund-making-real-difference-communities-health-minister>

¹⁶⁷ See: <https://www.health-ni.gov.uk/news/rainbow-project-and-here-ni-benefit-ps260000-funding-boost>; <https://www.rainbow-project.org/news/dohmhffunding/>

¹⁶⁸ Children’s Law Centre submission, November 2022

health budget”.¹⁶⁹ While necessary, this increase would not be sufficient to meet the existing scale of need or the required structural changes to service provision.

According to the 2020 *Youth Wellbeing Child and Adolescent Prevalence Study*, one in ten children and young people experienced emotional problems, with significantly higher rates in deprived areas. One in six had a pattern of eating disorder and almost one in ten 11- 19 year olds reported self-injurious behaviours. Anxiety and depression was 25% more common among children and young people in Northern Ireland compared to other UK jurisdictions.¹⁷⁰

Urgent concerns include: suicide rates which are significantly higher in Northern Ireland than in the other UK jurisdictions;¹⁷¹ increasing incidence of self-harm; increasing anti-depressant prescription rates for 0-19 year olds; self-reported poor emotional well-being;¹⁷² eating disorders; low levels of self-esteem; bullying, particularly via social media and other online platforms; increased anxiety, particularly in young children; limited policy and practice in the areas of perinatal and infant mental health;¹⁷³ high levels of self harm and suicidal thoughts among LGBT young people.¹⁷⁴

Regarding specific groups, recent research on the **mental health of deaf children and young people** in Northern Ireland indicates that deaf children have a higher prevalence of emotional wellbeing issues compared with hearing children.¹⁷⁵ However, currently there is no permanent specialist deaf Child and Adolescent Mental Health Service in Northern Ireland. Access to **therapeutic services for children in care** continues to be poor, with limited services in all Trusts.¹⁷⁶ **Children with long-term conditions** are more likely to develop mental health problems and have poorer education outcomes.¹⁷⁷ The majority of women experiencing

¹⁶⁹ See: <https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-mhs-strategy-2021-2031.pdf>, p46

¹⁷⁰ See: <https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-mhs-strategy-2021-2031.pdf>, p13

¹⁷¹ RCPCH (2020) *State of Child Health. Northern Ireland*, p23

¹⁷² NICCY (2017) *Child and Adolescent Mental Health in Northern Ireland*. Scoping Paper. Available at: <https://www.niccy.org/media/2810/niccy-scoping-paper-mental-health-review-apr-2017.pdf>

¹⁷³ National Children’s Bureau submission, September 2020; NCB (2019) *Development of an Emotional Health and Wellbeing Framework for Children and Young People in Northern Ireland*. Available at: <https://www.iassnetwork.org.uk/sites/default/files/uploads/files/Informing%2520the%2520Development%2520of%2520an%2520Emotional%2520Health%2520and%2520Wellbeing%2520Framework..pdf>

¹⁷⁴ Neill, G. and Meehan, D. (2017) *Still Shouting. The needs and experiences of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT)*, Cara-Friend/ Youth Action, p14

¹⁷⁵ Byrne, B. and McNamee, C. (2022) *The Emotional Well-being of Deaf Children and Young People*. Belfast: Centre for Children’s Rights, QUB.

¹⁷⁶ Action for Children submission, October 2022

¹⁷⁷ See: RCPCH (2020) *State of Child Health 2020. Northern Ireland*. Available at: <https://stateofchildhealth.rcpch.ac.uk/evidence/nations/northern-ireland/>

perinatal mental health problems fall within the mild-to moderate category,¹⁷⁸ therefore the strategic commitments under Action 29a of the *Mental Health Strategy 2021-31* will not apply to the majority of families affected. Action to support **babies** is also limited to medicalised approaches, with limited evidence of commitments to new, preventative and targeted actions being taken to support the wellbeing and developmental needs of babies, which require a very different approach to that adopted with older age groups.¹⁷⁹ Northern Ireland does not have a dedicated in-patient **eating disorder** service and is reliant on hospitals, particularly Beechcroft in-patient Child and Adolescent Mental Health Unit which is not a dedicated eating disorder in-patient setting, to respond. In addition to an increasing number of young people seeking support for eating disorders, many have to wait a long time before being seen by a specialist.¹⁸⁰

Organisations working with young people have reported a significant **increase in the numbers requiring crisis intervention as well as mental health support**, both in emergency and non-emergency situations, **where they have been unable to access vital services**.¹⁸¹ NICCY's *Still Waiting* Report highlighted issues regarding access to timely and effective mental health support in a system demonstrably under significant pressure and experiencing profound difficulties in responding to the scale of need and complexity of issues presented by children in a broader context of chronic under-investment and historical patterns of funding allocation not based on known mental health needs.¹⁸² The CLC has been contacted by young people about the **lack of choice available in their mental health care and treatment**, with significant differences in available community-based CAMHS provision between Trusts.¹⁸³

Mental health is a priority for children and young people. Peer research identified: lack of safe spaces for young people to talk about mental health and receive useful information and/or support; the poor quality of available mental health information, which is inconsistent and unhelpful; little or no mental health education in schools or colleges; stigma which stops young people talking about mental health and contributes to a 'culture of silence', making the

¹⁷⁸ NSPCC (2018) *Time for action on perinatal mental health care in Northern Ireland*. Available at: <https://learning.nspcc.org.uk/research-resources/2018/time-for-action-perinatal-mental-health-care-northern-ireland>

¹⁷⁹ NSPCC submission, October 2022

¹⁸⁰ See Education Committee Meeting oral briefing from the Eating Disorder Association on eating disorders among school-age children, 15 September 2021. Available at: <https://niassembly.tv/committee-for-education-meeting-wednesday-15-september-2021/>

¹⁸¹ NI Youth Forum submission, September 2020

¹⁸² See: <https://www.nickey.org/media/3114/nickey-still-waiting-report-sept-18-web.pdf>

¹⁸³ Children's Law Centre submission, November 2022

situation worse.¹⁸⁴ Consultations with young people have revealed: lack of adequate provision; uneven spread of available support, including only one in-patient adolescent mental health facility with 33 beds which is a long way from the families of many children; time taken to receive medication; the vulnerabilities experienced when transferring from child to adult mental health services and adult provision not being tailored to their age or particular needs.¹⁸⁵

Young people are negative about the contribution of schools to supporting mental health, claiming that many are not equipped to deal with individuals who experience problems, defining them as ‘badly behaved’. The Independent Counselling Service for Schools was not initially funded in primary schools, which bought in counselling if required,¹⁸⁶ although the ‘Healthy Happy Minds’ therapeutic and counselling services pilot was introduced in November 2021.¹⁸⁷ Lack of confidence, skills and knowledge among school and youth services staff to support children with mental health issues has been identified as a key issue.¹⁸⁸

The **COVID-19** pandemic and resultant lockdowns **had a detrimental impact on children’s mental health.** Requiring support during and after the crisis, children and young people experienced disruption to many aspects of their lives (including the closure of schools, lack of daily routine, reduced contact with friends and extended family, and limited access to health services) as well as COVID-related fear and trauma.¹⁸⁹ ¹⁹⁰¹⁹¹The pandemic had the most

¹⁸⁴ Belfast City Council Youth Forum, NI Youth Forum, Youth@CLC (2018) *Elephant in the Room*. Available at: http://www.niyf.org/wp-content/uploads/2018/12/ELEPHANT-IN-THE-ROOM-A4-V2_.pdf

¹⁸⁵ Include Youth response to the draft *Children and Young People’s Strategy 2017-2027*. Available at: <http://www.includeyouth.org/mgmt/resources/include-youth-response-to-children-and-young-peoples-strategy-2017-2027-de-final.docx> and response to the Strategy for Looked After Children: *Improving Children’s Lives*, available at: <http://www.includeyouth.org/mgmt/resources/include-youth-response-to-improving-childrens-lives-strategy-for-looked-after-children-july-2018.pdf>

¹⁸⁶ NCB submission, September 2020

¹⁸⁷ See: <https://www.eani.org.uk/healthy-happy-minds-therapeutic-and-counselling-service-pilot>

¹⁸⁸ NCB (2019) *Development of an Emotional Health and Wellbeing Framework for Children and Young People in Northern Ireland*. Available at: <https://www.iassnetwork.org.uk/sites/default/files/uploads/files/Informing%2520the%2520Development%2520of%2520an%2520Emotional%2520Health%2520and%2520Wellbeing%2520Framework...pdf>

¹⁸⁹ HSC (2020) rapid review: *The Mental Health Impact of the COVID-19 Pandemic in Northern Ireland*. Available at: <https://www.health-ni.gov.uk/sites/default/files/publications/health/mh-impact-covid-pandemic.pdf>

¹⁹⁰ NSPCC submission, October 2022

¹⁹¹ Action for Children (2022) *Securing a better childhood and a brighter future for every child in Northern Ireland*. Available at: https://media.actionforchildren.org.uk/documents/Northern_Ireland_mini-report.pdf?_ga=2.19949628.546801449.1664281199-249891153.1591274127

significant impact on those already defined as the most vulnerable.^{192 193194} It is clear that the pandemic placed greater numbers of children at risk.¹⁹⁵

Providing therapeutic community-based services for children with mental health conditions

Some young people with learning disabilities and co-occurring mental health needs are delayed discharge patients. Medically fit to leave, they have experienced significant delays, in some cases several years, before appropriate support packages were made available to enable them to leave the Iveagh Centre, an in-patient facility for 12-17 year olds. There is an urgent requirement for appropriate accommodation which allows children with complex needs to be discharged from long term hospitalisation.¹⁹⁶

Ensuring that the best interests and views of the child are taken into account in their mental health treatment

The findings of inspections conducted by the Regulation and Quality Improvement Authority [RQIA] regarding children's services are not made public. Following a journalist's investigation it was revealed that a 2021 **inspection of Northern Ireland's in-patient child and adolescent mental health Unit** had raised "serious concerns", with insufficient improvements made regarding several issues raised in an earlier inspection. Repeated failings included: staffing numbers and skill levels; knowledge and training of staff; detention practices used on children; medicines policy and procedures concerning 'medication-related incidents'. The RQIA **determined that the Unit failed to meet the standards required to deliver safe and effective care.**¹⁹⁷ However, the RQIA does not *regulate* either community or in-patient mental health services in Northern Ireland – without the powers to take enforcement action, it can only make recommendations regarding mental health services.

¹⁹² Barnardo's (2020) *New Term, New Challenges, New Opportunities*; Barnardo's (2020) *Mental Health and Covid-19: In Our Own Words*

¹⁹³ Young Minds (2020) *Coronavirus: Impact on Young People with Mental Health Needs*. Available at: <https://youngminds.org.uk/about-us/reports/coronavirus-impact-on-young-people-with-mental-health-needs/>

¹⁹⁴ Family Fund submission, October 2022

¹⁹⁵ Romanou, E. and Belton, E. (2020) *Isolated and struggling. Social isolation and the risk of child maltreatment, in lockdown and beyond*, June 2020. London: NSPCC. Available at: <https://learning.nspcc.org.uk/research-resources/2020/social-isolation-risk-child-abuse-during-and-after-coronavirus-pandemic>

¹⁹⁶ Children's Law Centre submission, November 2022

¹⁹⁷ Winters, R. (2022) 'Report finds "very worrying" failings at children's mental health hospital', *The Detail*, 16 March 2022. Available at: <https://www.thedetail.tv/articles/very-worrying-failings-in-beechcroft-belfast-s-under-18s-mental-health-hospital>

During consultations with young people in the Unit, one stressed the **limited participation experienced by detained young people**, particularly in relation to decisions about their care or when restraint is used during nasogastric tube feeding.¹⁹⁸

Mental health legislation

The *Mental Capacity Act (NI) 2016* has not yet been fully implemented and excludes under-16s from its scope. The Northern Ireland Executive was due to conduct an examination of the implications of different provisions for under-16s, but to date this has not commenced.¹⁹⁹

There are further **concerns regarding 16 and 17-year olds who do fall within the scope of the *Mental Capacity Act*** as they can be deprived of their liberty and the Act allows for parental consent for this, despite the UK Supreme Court ruling that no parent can consent to the deprivation of liberty of their child.²⁰⁰

Additional issues

Application of the ‘welfare’ principle within healthcare provision

Recent litigation raised concerns about **application of the ‘welfare’ principle within healthcare** provision.²⁰¹ This concerned the failure of the Health and Social Care Board to fund a private prescription for medicinal cannabis to a child with life-threatening epileptic seizures on the basis that it was contrary to policy to fund private care. Arguing that the child’s best interests under the welfare principle in Article 3 of the *Children (Northern Ireland) Order 1995* should have applied in any decision to follow the policy, the 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. The case was resolved on a consensual basis, so these issues have yet to be determined.²⁰²

Provision of a specialist psychiatric in-patient Mother and Baby Unit in Northern Ireland

Northern Ireland is the only jurisdiction in the UK that does not provide a specialist psychiatric in-patient Mother and Baby Unit [MBU] where a woman can care for her baby

¹⁹⁸ Haydon, D. (2022) *Rights Here, Right Now: Children and Young People’s Report to the UN Committee on the Rights of the Child*, Belfast: Children’s Law Centre

¹⁹⁹ Children’s Law Centre submission, November 2022

²⁰⁰ *D (A child) [2019]*: Children’s Law Centre submission, November 2022

²⁰¹ *Re BC (a Minor)* – Keegan J, September 2020

²⁰² Monye Anyadike-Danes, QC, submission, October 2020

while she remains in a psychiatric hospital. This deficiency has been well recognised,²⁰³ but, to date a MBU has not been established. Thus, new born and other babies are separated from mothers admitted to general adult psychiatric wards with postpartum psychosis and other serious mental health issues.

Recognising the legacy of the conflict in Northern Ireland on children and young people's mental health

Northern Ireland remains a divided society in which the legacy of the conflict creates additional factors that impact on young people's mental health. Transgenerational trauma is a reality experienced by many children today.²⁰⁷ In many families affected by conflict-related violence (particularly violent bereavement), relatives pass away without their cases being resolved and the outstanding cases are 'passed on' to the next generation, causing particular inter-generational trauma.²⁰⁸ In communities where paramilitaries continue to have influence, young people whose alleged 'anti-social' behaviour has brought them to the attention of paramilitaries are pressured not to speak out nor seek help. Some who have received threats or been physically assaulted by paramilitaries report feeling angry, living in constant fear, not leaving their home, and being suicidal.²⁰⁹

Provision for young people with drug and alcohol issues

Young people and practitioners are aware of the **links between drug/ alcohol use and poor mental health**, expressing concern about the inadequacy of interventions to deal with the

²⁰³ Simpson, C. (2022) 'Lives are being lost' amid lack of psychiatric mother and baby unit', *The Detail*. 10 October 2022. Available at: <https://www.thedetail.tv/articles/lives-are-being-lost-amid-lack-of-psychiatric-mother-and-baby-unit#:~:text=In%20May%2C%20coroner%20Maria%20Dougan,birth%20to%20her%20third%20child>

²⁰⁴ Department of Health (2017) *Health and Wellbeing 2026: Delivering Together, 12 Month Progress Report October 2017*

²⁰⁵ ITV NEWS (2022) 'Woman's suicide 48 hours after giving birth was "foreseeable and preventable" Coroner rules', 27 May 2022. Available at: <https://www.itv.com/news/utv/2022-05-27/we-love-you-familys-pain-as-coroner-finds-new-mums-suicide-preventable>

²⁰⁶ See: <https://wrda.net/wp-content/uploads/2022/10/An-Open-Letter-to-the-Media-and-to-Northern-Ireland-Health-Minister-Robin-Swann.pdf>

²⁰⁷ O'Neill, S. et al (2015) *Towards a Better Future: The Trans-generational Impact of the Troubles on Mental Health*, University of Ulster, for the Commission for Victims and Survivors, March 2015; McLaughlin (2016) *Children and Young People Engagement Project. Research Report March 2016*, CVS/ Victims and Survivors Forum

²⁰⁸ Relatives for Justice (2018) *Response to the Consultation 'Addressing the Legacy of the Past'*. Available at: <https://relativesforjustice.com/wp-content/uploads/2018/10/Dealing-with-the-Past-Consultation-Doc-Oct-2018-005.pdf>

²⁰⁹ McAlister, S., Dwyer, C. and Carr, N. (2018) *Experiencing Paramilitarism: Understanding the Impact of Paramilitaries on Young People in Northern Ireland*, ARK Research Findings, Number 1

drugs problem and to support young people who struggle with alcohol and/or drug misuse and dependency.

Homeless young people and those experiencing substance misuse and mental health problems experience a ‘revolving door’, where **services are not well co-ordinated and there is a lack of integration between key services (housing, leaving care, criminal justice)**.²¹⁰ Many young people in custody in Northern Ireland’s Juvenile Justice Centre [JJC] are vulnerable as a consequence of complex alcohol, drug and mental health problems.²¹¹

Many **community drug and alcohol services require a direct referral from a healthcare professional** - it is not possible for young people or their families to engage directly with statutory services, leading to an over-reliance on service provision by the community and voluntary sectors.²¹²

There is **no dedicated in-patient facility for children with drug and alcohol issues in Northern Ireland**. The gateway into the *Mental Capacity Act (NI) 2016* is lack of capacity. Conditions caused by alcohol or drugs could impair a person’s capacity, bringing them within the remit of the *Mental Capacity Act*. However, the Act’s provisions apply only to persons aged 16 and over. For those aged under 16, the *Mental Health (NI) Order 1986* is the principal legislation governing the compulsory detention in hospital for assessment and treatment of a mental health condition. However, conditions caused by drugs and alcohol are excluded from this Order. If under 16, a child can only be detained in a CAMHS hospital setting if they are also considered to be suffering from a co-existing mental health disorder. Some young people who do not have a diagnosed mental health issue meet the criteria for placement in Northern Ireland’s Secure Care Centre. Whilst this provides a safe environment, albeit depriving them of their liberty, it does not provide long-term access to the range of services necessary to address their drug and alcohol issues. Conditions caused by drugs and alcohol need to be legislated for and children’s right to access appropriate clinical health services, including in-patient provision where necessary, ensured.²¹³

Provision for young people with disabilities when they transition to adult services

Young people with disabilities, learning difficulties and mental health needs experience limited options when transitioning from children’s services to adult services. Many families experience a reduction in available services and no longer have access to the services they

²¹⁰ Action for Children submission, October 2022

²¹¹ CJINI (2015) *An Announced Inspection of Woodlands Juvenile Justice Centre*, May 2015, CJINI/ RQIA/ ETI, p27; CJINI (2018) *An Announced Inspection of Woodlands Juvenile Justice Centre*, June 2018, CJINI/ RQIA/ ETI, p26

²¹² Children’s Law Centre submission, September 2020

²¹³ Children’s Law Centre submission, September 2020

used previously.²¹⁴ ²¹⁵Rather than a well-planned process leading to education and day care options reflecting individual needs, provision is often based on what becomes available. This situation is worsened by differing levels of services in each Health and Social Care Trust, leading to complications when children move from one Trust area to another.²¹⁶

Waiting lists, workforce pressures and need for system transformation

NICCY's *More Than a Number Report* revealed previously unpublished data on the extent and impact of waiting for healthcare, highlighting that for 43% of children across Northern Ireland waiting for a first outpatient appointment, their **waiting time was >52 weeks** at the time of publication [2021]. The longest waiting times were for consultant-led services.²¹⁷ The Report acknowledged **chronic workforce pressures contributing to inefficiencies in the system**. Shortage of consultant paediatricians is a key issue.²¹⁸ The *More Than a Number Report* also noted **the need for system transformation**. In its response to the NICCY Report, the RCPCH highlighted the need to: embed child health experts at commissioning level; engage with all relevant stakeholders, including children and young people, in how health care is delivered; collect quality data to effectively monitor trends and improve decision-making in commissioning of services.²¹⁹ However, it remains unclear how this will develop.²²⁰

Extra Contractual Referrals, Residential and Respite Provision

Use of 'extra contractual referrals' to the Republic of Ireland, England, Scotland or Wales **has obvious implications for young people separated from their families** without plans for their return to Northern Ireland. Families are being presented with the option of an extra contractual referral due to the inability of Health and Social Care Trusts to provide residential placements. Investment in extra-contractual referrals does not serve the best interests of children. Recognising the relatively small numbers of children requiring specialist provision

²¹⁴ Family Fund submission, October 2022

²¹⁵ Children's Social Care Services Review Northern Ireland (2002) *Summary Report: Workshop on Children and Young People with a Disability and their Families*. 6 September 2022. Available at: https://www.cscsreviewni.net/files/cscsreviewni/2022-10/Summary%20Report%20%20Workshop%20on%20Children%20and%20Young%20People%20with%20a%20Disability%20and%20their%20Families_0.pdf, p7

²¹⁶ Children's Law Centre submission, November 2022

²¹⁷ NICCY (2021) *More than a Number: A Rights Based Review of Child Health Waiting Lists in Northern Ireland*. Available at: <https://www.niccy.org/media/3976/more-than-a-number-child-health-waiting-lists-in-ni-final-19-october-2021.pdf>

²¹⁸ See: <https://www.rcpch.ac.uk/resources/workforce-census-focus-northern-ireland-2019>

²¹⁹ See: <https://www.rcpch.ac.uk/news-events/news/rcpch-responds-northern-ireland-commissioner-children-young-people-niccy-report>

²²⁰ RCPCH submission, October 2022

not available within the jurisdiction, it is suggested that cross-border negotiations and funding should lead to the establishment of specialist facilities shared with the Republic of Ireland.²²¹

Lack of specialist residential placements within Northern Ireland has also resulted in children with learning disabilities being placed in respite units which have been re-purposed for residential services in at least three of the five Trusts. Consequently, already inadequate respite services have been unable to function, placing additional pressure on families who rely on respite for essential breaks from their caring role.²²²

Standard of living

Child poverty

The 2016-2019 *Child Poverty Strategy* was extended to 2022 on the basis of allowing time for key stakeholders to be consulted about whether an *Anti-Poverty Strategy* covering all age groups is sufficient or whether the development of a *Child Poverty Strategy* is also required. However, progress on the development of an *Anti-Poverty Strategy* has stalled, the stated deadline (end of 2021) has been missed, and **no new *Child Poverty Strategy* has been developed.**

Numbers of children living in poverty remain unacceptably high. One in four children (more than 100,000) were growing up in poverty in Northern Ireland before the pandemic. The figures have changed marginally in the decade 2011-2021.²²³

It is anticipated that, as a result of the current cost-of-living crisis and the unprecedented financial strain this is placing on households, numbers of children living in poverty will increase sharply. With a rapidly rising cost of living, incomes falling behind inflation, cuts to the benefit system, and the arrival of a recession, there is risk of a sustained rise in child poverty.²²⁴ Families in Northern Ireland are projected to be among the most affected by rising destitution (defined as extreme poverty levels where households lack resources to purchase

²²¹ Children's Law Centre submission, November 2022

²²² Children's Law Centre submission, November 2022

²²³ Save the Children (2022) *Ten Years Too Long. A decade of child poverty in Northern Ireland*. Executive Summary. Available at: https://www.savethechildren.org.uk/content/dam/gb/reports/ten_years_too_long_a_decade_of_child_poverty_in_northern_ireland.pdf, p2

²²⁴ Ibid, p7

basic necessities), with a projected increase in destitution of 67% resulting in approximately 25,000 destitute households.²²⁵

Poverty has a differential impact on families, particularly lone parent households;²²⁶ families with very young children;²²⁷ families with a disabled family member.^{228 229}

There is growing evidence demonstrating a link between poverty and child maltreatment. Children in the 10% most deprived areas in Northern Ireland were six times more likely to be on the child protection register, and four times more likely to become ‘looked after’, than children in the 10% most affluent areas.²³⁰ A recent evidence review established that “family poverty and inequality are key drivers of harm to children”,²³¹ noting a “contributory causal relationship between the economic circumstances of families and CAN [child abuse and neglect]”.²³²

Impacts of recent social security and tax credit reforms on children

Regressive welfare reforms (disproportionately affecting large families and lone parents),²³³ have led to the proliferation of food banks and a 122% rise in the number of food parcels provided to children.²³⁴ While **changes to the tax and benefit system in Northern Ireland** and

²²⁵ National Institute of Economic and Social Research (2022) *National Institute UK Economic Outlook. Powering Down, Not Levelling Up. Winter 2022*. Available at: <https://www.niesr.ac.uk/wp-content/uploads/2022/02/UK-Economic-Outlook-Winter-2022.pdf>, p35

²²⁶ See: <https://ifs.org.uk/articles/pre-pandemic-relative-poverty-rate-children-lone-parents-almost-double-children-living-two>

²²⁷ See: <https://www.nuffieldfoundation.org/news/children-under-five-poverty>

²²⁸ See: <https://www.jrf.org.uk/report/uk-poverty-2022>

²²⁹ Family Fund submission, October 2022

²³⁰ Bunting, L. et al (2017) *Identifying and Understanding Inequalities in Child Welfare Intervention Rates: Comparative Studies in four UK countries. Single country quantitative study: Northern Ireland*. Available at: https://pureadmin.qub.ac.uk/ws/portalfiles/portal/126821013/NI_Country_Report_Final_Feb_2017.pdf, p12

²³¹ Bywaters, P. et al (2022) *The Relationship Between Poverty and Child Abuse and Neglect: New Evidence*. University of Huddersfield. Available at: https://research.hud.ac.uk/media/assets/document/hhs/RelationshipBetweenPovertyChildAbuseandNeglect_Report.pdf, p7

²³² Ibid, p7

²³³ Portes, J. and Reed, H. (2018) *The cumulative impact of tax and welfare reforms*, Equality and Human Rights Commission;

Save the Children (2021) *Ten Years Too Long. A decade of child poverty in Northern Ireland*. Available at: https://www.savethechildren.org.uk/content/dam/gb/reports/ten_years_too_long_a_decade_of_child_poverty_in_northern_ireland.pdf

²³⁴ The Trussell Trust (2020) *Summary of findings on the impact of the COVID-19 crisis on food banks*, June 2020. https://www.trusselltrust.org/wp-content/uploads/sites/2/2020/06/APRIL-Data-briefing_external.pdf

the UK **over the last ten years** have improved conditions for some families, they **have left poorer families worse off and reduced the level of support for children from social security**.²³⁵ The loss of a job, reduction in wages, higher costs of living, and limited access to key services, such as childcare and school, pushed more families into crisis during the COVID-19 pandemic.²³⁶

Current Home Office policy has led to **enforced destitution for asylum seekers whose application for asylum has been refused**, with significant ramifications for children. It is rare for people to be granted asylum the first time they apply, yet approximately half of appeals are successful. In the interim, refused asylum seekers lose all support, including accommodation, while not being permitted to work or to access homeless shelters.²³⁷

Homelessness and children's access to adequate housing

In the first six months of 2022, 3,495 children were classed as being statutorily homeless.²³⁸ Children and young people have articulated the impacts on their physical and mental health as well as their ability to learn, socialise and play of living in temporary accommodation and overcrowded conditions, of sofa surfing and homelessness.²³⁹

Analysis of Northern Ireland Housing Executive data indicates that **the number of households facing homelessness and housing stress is increasing, as is the number of children in these households**. Although housing shortage and need exist within both main communities, Housing Executive statistics demonstrate that households on the waiting list, in housing stress, or with Full Duty Applicant homeless status are disproportionately prevalent in areas where households are predominantly Catholic.²⁴⁰

Placement of children in temporary accommodation

Legislation prohibiting prolonged placement of children in temporary accommodation by public authorities has not been enacted. On 16 July 2022 3,658 households lived in temporary accommodation, within which there were 3,913 children. While 57% of these

²³⁵ Save the Children (2022) *Ten Years Too Long. A decade of child poverty in Northern Ireland*. Executive Summary. Available at: https://www.savethechildren.org.uk/content/dam/gb/reports/ten_years_too_long_a_decade_of_child_poverty_in_northern_ireland.pdf, p4

²³⁶ Ibid, p4

²³⁷ PPR submission, September 2020

²³⁸ See: <https://www.communities-ni.gov.uk/system/files/publications/communities/ni-homelessness-bulletin-jan-june-2022.pdf>, p8

²³⁹ See video made by under-18s from the 'BuildHomesNow' housing rights group in Belfast. Available at: <https://www.youtube.com/watch?v=Sj2wMoy4LQo>

²⁴⁰ Figures gained in Freedom of Information responses from the NI Housing Executive to PPR, see: <https://www.nlb.ie/investigations/FOI>

households had been living in temporary accommodation for less than 12 months, 5% had been in temporary accommodation for 5 years or more.²⁴¹

There is a lack of supported and semi-supported accommodation to meet the needs of homeless young people, leading to their placement in unsuitable accommodation such as hotels and Bed and Breakfast [B&B] accommodation, in some instances exposing them to serious risk. In addition to the inappropriateness of these placements, the support available often does not meet the complex social, care and health needs of young people placed in such facilities, leading to poor outcomes for them.²⁴²

There is **also an insufficient stock of supported and semi-supported accommodation for young people transitioning from childhood to adulthood within the care system,** many of whom have multiple complex needs.²⁴³

There is a lack of suitable and appropriate accommodation for homeless young people seeking bail from Woodlands Juvenile Justice Centre. Consequently, they are often bailed to unsuitable accommodation such as B&Bs. Most of these young people require support in addition to accommodation and the shortage of suitable placements prevents them from accessing this support.²⁴⁴

H. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Education

Equal access to quality education, and educational outcomes for children in disadvantaged situations

Educational underachievement remains an issue in Northern Ireland.^{245 246}

²⁴¹ See: <https://www.communities-ni.gov.uk/system/files/publications/communities/ni-homelessness-bulletin-jan-june-2022.pdf>, p10

²⁴² Children's Law Centre submission, November 2022

²⁴³ Children's Law Centre submission, November 2022

²⁴⁴ Children's Law Centre submission, November 2022

²⁴⁵ See: <https://www.stran.ac.uk/wp-content/uploads/2021/04/CREU-Review-of-Research-2021.pdf>

²⁴⁶ Expert Panel on Educational Underachievement in Northern Ireland (2021) *A Fair Start. Final Report and Action Plan*, May 2021. Available at: <https://www.education-ni.gov.uk/sites/default/files/publications/education/A%20Fair%20Start%20-%20Final%20Report%20and%20Action%20Plan.pdf>

Regarding specific groups, **Travellers** are more likely to be excluded from school, have lower school attendance, be victims of bullying, and leave without qualifications.²⁴⁷ **Roma children** have reported emphasis on learning English at the expense of other subjects and negative assumptions being made about their abilities.²⁴⁸ Many have limited attendance at post-primary school and few progress to Further Education. **Care experienced children and young people** 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 often leads to suspension or expulsion.²⁴⁹ ²⁵⁰Provision for **children who may not receive education at school for an extended period of time** due to illness, mental health issues, suspension or expulsion is of particular concern.²⁵¹ This extends to a lack of support for **children and young people with health needs**, who are taken out of school to attend appointments or who are unable to participate in wider school curriculum activities.²⁵² Deafness is not a learning disability, yet all categories of deafness, including mild hearing loss, have a negative impact on educational attainment for **deaf children**.²⁵³

Systemic operational failures have impacted adversely on **children with Special Educational Needs [SEN] and disabilities**.²⁵⁴ ²⁵⁵Numbers of children with SEN who require specialist provision are increasing each year but there are insufficient specialist placements available to accommodate these children and their needs. While some children with SEN can attend mainstream schools, this may not be an appropriate placement for all, especially given the

²⁴⁷ See: McVeigh, R. and Joyce, C. (2011) *Taskforce on Traveller Education. Report of the Taskforce to the Department of Education*. Available at: https://dera.ioe.ac.uk/13623/1/taskforce_on_traveller_education_-_report_of_the_taskforce_to_the_department_of_education.pdf

²⁴⁸ Haydon, D. (2015) *Promoting and Protecting the Rights of Roma Children and Young People in Northern Ireland*, Children's Law Centre, p39-42

²⁴⁹ Include Youth submission, September 2020;

See: Include Youth response to NICCY Corporate Plan 2020-2023: <http://www.includeyouth.org/mgmt/resources/include-youth-response-to-niccy-corporate-plan-2020-2023.pdf>, p7-8

²⁵⁰ Haydon, D. (2022) *Rights Here, Right Now: Children and Young People's Report to the UN Committee on the Rights of the Child*, Belfast: Children's Law Centre

²⁵¹ See: www.ief.org.uk/wp-content/uploads/2017/08/educational-position-paper-july-2017-final.pdf

²⁵² RCPCH (2020) *State of Child Health 2020. Northern Ireland*. Available at: <https://stateofchildhealth.rcpch.ac.uk/evidence/nations/northern-ireland/>, p27

²⁵³ National Deaf Children's Society submission, October 2022

²⁵⁴ NI Audit Office (2020) *Impact Review of Special Educational Needs*. Available at: https://www.niauditoffice.gov.uk/sites/niao/files/media-files/242135%20NIAO%20Special%20Education%20Needs_Fnl%20Lw%20Rs%20%28complete%29.pdf

²⁵⁵ NICCY (2020) *Too Little, Too Late*. Available at: <https://www.niccy.org/media/3515/niccy-too-little-too-late-report-march-2020-web-final.pdf>

current lack of inclusive provision. Increasing numbers of children with SEN, together with more parents and children being aware of their rights, has led to an increase in the number of parents and schools applying for statutory assessments and seeking statements of SEN. The Education Authority does not have the capacity to cope with this increased demand. A constant backlog causes further distress to children and their families as they are unable to access the help they need for extended periods of time.²⁵⁶ These long-term systemic failures, due to chronic underfunding of Children's Services as well as operational deficiencies, have created barriers to inclusion, resulting in reduced access to education for children with SEN and disabilities.

Young carers not being appropriately identified or supported in schools can negatively affect their long-term outcomes. Many do not receive appropriate recognition or support from their teachers or other school/ College staff when balancing their education with their caring roles.²⁵⁷ **Refugee and asylum seeking children** often experience severe disruption to their learning, which continues as they resettle in a new country. They also experience many Adverse Childhood Experiences [ACEs], recognised as having potentially harmful and long-term impacts, including on their educational outcomes. Schools are often poorly equipped to meet the specific needs of refugee students and placement in Special Schools for those with SEN can take longer to secure, especially if a child has complex medical needs. Support for refugee children varies considerably, particularly when addressing language barriers.²⁵⁸

Impacts of COVID-19 on education

The impact of the COVID-19 pandemic has increased educational inequalities.²⁵⁹

The expectation that children would be educated via **distance learning during the pandemic adversely impacted on economically disadvantaged children**. Many had limited access to necessary equipment or internet connectivity. Parents lacked confidence, knowledge or skill in relation to home schooling and many families experienced significant tensions about home schooling. Parents who were frontline workers faced practical and emotional challenges both at work and at home. In addition, inconsistent responses by schools and by teachers affected access to quality educational resources and provision.²⁶⁰ ²⁶¹Children with SEN and disabilities

²⁵⁶ Children's Law Centre submission, November 2022

²⁵⁷ Action for Children submission, October 2022

²⁵⁸ Robertson, A. (2020) 'A New Life for Me'. *Integration Experiences of Syrian Refugee Children and Their Families*, Barnardo's NI

²⁵⁹ See: <https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/EducationC19-PolicyPosition.pdf>

²⁶⁰ Parenting NI submission, September 2020

²⁶¹ Lawson K. and Elliott D. (2020) *Education during the Covid-19 pandemic and transitioning back to school: Experiences of the fostering sector*, The Fostering Network

were in many cases unable to understand or connect with teachers, assistants or peers via remote learning.²⁶²

An exam results ‘U-turn’, in which examination results were replaced by teacher assessments, **was preceded by a high proportion of Northern Ireland students receiving grades lower than those predicted by their teachers.** It has been argued that the algorithm used to calculate the original grades further entrenched education inequalities as children from poorer backgrounds were more likely to have had their grades lowered.²⁶³

The *Coronavirus Act 2020* enabled the diminution of legal obligations to children with SEN. The Act conferred powers on the Department of Education to dis-apply or modify educational statutory duties and the ‘absolute duty’ was replaced by a ‘best endeavours duty’. This legislation was introduced without proper scrutiny. In the absence of equality screening, child impact assessment or consultation, subsequent policies resulted in avoidable and predictable adverse impacts on vulnerable children with SEN and disabilities.²⁶⁴

The most severely disabled children living in the most vulnerable family situations suffered the greatest impacts and accessed the least help from the education system during the pandemic.²⁶⁵

To compound matters, extensive **delays in health assessments for children with SEN and disabilities are now blocking access to early intervention,** with some children unable to access medical appointments for assessments for ADHD/ Autism, or Occupational Therapy, Speech and Language Therapy and ENT [Ear, Nose and Throat] appointments.²⁶⁶

Since the ending of the lockdowns, key issues have been **potential impacts on educational attainment and children’s mental health.**²⁶⁷ It is not clear what steps have been taken by public authorities to identify level of need and provide effective, specialist support to meet an increase in complex needs and vulnerabilities within the school population. The Secretary

²⁶² Children’s Law Centre submission, November 2022

²⁶³ See: <https://www.independent.co.uk/news/uk/politics/computer-exam-algorithm-punish-pupils-lower-grades-estimates-a9655846.html>;
<https://www.theguardian.com/education/2020/aug/13/who-won-and-who-lost-when-a-levels-meet-the-algorithm>

²⁶⁴ Children’s Law Centre submission, November 2022

²⁶⁵ Children’s Law Centre submission, September 2020

²⁶⁶ For example, the Children’s Law Centre worked with the parent of a young child who was on 3 separate waiting lists for Speech & Language Therapy, an ENT appointment to assess the extent of a hearing loss, and assessment for Autism/ADHD. The waiting list in the relevant HSC Trust area was 22 months. The child started mainstream school with no support and no statement of special needs in place. They struggled and displayed signs of distress, including aggression, in the home and were withdrawn at school.

²⁶⁷ CAJ submission, October 2022

of State's recent statement about the budget in the absence of a functioning government in Northern Ireland has raised concerns about lack of ring-fenced funding for such provision.²⁶⁸

School exclusions

Children with SEN and/or disabilities continue to experience 'informal' exclusions: sent home early from school, educated part-time over a lengthy duration, or having no suitable school placement to attend. Such exclusions are unregulated, potentially amounting to 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 a lack of available data.²⁶⁹ This issue has become more prevalent due to the imposition of financial austerity measures and a failure to introduce proactive measures to prevent informal exclusions.

In relation to formal suspension, which may disproportionately affect protected groups, **a right of appeal has been enacted but never been commenced into operation.**

Bullying in schools

The *Addressing Bullying in Schools (NI) Act 2016* commenced on 1 September 2021. **However, children from vulnerable groups continue to report experiences of bullying** which, for some affects their academic achievements as well as their emotional wellbeing. **LGBTI+** young people report experiences of homophobic and transphobic bullying and/or harassment,²⁷⁰ and feeling "unsupported" by staff responses.²⁷² Syrian **refugee children** have reported difficult peer relationships and bullying in school, including racist name-calling, derogatory

²⁶⁸ Children's Law Centre submission, November 2022

²⁶⁹ See:

<http://aims.niassembly.gov.uk/officialreport/minutesofevidencereport.aspx?AgendaId=22790&evidID=11979>

²⁷⁰ Schubotz, D. (2015) *Relationships and Sexuality Education (RSE) and Homophobic and Transphobic Name Calling*, YLT, See also: McBride, R-S. and Schubotz, D. (2017) 'Living a fairy tale: the educational experiences of transgender and gender non-conforming youth in Northern Ireland', *Child Care in Practice*, Vol. 23, Issue 3, DOI: [10.1080/13575279.2017.1299112](https://doi.org/10.1080/13575279.2017.1299112)

²⁷¹ Neill, G. and Meehan, D. (2017) *Still Shouting: The needs and experiences of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT)*, Cara-Friend and Youth Action, p20-21

²⁷² Public and Corporate Economic Consultants (2017) *Post-primary school experiences of 16-21 year old people who are Lesbian, Gay, Bisexual and/or Transgender (LGB&T)*, Research Briefing, September 2017, Department of Education, p7-8

comments related to their religion, ethnicity, or for wearing a hijab, and perceived exclusion by their wider peer group.^{273 274}

The Department for Education has indicated that it **will cease funding to the Northern Ireland Anti-Bullying Forum from 31 March 2023**. For over eighteen years, the Forum has convened statutory and voluntary sector organisations to jointly develop campaigns, resources and training to address bullying and concerns exist among NGOs as to how this decision may impact on coordinated, consistent approaches to anti-bullying activities.²⁷⁵

Early childhood care and education

The *School Age Act (NI) 2022* allows parents to defer their child’s pre-school or P1 place for up to one year. While welcome, the Department of Education currently is **only offering one year of pre-school provision** - should a parent defer a P1 place, the child will not be given additional pre-school provision during the deferral year.²⁷⁶

Sexual and reproductive health education

Beyond the statutory minimum content for RSE, schools have flexibility in what they cover, giving each school the scope to make decisions on meeting pupil needs. The Department of Education’s 2015 Circular regarding RSE states that each school is required to develop an RSE policy “which is relevant to the lives of pupils today”, based on the ethos of the school.²⁷⁷ Consequently, **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 young people’s lives and experiences, including sexting, family diversity, and LGBTI+ relationships. Failure to provide adequate RSE places young people at risk in their negotiation of safe relationships, leading them to seek information elsewhere, often from ill-informed sources, and leaving them vulnerable to harmful behaviours.²⁷⁸

²⁷³ Robertson, A. (2020) ‘A New Life for Me’. *Integration Experiences of Syrian Refugee Children and Their Families*, Barnardo’s NI, p49; 51; 61-62

²⁷⁴ Haydon, D. (2002) *Rights Here, Right Now: Children and Young People’s Report to the UN Committee on the Rights of the Child*, Belfast: Children’s Law Centre

²⁷⁵ Children’s Law Centre submission, November 2022

²⁷⁶ Children’s Law Centre submission, November 2022

²⁷⁷ Department of Education (2015) *Relationship and Sexuality Education (RSE) Guidance, Circular Number 2015/22*. Available at: https://www.eani.org.uk/sites/default/files/2018-10/cpsss_circular_2015_22.pdf

²⁷⁸ Agnew, E. (2018) *A Critical Analysis of the Emergence, Impact and Regulation of ‘Cyberbullying’ and ‘Sexting’ among Young People in Northern Ireland*, Unpublished PhD thesis, Queen’s University Belfast

Teacher education regarding RSE is insufficient,²⁷⁹ translating into poor delivery, particularly for LGBTI+ young people.²⁸⁰ 281282283

While there is no legislative provision permitting **parental withdrawal of children from sex education**, CCEA guidance states that schools are allowed to grant such requests on the basis that “parents or carers have the right to have their children educated in accordance with their wishes”.²⁸⁴ Thus, some children are denied their right to access RSE. This is particularly concerning in relation to sexual abuse as an abusive parent could exercise the right to withdraw their child from sex education and, by so doing, prevent the child from receiving adequate safeguarding education.

In 2018, the then Northern Ireland Secretary of State, MP Shailesh Vara, stated that it was his legal duty to introduce compulsory RSE in schools in line with CEDAW recommendation 86d.²⁸⁵ Northern Ireland’s Department of Education is responsible for taking forward this recommendation, but has not done so to date. The current Secretary of State is under the same obligation to prioritise compliance with the legal duty to implement the CEDAW recommendation.²⁸⁶

Human rights education in the school curricula and teacher training programmes

There is **minimal focus on rights, equality, and social justice within the Northern Ireland school curriculum.**²⁸⁷ Such topics are generally considered an ‘add-on’ or a distraction from

²⁷⁹ See: <https://www.nspcc.org.uk/about-us/news-opinion/2022/teachers-sex-relationships-education/>

²⁸⁰ Dirk Schubotz (QUB) submission, September 2020

²⁸¹ Neill, G. and Meehan, D. (2017) *Still Shouting: The needs and experiences of young people in Northern Ireland who identify as lesbian, gay, bisexual and/or transgender (LGBT)*, Cara-Friend and Youth Action, p21 Available at: <https://youthcouncilni.org/wp-content/uploads/2017/12/5878-YouthAction-Still-shouting.pdf>

²⁸² Public and Corporate Economic Consultants (2017) *Post-primary school experiences of 16-21 year old people who are Lesbian, Gay, Bisexual and/or Transgender (LGB&T)*, Research Briefing, September 2017, Department of Education, p8

²⁸³ Belfast City Council Youth Forum (2019) *Any Use? Young People’s Opinions on Relationship and Sexuality Education*

²⁸⁴ CCEA (2015) *Relationships and Sexuality Education Guidance: An Update for Primary Schools*, p9. Available at: <https://ceea.org.uk/downloads/docs/ceea-asset/Resource/Relationships%20and%20Sexuality%20Education%20Guidance%20%E2%80%93%20An%20Update%20for%20Primary%20Schools.pdf>

²⁸⁵ CEDAW (2018) *Report of the inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, CEDAW/C/OP.8/GBR/1, 23 February 2018, para 86d

²⁸⁶ NSPCC submission, October 2022

²⁸⁷ CAJ submission, October 2022

core academic areas, and teaching about them is often undertaken only or mostly as part of externally run initiatives.

Inclusive education for children with disabilities

Failure to collect appropriate disaggregated data, plus failure to equality screen and deficiencies in the equality screening that does take place, are resulting in failures to have due regard to the need to promote equality of opportunity - including through provision of inclusive education.²⁸⁸

Lack of cooperation between government departments (particularly Education and Health) and children’s services providers, including failures to target effective working practices through pooling human and financial resources, **is perpetuating barriers to inclusive education.**

Failure of early intervention is a key driver of persistent educational underachievement for children with disabilities. It is well documented by the CLC and other agencies working to support children,²⁸⁹ in the media, and by the Northern Ireland Assembly Education Committee, that **operational processes to identify and provide for children with SEN and disabilities are deficient,** and have been for many years. The Education Authority is undertaking an improvement process to try to ameliorate current deficiencies in the system.²⁹⁰ But for this to have a positive effect, both in the short and long term, it is critical that service provision for children with disabilities is a Government priority in terms of financial and human resources.

Essential enabling resources are often taken away from children with disabilities, in effect removing their ability to access services, to make life choices and to be heard in decisions affecting them.²⁹¹

²⁸⁸ Children’s Law Centre submission, November 2022

²⁸⁹ See: Northern Ireland Audit Office (2017) *Special Educational Needs*, NIAO. Available at: <https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/Special%20Educational%20Needs.pdf>
Public Accounts Committee (2021) *Report on Impact Review of Special Educational Needs*. Available at: <http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/special-educational-needs/report-on-impact-review-on-special-educational-needs.pdf>

NICCY (2020) *‘Too Little, Too Late’ A Rights Based Review of Special Educational Needs Provision in Mainstream Schools*. Main Report. Available at: <https://www.niccy.org/media/3515/niccy-too-little-too-late-report-march-2020-web-final.pdf>

²⁹⁰ See: <https://www.eani.org.uk/parents/special-educational-needs-sen/special-educational-needs-and-disabilities-send>

²⁹¹ Children’s Law Centre submission, November 2022

Undue delays in NHS and Education Authority assessments compel many parents to undertake private, independent assessments. As a result of NHS waiting lists and refusals by the Education Authority to undertake statutory educational assessments, or delays in these processes, many parents are compelled to self-fund independent educational psychology and speech reports, tuition, private speech therapy or occupational therapy – potentially increasing existing inequalities of access to appropriate provision.²⁹²

The capacity of the education workforce, both teaching and non-teaching, to support disabled children has been significantly affected by a sustained programme of austerity cuts. In addition to being asked to do more and more, with less and less resources, they report that they cannot access necessary training opportunities and support to enable implementation of targeted provision for children who experience barriers to inclusive education.²⁹³

Additional issues

Use of unregulated ‘transfer’ tests (ie academic selection)

The **use of unregulated ‘transfer tests’ (i.e., academic selection)** determines whether children attend a grammar or non-grammar post-primary school. Academic selection has an adverse impact on disadvantaged groups of children²⁹⁴ and preparation for the transfer test results in severe anxiety among many young children.²⁹⁵

Integrated education

School segregation by religion continues with most Protestant and Catholic children educated separately. In Northern Ireland children from different communities attend separate schools largely as a consequence of self-selection as families from different religious communities choose schools which have an ethos that aligns with their own faith/ community background.

‘Integrated’ education occurs in schools which balance the proportion of pupils from each community they serve, aiming to recruit 40% Catholic, 40% non-Catholic (Protestant) and 20% other. Pupils from other Christian backgrounds, as well as those with minority faith or non-

²⁹² Children’s Law Centre submission, November 2022

²⁹³ Children’s Law Centre submission, November 2022

²⁹⁴ CREU (2020) *Educational Underachievement in Northern Ireland. Evidence Summary*. Available at: <https://www.stran.ac.uk/research-paper/creu-2020-evidence-summary/>

²⁹⁵ NCB (2019) *Development of an Emotional Health and Wellbeing Framework for Children and Young People in Northern Ireland*. Available at: <https://www.iasnetwork.org.uk/sites/default/files/uploads/files/Informing%2520the%2520Development%2520of%2520an%2520Emotional%2520Health%2520and%2520Wellbeing%2520Framework...pdf>

religious backgrounds, are more likely to attend integrated or controlled (mainly Protestant) schools.²⁹⁶ Only 7% of pupils in Northern Ireland are educated in integrated schools,²⁹⁷ contrasting with a high level of public support for integrated education.²⁹⁸ ²⁹⁹The number of pupils attending integrated schools has doubled in the 20 years since the *Belfast/Good Friday Agreement*, and many are over-subscribed. **Existing provision of integrated schools is unable to meet demand**, particularly at post-primary level.³⁰⁰

‘**Shared education**’ is the education together of children of different religions, and of children experiencing socio-economic deprivation with those who are not, via co-operation of two or more relevant providers (eg in sharing facilities or teachers delivering joint initiatives or classes). Although shared education contributes to increased mixing across Northern Ireland’s divided communities, it does not address the central issue of segregated education - in many cases, only a selected group of pupils participate in shared education programmes.

The current diversity of school types is not sustainable and the Assembly has established an Independent Review of Education, “with a focus on securing greater efficiency in delivery costs, raising standards, access to the curriculum for all pupils, *and the prospects of moving towards a single education system*”. It is expected to deliver a final report by April 2023.

Requiring teaching about evolution and prohibiting the teaching of pseudo-scientific theories such as creationism or intelligent design

Although science is a statutory element within the curriculum in Northern Ireland, there is **no requirement to teach children about evolution**. Further, unlike in England - where state-funded schools are precluded from teaching “any view or theory ... as evidence-based if it is contrary to established scientific or historical evidence and explanations”³⁰¹ - there is **no prohibition in Northern Ireland on the teaching of ‘pseudoscientific’ theories such as creationism or intelligent design**.³⁰²

²⁹⁶ Northern Ireland Humanists submission, September 2020

²⁹⁷ Department for Education (2022) *Overview of Key Education Statistics. Year: 2021/22, School Type: all, Management type: all*. Available at: <https://www.education-ni.gov.uk/sites/default/files/publications/education/School%20Census%20Key%20Statistics%20202122.pdf>

²⁹⁸ Sky Data for Sky News (2018). Available at: <https://view.publitas.com/integrated-education-fund/sky-news-poll-summary-report>

²⁹⁹ Integrated Education Fund (2021) *71% of people in Northern Ireland believe integrated education should be the norm*. Available at: <https://www.ief.org.uk/2021/08/03/lucid-talk-ief-poll-released/>

³⁰⁰ NI Council for Integrated Education (2020) *NICIE Impact Report 1April 2019 – 31 March 2020*.

³⁰¹ Department for Education (2014) ‘Academy and free school funding agreement: single academy trust’. Available at: <https://www.gov.uk/government/publications/academy-and-free-school-funding-agreements-single-academy-trust>

³⁰² Northern Ireland Humanists submission, October 2022

Delivery of inclusive Religious Education

Religious Education [RE] in Northern Ireland is not inclusive. All grant-aided schools in Northern Ireland are required to provide Religious Education (RE) explicitly “based on the holy scriptures”. The syllabus has been developed and is overseen by nominees representing the four main Christian churches in Northern Ireland, with no representation of minority faiths nor humanism. Consequently, the RE curriculum is almost exclusively Christian. The rationale for teaching about religions other than Christianity is “to develop knowledge of and sensitivity towards, the religious beliefs, practices and lifestyles of people from *other* religions in Northern Ireland” (emphasis added). The implicit assumption is that pupils are Christians learning about other faiths. Humanism is absent from the curriculum, as is discussion about agnosticism or atheism.^{303 304}

Registration of home schooled children

There is evidence of **increasing de-registrations from school** since the Covid-19 pandemic. In 2017-18, the Education Authority recorded 287 children as home educated, in 2021-22 the figure had risen to 796,³⁰⁵ although the number is likely to be higher as parents are not required to register with the Education Authority if they prefer to home educate their children. They are required by law to ensure that their child receives full-time education at home. There are no plans to introduce a compulsory register of all home educated children in Northern Ireland. However, the Department of Education has indicated that it will follow the progress of the *Schools Bill* in England with interest and consider whether it would be appropriate to introduce similar legislation.³⁰⁶

Additional issues

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

Sufficiently resourced policies for implementation of every child’s right to rest, leisure, age-appropriate play and recreational activities

³⁰³ NI Humanists submission, September 2020

³⁰⁴ In the 2021 Census, 42% of the NI population identified as Catholic, 31% as Protestant, 7% other Christian, 1% other religion, 17% no religion, and 2% religion not stated. See: <https://www.nisra.gov.uk/publications/census-2021-main-statistics-religion-tables>, MS-B19b

³⁰⁵ BBC NEWS (2022) ‘NI Education: Home schooling triples in five years. 29 June 2022’. Available at: <https://www.bbc.co.uk/news/uk-northern-ireland-61972611>

³⁰⁶ NSPCC submission, October 2022

The *Children and Young People's Strategy 2020-2030* has 8 high level outcomes, including that 'children and young people enjoy play and leisure', although **no clear funding line** has been identified to support its delivery. Significant investment through the 'Early Intervention Transformation Programme' led to successful implementation of a two-year 'Play Matters' project, raising awareness about the importance of children's play with professionals and stakeholders responsible for planning, designing and managing public spaces. However, funding for this initiative ended in 2019, significantly reducing the Executive's capacity to ensure realisation of children's right to play.³⁰⁷

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.**³⁰⁸ Consequently, younger children are not necessarily gaining access to age-appropriate play-based activities. Lack of focused provision for younger age groups was emphasised in the Chief Inspector's Report (2016-2018),³⁰⁹ which noted the need to review quality of provision for the 10-13 age group as there was often insufficient planning to meet their specific needs.

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 the enhancement of play provision in 2 (of 11) local authority areas through the 'Youth@Play' programme.

COVID-19 lockdowns had a significant impact on opportunities for children and young people to engage in essential play and leisure, including self-directed play. In addition to restricting access to activities that support development, learning, good health and wellbeing, children's capacity to develop resilience, new skills, and social connectivity was reduced.³¹⁰ COVID Recovery Funding has been used to deliver 'Taking Outdoor Play Seriously' [TOPS] and 'Positive PlayGrounds' Programmes.³¹¹

Ensuring the right to play for children with disabilities

Many disabled children are denied their right to play due to a lack of suitable play opportunities and/or attitudinal barriers. The most significant issues identified by families of children with a disability include: lack of inclusive play equipment; lack of appropriate

³⁰⁷ PlayBoard submission, October 2022

³⁰⁸ PlayBoard submission, September 2020

³⁰⁹ See: <https://www.etini.gov.uk/sites/etini.gov.uk/files/publications/cir-2016-2018.pdf>, p93

³¹⁰ PlayBoard submission, October 2022

³¹¹ PlayBoard submission, October 2022

toilet/changing facilities; the travel distance required to access inclusive play opportunities; and the negative attitudes of other play park users.³¹²

I. SPECIAL PROTECTION MEASURES

Asylum-seeking, refugee and migrant children

Ensuring that all asylum-seeking children are provided with child-friendly services as well as access to health care and education

There are serious concerns about the circumstances and potential rights violations affecting **asylum seeker children and their families** who are **being accommodated in ‘contingency accommodation’** run by Mears Group PLC, a contractor to the UK Home Office whose role is to place asylum seekers and support them while they are in accommodation. In June 2022, more than 200 asylum-seeking children were living in hotels, many without access to basic necessities.³¹³ **Significant concerns have been raised by NGOs regarding the safeguarding of these children, their health, wellbeing and access to services.**^{314 315}

In April 2022 it was reported that, since 2014, approximately 190 **separated and unaccompanied children** (usually aged 14-17) had arrived in Northern Ireland. During the year 2021-2022 there was a marked increase, with 66 children being received into care - the highest number on record.³¹⁶ This compares with 15 unaccompanied children being identified and referred to health and social care in 2017/18, 25 in 2018/19, and 39 in 2019/20.³¹⁷ Barnardo’s NI has been commissioned by the Health and Social Care Board to deliver the Independent Guardian Service, which advocates on behalf of separated, unaccompanied and trafficked children. Originally expected to support approximately 12 children per year, in the

³¹² PlayBoard submission, October 2022

³¹³ BBC NEWS (2022) *Asylum: 200 children living in Northern Ireland hotels*. 20 June 2022. Available at: <https://www.bbc.co.uk/news/uk-northern-ireland-61859719>

³¹⁴ Children’s Law Centre submission, November 2022

³¹⁵ Children’s Law Centre and STEP (2022) *Joint Submission to Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities: Rights of Asylum Seeker Children Living in Contingency Accommodation (Hotel Buildings) in NI, run by Mears Group PLC*; PPR (2022) *‘It’s hard to be in this system’: The Use of NI Hotels as ‘Contingency Accommodation’ for Asylum* and subsequent updates, available on: <https://www.nlb.ie/blog>

³¹⁶ Hooks, J. (2022) *Child refugees coming to NI: Meet the couple offering orphaned teen a safe place to call home*, *Belfast Telegraph*, 23 April 2022. Available at: <https://www.belfasttelegraph.co.uk/life/features/child-refugees-coming-to-ni-meet-the-couple-offering-orphaned-teen-a-safe-place-to-call-home-41579350.html>

³¹⁷ Devlin, N. (2022) *Newcomer Pupils in Northern Ireland. Briefing Paper*. Belfast: Northern Ireland Assembly, Research and Information Service, p4

first three years (2018-2021) it supported 121 children.³¹⁸ Between April 2021 and March 2022, CLC supported 29 unaccompanied asylum seeking children to apply for asylum.³¹⁹

The UK has no provisions for allowing unaccompanied and separated refugee children to sponsor family members to join them in the UK.³²⁰ Although UK immigration law permits refugees to sponsor their family members for the purposes of family reunion,³²¹ the categories of family members include spouses and minor children. Parents and minor siblings are not included.

Age assessments

The *Nationality and Borders Act 2022* contains provisions for a new ‘National Age Assessment Board’ operated by the Home Office. It is unclear if this will extend to Northern Ireland, where age assessments are currently conducted by social workers.

Administration of child justice

Raising the age of criminal responsibility to at least 14 years

The minimum age of criminal responsibility [MACR] in Northern Ireland remains 10 years. On 3 October 2022 the Department of Justice launched a public consultation on a proposal to increase the minimum age of criminal responsibility in Northern Ireland from 10 years to 14 years, with a closing date for responses of 23 December 2022.

Ensuring children are not detained with adults

In practice, young people aged under-18 are no longer detained in adult prisons in Northern Ireland, but there is no legislative provision against this occurring in exceptional circumstances.

Effective legal representation and participation throughout the child justice process

Although within the wider youth justice system in Northern Ireland there is a commitment to alternatives to prosecution for children, particularly through restorative approaches, a clear emphasis on diversion *away from* the formal criminal justice system remains under-developed. **Concerns have been raised about existing diversionary measures, specifically regarding proportionality, legitimacy, effectiveness, efficiency and rights compliance.** Some diversionary measures can be accessed only through the admission of guilt and the consent

³¹⁸ Barnardo’s NI (2021) *Northern Ireland Affairs Committee: Inquiry into ‘The experience of minority ethnic and migrant children in Northern Ireland’*, June 2021, p3

³¹⁹ Children’s Law Centre (2022) *Annual Report 2021-2022*, p8

³²⁰ Children’s Law Centre submission, September 2020

³²¹ Immigration Rules, Part 11: Asylum, paras 352A-G. Available at: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>

of the child. Practitioners working with young people have noted that the capacity of some young people to give informed consent and meaningfully participate (eg, in agreeing actions or conditions during diversionary youth conferences) is questionable. Meaningful participation in proceedings may also be affected by young people’s mental health issues or learning difficulties.³²²

Imprisonment as a measure of last resort and for the shortest possible period

Some children are inappropriately detained in the JJC solely as a consequence of lack of alternative accommodation, admitted under Article 39 of the *Police and Criminal Evidence (NI) Order 1989* [PACE], which was amended in 1998 to include the JJC as a “place of safety”. In 2021/22, 165 of the 207 admissions to the JJC were via PACE (78%).³²³ These children are generally detained for 1-2 days, and in 20/21 only 45% went on to be held on remand or sentenced.³²⁴

Children in pre-trial detention

Inappropriate use of remand is a long-standing issue, particularly as the majority of those on remand are subsequently bailed and do not go on to serve a custodial sentence. **Some young people are held on remand because they have breached unachievable bail conditions³²⁵ or are unable to perfect bail due to being homeless,³²⁶** despite Social Services’ responsibility to assess and provide such young people with suitable accommodation. In 2021/22, the proportion of those remanded in custody remained almost a third (32.8%).³²⁷

Very few children in the JJC are actually sentenced to custody. In 2021/22, none of the 207 admissions were sentence admissions.³²⁸ According to the Inspectorate, “Successive reviews and reports, and stakeholders consulted as part of this inspection, continued to highlight concerns about the use of Woodlands [JJC] as a place of safety, the number of children who

³²² Include Youth submission, September 2020

³²³ Brown, T. (2022) *Northern Ireland Youth Justice Agency Annual Workload Statistics 2021/22*, 12 September 2022, Department of Justice, p39

³²⁴ Ibid, p46

³²⁵ The Inspectorate noted in 2015 that few children had less than 3 bail conditions – the average was 5 – and additional conditions were added if the child failed to comply, which was considered counterproductive “because it could set children up to fail”: CJINI (2015) *An Announced Inspection of Woodlands Juvenile Justice Centre*, CJINI/ RQIA/ ETI, p34

³²⁶ CJINI (2022) *An Announced Inspection of Woodlands Juvenile Justice Centre. 22-28 January 2022*. September 2022. Available at: <https://www.cjini.org/getattachment/add04a59-88f7-4b99-b3a9-6a8669b65f15/report.aspx>, p4

³²⁷ Brown, T. (2022) *Northern Ireland Youth Justice Agency Annual Workload Statistics 2020/21*, 15 September 2022, Department of Justice, p39

³²⁸ Ibid, p39

continued to enter custody because they had no suitable bail address and the low numbers of children who received a custodial sentence after spending periods on remand.”³²⁹

Disproportionate representation of specific groups in custody

It is clear that **detention is not being used as a measure of last resort**. In addition, **specific groups remain over-represented in custody**, including *those with mental illness, learning disabilities, speech, language and communication needs*; ³³⁰*Looked After Children*; ³³¹ *Roman Catholics*.^{332 333334}

Use of solitary confinement, segregation and isolation in child detention facilities

Following its 2022 inspection of the JJC, the Inspectorate noted that “**use of single separation appeared high**”. They suggested that this could be explained partly by a single separation log being opened for anyone having to isolate during the COVID-19 pandemic.³³⁵ Commenting that its examination of records suggested there could be particular needs related to age and disability but there was no evidence to show how these needs were being met,³³⁶ the Inspectorate noted that the records viewed “did not demonstrate a sufficient investigation of the underlying causes of the behaviour resulting in the use of single separation nor the consistent development of individual support plans to chart a route out of it.”³³⁷ Further, for

³²⁹ Ibid, 28

³³⁰ CJINI (2022) *An Announced Inspection of Woodlands Juvenile Justice Centre. 22-28 January 2022*. September 2022. Available at: <https://www.cjini.org/getattachment/add04a59-88f7-4b99-b3a9-6a8669b65f15/report.aspx>, p55

³³¹ Brown, T. (2022) *Northern Ireland Youth Justice Agency Annual Workload Statistics 2021/22*, 12 September 2022, Department of Justice, p43

³³² CJINI (2022) *An Announced Inspection of Woodlands Juvenile Justice Centre. 22-28 January 2022*. September 2022. Available at: <https://www.cjini.org/getattachment/add04a59-88f7-4b99-b3a9-6a8669b65f15/report.aspx>, p9; p51

³³³ Brown, T. (2022) *Northern Ireland Youth Justice Agency Annual Workload Statistics 2021/22*, 12 September 2022, Department of Justice, p42. During 2021/22, 55 of the 106 individuals in custody (52%) self-identified as Catholic, 21 (20%) as Protestant, 7 (7%) had other religions, 10 (9%) had no religious belief, and for 13 (12%) their religion was unknown. This compares with 42% of the NI population identifying as Catholic, 31% as Protestant, 7% other Christian, 1% other religion, 17% no religion, and 2% religion not stated in the 2021 Census.

³³⁴ McAlister, S., McNamee, C., Corr, M-L., and Butler, M. (2022) *Over-representation in the Youth Justice System in Northern Ireland*, Belfast: QUB and Department of Justice. Available at: https://www.justice-ni.gov.uk/sites/default/files/publications/justice/over-rep%20in%20yjs%20main%20report_4.pdf, p21

³³⁵ CJINI (2022) *An Announced Inspection of Woodlands Juvenile Justice Centre. 22-28 January 2022*. September 2022. Available at: <https://www.cjini.org/getattachment/add04a59-88f7-4b99-b3a9-6a8669b65f15/report.aspx>, p42

³³⁶ Ibid

³³⁷ Ibid, p43

some uses, “single separation was the conventional response and not a last resort, for example, non-attendance at education, COVID-19 protocols and prior to discharge or transfer”.³³⁸ During the *Rights Here, Right Now* consultation, young people in custody questioned the expectation of attendance at school in the JJC for those above school leaving age and the practice of being locked in their room with no TV or access to electricity for those who did not attend.³³⁹

Access to education and health services, including mental health services, for children in detention

An Inspection conducted in 2022³⁴⁰ noted several specific issues regarding access to services for those detained in the JJC. In terms of **health services**: although all children were screened on admission by a nurse who completed a Comprehensive Health Assessment Tool, the timeframe for completion was not always met; Nurses did not have direct access to the Northern Ireland Electronic Care Record; access to a COVID-19 vaccination and other routine immunisations was not available; Ophthalmology had been unavailable since the beginning of the COVID-19 pandemic; dental emergencies were not always managed in a timely manner.

Regarding **mental health**: members of the CAMHS in-reach team had been redeployed during the COVID-19 pandemic and a specialist Forensic Psychologist position was vacant; 13 of the 39 young people referred to the in-reach CAMHS team between April and September 2021 were released without being seen; there was a gap in gathering formal service user experience and evidencing the progress made by young people while in custody.

There is no service for young people in the justice system equivalent to the Shannon Clinic, a Medium Secure Unit providing in-patient services for adults requiring intensive psychiatric treatment and rehabilitation in a structured, secure and therapeutic environment.³⁴¹

³³⁸ Ibid, p43-44

³³⁹ Haydon, D. (2022) *Rights Here, Right Now: Children and Young People’s Report to the UN Committee on the Rights of the Child*, Belfast: Children’s Law Centre

³⁴⁰ CJINI (2022) *An Announced Inspection of Woodlands Juvenile Justice Centre. 22-28 January 2022*. September 2022. Available at: <https://www.cjini.org/getattachment/add04a59-88f7-4b99-b3a9-6a8669b65f15/report.aspx>,

³⁴¹ Children’s Law Centre submission, November 2022

Additional issues

Delay in the administration of youth justice

The impact of delay in the administration of youth justice remains a serious concern, with court cases in Northern Ireland typically taking twice as long as in England and Wales.³⁴² The Justice Minister has stated that, without extra resources, the courts backlog caused by COVID-19 may not be cleared until 2028.³⁴³

Young people consistently wait longer than adults for their cases to be dealt with in Magistrates' courts.³⁴⁴ The Inspectorate noted that, in 2020-2021, the "median time taken for charge cases at Youth Court was 187 days" (a 60% increase since the previous inspection in 2017-2018) and for summons cases it was 326 days (an increase of 35% since 2017-2018).³⁴⁵

The greatest delay is in serious sexual offences involving child victims. In 2017/18, such cases took an average of 986 days.³⁴⁶ In June 2022 the Justice Minister confirmed that, where the main offence was a sexual offence involving a child, the median time taken from the report of an offence until the case was dealt with at Crown Court was 867 days in 2020/21 and 876 days in 2021/22.³⁴⁷

Trans/ non-binary young people in custody

The Criminal Justice Inspectorate has noted that admission of trans/non-binary young people to the JJC is happening more frequently, recommending that "**guidance and training for staff should be provided on the management of transsexual and intersex children**".³⁴⁸

³⁴² Northern Ireland Audit Office (2018) *Speeding Up Justice*. Available at: <https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/Speeding%20up%20Justice.pdf>, p14

³⁴³ BBC NEWS (2022) 'NI courts backlog 'may not be cleared until 2028' says minister'. *BBC NEWS*. 3 August 2022. Available at: <https://www.bbc.co.uk/news/uk-northern-ireland-62054242>

³⁴⁴ See: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/case-processing-times-2017-18.pdf>

³⁴⁵ CJINI (2022) *An Announced Inspection of Woodlands Juvenile Justice Centre. 22-28 January 2022*. September 2022. Available at: <https://www.cjini.org/getattachment/add04a59-88f7-4b99-b3a9-6a8669b65f15/report.aspx>, p84

³⁴⁶ Gillen Review (2019) *Report into the law and procedures in serious sexual offences in Northern Ireland. Part 1*. Available at: https://www.lawsoc-ni.org/DatabaseDocs/new_8655264_gillen-review-report-into-the-law-and-procedures-in-serious-sexual-offences-in-.pdf

³⁴⁷ NSPCC submission, October 2022

³⁴⁸ CJINI (2022) *An Announced Inspection of Woodlands Juvenile Justice Centre. 22-28 January 2022*. September 2022. Available at: <https://www.cjini.org/getattachment/add04a59-88f7-4b99-b3a9-6a8669b65f15/report.aspx>, p51-52

Additional issue

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) focuses on victims’ right to know. It 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 victims’ fate”.

In 1981, a 15 year old young man and a 14 year old young woman were killed in separate incidents by the RUC and the British Army using plastic bullets. **Files on the killings of both children**, held by the British Government, were **initially closed to the public** (until 2059 in the first case and 2062 in the second case) **and the government refused to give their families access to the files**.³⁴⁹ In 2019, the family of the young man met with the (then) Northern Ireland Secretary of State about accessing his files. They were told by the Secretary of State that she could not access the files once they had been deposited. This was challenged on the basis of current legislation which allows for departmental access. That challenge resulted in his file being released in June 2022. The family of the young woman is now considering a similar challenge.³⁵⁰

³⁴⁹ See: <https://www.irishnews.com/news/northernirelandnews/2019/04/19/news/british-government-files-on-plastic-bullets-closed-up-to-additional-50-years-1601186/>

³⁵⁰ Pat Finucane Centre submission, November 2022

APPENDIX 1: PROPOSED QUESTIONS FOR THE DIALOGUE

NEW DEVELOPMENTS

COVID-19 pandemic

Emergency legislation

- How did the UK and Northern Ireland governments ensure emergency legislation introduced during the COVID-19 pandemic was compliant with international human rights standards?
 - were the rights of children prioritised in responses to the pandemic?
 - were children's rights impact assessments undertaken before the introduction of emergency legislation?
 - were steps taken to ensure no differential adverse impact on children of emergency legislation?

Withdrawal from the European Union

Withdrawal of the UK from the EU

- What arrangements have the UK and Northern Ireland governments made with the EU, and bilaterally with Ireland, to ensure an open border with maintenance of positive cross-border arrangements and relationships?
- How will the UK government ensure that children in Northern Ireland who identify as 'British' retain the same rights entitlements and protections as children identifying as 'Irish' and other EU citizens post-Brexit?

GENERAL MEASURES OF IMPLEMENTATION OF THE UNCRC

Legislation

Domestic legislation

- What measures have been taken by the Northern Ireland Executive to:
 - incorporate the UNCRC into domestic legislation and make the principles and provisions of the Convention justiciable under domestic law?
 - 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?
- When will the Northern Ireland Executive establish a Child Rights Impact Assessment procedure for all legislation and policies affecting children?

- When will the UK Government legislate to establish a *Bill of Rights for Northern Ireland*?

Withdrawal of the UK from the EU

- 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?

Comprehensive policy, strategy and co-ordination

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 Northern Ireland Executive ensure sufficient resources, timelines and a monitoring/ evaluation framework for implementation of the *Children and Young People's Strategy* and associated *Delivery Plan*?
- How will the Northern Ireland Executive ensure that:
 - the *Children and Young People's Strategy* and *Delivery Plan* link with other relevant existing and planned strategies (eg *Strategy for Paediatric Healthcare Services Provided in Hospitals and in the Community*, *Obesity Prevention Strategy*, *Anti-Poverty Strategy*)?
 - strategies affecting the lives of children and families include outcomes and associated indicators specifically relating to children, with protected funding to enable achievement of these outcomes?

Child rights indicators

- When will the Northern Ireland Executive develop and implement a child rights indicator framework, covering all areas of the UNCRC, to be adopted by all duty bearers?

Independent monitoring

- When will the Northern Ireland 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 CRC General Comment No. 2?
- Will the Northern Ireland Executive introduce a statutory requirement for government departments and public bodies to respond to the advice and recommendations of the Northern Ireland Commissioner for Children and Young People?

Coordination

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

Allocation of resources

Budgeting processes

- What measures are being taken by the Northern Ireland Executive to introduce children's budgeting in Northern Ireland, including the tracking of allocated funding and use of resources for children?
- Regarding the COVID-19 pandemic, what measures have been adopted by the Northern Ireland Executive to:
 - undertake a comprehensive assessment of the cumulative impact of the pandemic and welfare reforms on children and mitigate adverse impacts?
 - introduce defined budgetary lines for disadvantaged or vulnerable children who may require affirmative social measures following the pandemic and current economic recession?

Data collection

Disaggregated data collection

- Why is the Northern Ireland Executive unable to produce disaggregated data regarding all areas of the UNCRC, and what actions will be taken to ensure publication of appropriately *disaggregated* data?
- In particular, what measures have been taken by the Northern Ireland 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 ensure implementation of disabled children's rights?

- enhance systematic data collection concerning child protection, ensuring that routine recording and sharing of information, plus referral where appropriate, is embedded across Health and Social Care Services?
- collect and publish disaggregated data on the prevalence of poor mental health among children and young people, including the specific wellbeing and developmental needs of babies and very young children?
- improve disaggregated data collection regarding child victims of domestic violence?
- determine the prevalence of drug and alcohol use among under-18s in Northern Ireland?
- ensure recording, collection and analysis of disaggregated data on the use of restrictive practices within education and other institutional settings?

Dissemination and awareness-raising

Making the Convention widely known to children and professionals

- When will the Northern Ireland Executive:
 - include the UNCRC and children's rights in the statutory curriculum of Northern Ireland?
 - ensure that the UNCRC principles are integrated into the structures and practices of all schools?
 - fund mandatory training on the UNCRC, children's and human rights for professionals working with/for children?

DEFINITION OF THE CHILD

Minimum age of marriage

Minimum age of marriage

- When will the Northern Ireland Executive repeal all legal provisions permitting the marriage of children and bring forward legislation to increase the minimum age for marriage or civil partnership to 18 years?
- What measures have the Northern Ireland Executive taken to ensure the protection of all children, including Roma girls from early or forced marriage?

GENERAL PRINCIPLES

Non-discrimination

Age discrimination

- When will the Northern Ireland Executive introduce Age Discrimination legislation to protect all children (including under-16s) from all forms of discrimination on the grounds of age and ensure effective remedies?

Negative stereotyping of children and young people

- What measures are being taken by the Northern Ireland Executive to challenge negative stereotyping of children and young people, and to positively promote their contributions to local communities and Northern Ireland society?

Discrimination experienced by disadvantaged or vulnerable groups

- What measures are being taken by the Northern Ireland 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; young carers; Irish language speakers; Roma; Travellers; migrants; children belonging to minority ethnic groups; asylum seeking and refugee children; LGBTI+ children?
 - implement and resource programmes to support disadvantaged and/or vulnerable children, ensuring that they do not face inequalities in education, training, employment, health, accommodation?

Complaints mechanisms

- What measures are being taken by the Northern Ireland Executive to receive, monitor and effectively address complaints of discrimination against children?

Legal aid

- What measures have been taken by the Northern Ireland Executive to ensure that children have access to legal aid and to remove current barriers or restrictions affecting children's application for legal aid?

Right to life, survival and development

Child mortality

- Can the Northern Ireland Executive:
 - describe the actions taken to recruit a Paediatric Pathologist and, in the absence of this post, what is being done to establish a cross-border service for infants requiring a post-mortem?
 - explain why the establishment of a process to review child deaths remains outstanding, despite being in law for over 11 years?
 - provide a clear timescale for the implementation of a Child Death Review Panel?
 - outline the measures being taken to reduce the rate of child mortality and avoidable child deaths in Northern Ireland?

Respect for the views of the child

Children's participation in decisions affecting them

- What measures has the Northern Ireland Executive taken to:
 - ensure that children are able to express their views, and that their views are given due consideration, in decisions affecting them – particularly regarding health and children's services, educational policy and practice, youth and community provision, youth justice procedures?
 - resource the development of advocacy services, particularly in relation to legal and administrative proceedings concerning: domestic violence; parental custody; placement in alternative care, including secure care, and subsequent planning/ review meetings; mental health treatment; migration and asylum processes?

Children's participation in development and implementation of laws, policies, programmes and services

- What measures has the Northern Ireland Executive taken to promote the meaningful participation of children:
 - in decision-making within schools, including establishment of a School Council in every school?
 - in local community policy and decision-making, including the establishment of Shadow Youth Councils?
 - in the Youth Assembly, including development of Executive policies, strategies and programmes which are informed by the priorities and recommendations of the Youth Assembly?

CIVIL RIGHTS AND FREEDOMS

Freedom of expression, religion, association and peaceful assembly

Freedom of religion

- When will the Northern Ireland 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 that their spiritual, moral, social, and cultural development is not disadvantaged?

Freedom of association and peaceful assembly

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

Right to privacy

Stop and search checks against children

- What measures are being taken by the Northern Ireland Executive to:
 - end the disproportionate use of stop and search checks against children?
 - ensure police accountability, including compliance with the UNCRC, in the PSNI's use of stop and search powers against children, its officers' interactions and communication with young people, its record keeping and monitoring?

Strip searching of children

- When will the Northern Ireland Executive prohibit the use of 'strip searches' on under-18s, and ensure accurate completion of records and routine publication of data by the PSNI about the number of/ reasons for strip searches on children?

Right to privacy

- What measures are being taken by the Northern Ireland 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?

Access to appropriate information

Access to appropriate information

- What measures has the Northern Ireland Executive put in place to:
 - ensure that *all* children and young people have access to affordable digital connectivity and technology?
 - resource, monitor and review the effectiveness of its *Online Safety Strategy and Action Plan*?

VIOLENCE AGAINST CHILDREN

Torture and other cruel, inhuman or degrading treatment or punishment

Use of harmful devices, spit and bite guards, restrictive practices

- What measures have been taken by the Northern Ireland 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, as recommended by the Police Ombudsman and the Northern Ireland Policing Board's Human Rights Advisor?
 - ban all pain-inducing techniques and methods of seclusion used against children in education and institutional settings?
 - regulate and monitor authorization of Deprivation of Liberty Safeguards for 16 and 17 years olds who lack capacity in education and other institutional settings?
 - repeal legislation that enables the use of force against children in educational and other institutional settings for reasons other than to protect the child or another person from serious harm?
 - regulate and limit the use of restrictive practices against children in educational and institutional settings?

Corporal punishment

Corporal punishment in the family

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

Freedom of the child from all forms of violence

Domestic abuse

- Will the Northern Ireland Executive detail:
 - the measures taken to ensure provision of appropriate support for child victims of domestic violence?
 - why there is no statutory obligation on public authorities to commission specialist domestic abuse services to provide emotional and practical support for children who have experienced or witnessed domestic violence?
 - why children were not included as victims of domestic abuse in their own right in recent *Domestic Abuse and Civil Proceedings* legislation?

- As part of the *Ending Violence Against Women and Girls Strategy*, what measures are being taken to ensure that every child has access to mandatory, age-appropriate, inclusive Relationship and Sexuality Education which helps them understand what constitutes healthy relationships, consent, different forms of abuse and sources of support?

Child sexual exploitation and abuse

- What measures have been taken by the Northern Ireland Executive to:
 - ensure that 'abuse of trust' offences provide vital protections to children across as broad a range of environments and extracurricular activities as possible, including but not limited to sport and religious settings?
 - ensure full implementation and monitoring of the 2014 Marshall Inquiry recommendations?
 - strengthen the capacity of law enforcement authorities and the judiciary to detect and prosecute child sexual exploitation and abuse?
 - develop comprehensive services to support children who are victims, or at risk of, sexual exploitation and abuse – including development of multi-sectoral interventions such as the Barnahus system?
 - ensure the protection of child victims and witnesses of violence or sexual abuse throughout legal proceedings, taking into account the *Lanzarote Convention*?
 - grant effective remedies to child victims of sexual exploitation and abuse?
 - introduce protective and regulatory measures to detect and disrupt child online abuse, including monitoring the impact of the cross-departmental *Online Safety Strategy* and *Action Plan*?

Violence by non-State actors

- What measures are being taken by the Northern Ireland Executive to:

- protect children from assaults, intimidation, and racist attacks by paramilitary organisations?
- address the continued role of, and recruitment to, ‘paramilitary organisations’ in the communities where they operate?

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Family environment

Childcare

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

Family support

- How is the Northern Ireland Executive developing an inter-departmental approach to family support, early intervention and prevention services within local communities?

Co-parenting

- What measures are being implemented by the Northern Ireland 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)?
 - provide family mediation and support for parents, based on promotion of parents sharing responsibilities?

Children deprived of a family environment

Alternative care

- What measures have the Northern Ireland Executive taken to:
 - combat the abuse and neglect of children?
 - allocate requisite funding and resources to ensure that all vulnerable children receive timely and adequate support to protect them from abuse and neglect?
 - develop and implement interventions aimed at supporting families to protect children while helping them stay together?
- When will the Northern Ireland Executive enact revised Foster Care regulations?

- What measures have the Northern Ireland Executive taken to:
 - ensure appropriate resourcing of children’s social care, including recruitment of foster carers (particularly for teenagers and sibling groups) and early intervention to support families at the edges of care?
 - recruit and retain social workers, with an emphasis on employment of permanent staff and reduced reliance on agency social workers?

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

Support for children leaving care

- What measures have the Northern Ireland Executive taken to ensure adequate and appropriate support for children leaving care, including access to education/ training/ employment and timely provision of appropriate accommodation?

Secure accommodation

- What measures have the Northern Ireland 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 Northern Ireland 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?

BASIC HEALTH AND WELFARE

Health and health services

Health inequalities

- What measures have been taken by the Northern Ireland Executive to identify and address inequalities in access to health services and inequalities in health outcomes experienced by specific groups?

Food insecurity and nutrition

- What measures are being taken by the Northern Ireland Executive to:
 - systematically collect data to identify root causes of child food insecurity and malnutrition (including during emergencies such as the COVID-19 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 introduced during the Coronavirus pandemic?
 - ensure food security for every child in Northern Ireland, regardless of immigration status?

Abortion

- What measures are being taken by the Northern Ireland Executive to centrally commission abortion services and ensure the provision of abortion services in every Health and Social Care Trust, guaranteeing that no young woman has to travel outside Northern Ireland to access reproductive health care?

Mental health

- What measures are being taken by the Northern Ireland Executive to:
 - adopt a universal, preventative approach to support positive emotional wellbeing for all children, including programmes to support emotional wellbeing in schools?
 - fund provision of independent counselling services for all pupils?
 - end age discrimination in the funding of mental health services, adequately fund CAMHS and ensure that service provision meets need?
 - ensure that children have access to appropriate CAMHS to meet their needs, when required, with particular attention to: babies and young children; disabled children; deaf children; children affected by conflict, trauma, abuse and neglect; children living in poverty; children in care; children in contact with the criminal justice system; LGBTI+ children; children with eating disorders; trafficked, refugee and asylum seeking children?
 - establish a dedicated in-patient eating disorder service?

- Will the Northern Ireland Executive urgently identify and address the impact of the COVID-19 pandemic on children's mental health and wellbeing, including appropriate resourcing for relevant mental health provision?

- What measures are being taken by the Northern Ireland Executive to:

- address the exclusion of under-16s from the provisions and 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 Northern Ireland 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 Northern Ireland Executive to:
 - change legislation to ensure that the RQIA has a statutory responsibility to inspect *and regulate* in-patient mental health services in Northern Ireland, including Beechcroft in-patient child and adolescent mental health Unit?
 - publish the findings of RQIA inspections of children's services, including the in-patient child and adolescent mental health Unit, maintaining anonymity and the privacy of individuals while ensuring public accountability regarding the care provided?
 - ensure that issues raised by inspection reports and through other sources (complaints from young people, their families or bodies such as NICCY) are addressed within appropriate timescales?
- Will the Northern Ireland 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?
- What measures are being taken by the Northern Ireland 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?
- What measures have been taken by the UK Government and Northern Ireland Executive to:
 - address the specific needs of children experiencing transgenerational trauma as a result of the conflict in NI?

- 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 threats and/or violence?

Drug and alcohol use

- What measures have been taken by the Northern Ireland Executive to:
 - provide adequate and suitable provision for children with drug and alcohol dependency, particularly when these are combined with mental health needs, including co-ordination and integration of necessary services (health, housing, leaving care, criminal justice, education/ training employment)?
 - ensure that all children with co-occurring mental health conditions and drug/alcohol issues receive the same legislative protections as adults?

Provision for young people with disabilities when they transition to adult services

- What measures have the Northern Ireland Executive put in place to ensure appropriate provision of services for disabled children and those with long-term conditions, based on individual needs, including as they transition from children's services to adult services?

Workforce pressures

- What measures have been taken by the Northern Ireland Executive to:
 - address long waiting lists for outpatient appointments for children, particularly in consultant-led services?
 - recruit and retain necessary staff (eg consultant paediatricians)?
 - embed child health experts at commissioning level, engage with relevant stakeholders (including children) in decisions about health care delivery, collect quality data to monitor trends and improve decision making regarding commissioning of services?

Extra Contractual Referrals, residential and respite provision

- What measures have been taken by the Northern Ireland Executive to:
 - reduce investment in extra-contractual referrals, through which children are separated from their families and sent to Britain to receive specialist services unavailable in Northern Ireland?
 - explore the potential for the development of specialist facilities shared with the Republic of Ireland (eg in-patient facilities for young people with eating disorders, those with drug and alcohol dependency, those with disabilities or mental health conditions who require specialist residential placements)?

Standard of living

Child poverty

- What measures are being taken by the Northern Ireland 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 development of a *Child Poverty Strategy* beyond 2022, with concrete targets, set timeframes and measurable indicators to identify impacts of poverty and inequalities, plus monitoring and reporting processes?
- What measures are being taken by the Northern Ireland Executive to implement policies and practices to better support children living in poverty, including mitigating inequalities in education, housing, and health outcomes?
- How is the Northern Ireland Executive planning to support families affected by the cost-of-living crisis and unprecedented financial strains being experienced by households, particularly in lone parent families, families with a disabled child, and large families?

Welfare reforms

- What measures are being taken by the Northern Ireland Executive to address regressive welfare reforms and changes to the tax and benefit system which have left poorer families worse off and reduced the level of social security support for children?
- What are the UK Government and Northern Ireland Executive 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 Northern Ireland Executive lift the ban on asylum seeking parents working, and ensure that asylum seeking children are able to access essential services?

Homelessness

- When will the Northern Ireland Executive:
 - address the systemic failure to ensure the rights of homeless children?
 - address concerns that, according to Housing Executive evidence, housing shortage and children's housing need are disproportionately prevalent in areas that are predominately Catholic?

- 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?
- enact legislation prohibiting placement of children by public authorities in temporary and/or unregulated accommodation, enforcing the duty to provide suitable accommodation for Looked After Children and children in need (including 16 and 17 year olds assessed as homeless)?
- ensure provision of supported and semi-supported accommodation to meet the needs of homeless young people, those leaving care who are transitioning from children's to adult services, and those who are homeless and seeking bail from the Juvenile Justice Centre?

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Education

Educational inequalities

- What measures are being taken by the Northern Ireland 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, young carers, refugee and asylum seeking children?
 - collect disaggregated data about the educational experiences of groups at risk of educational inequality, to inform policy and practice?
 - 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?
 - ensure that the SEN assessment and statementing process are fit for purpose, effectively supporting children through this process and ensuring the best possible outcomes for children with SEN?
 - ensure legal compliance with the SEN and Disability framework, enabling 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 the development of welcoming and inclusive environments for children from minority ethnic communities, refugee and asylum seeking children?

Impacts of COVID-19 on education

- What measures are being taken by the Northern Ireland Executive to:

- assess the impact on children of legislation and policies introduced in response to the COVID-19 pandemic, including those experiencing educational inequalities?
- address the adverse impact of COVID-19 emergency legislation on children's educational attainment, ensuring that children most disadvantaged by the interruption of their education receive adequate support?
- ensure that future emergency legislation guarantees children's right to education, including access to required equipment, internet, resources and educational support?
- ensure inter-departmental cooperation, particularly between Health and Education, enabling the identification of vulnerable children and effective multi-disciplinary working to protect children's education, safety and wellbeing during future emergencies?

School exclusions

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

Bullying in schools

- What measures are being taken by the Northern Ireland Executive to ensure development of co-ordinated and consistent approaches to anti-bullying policy and practices in schools, particularly if funding to support the Northern Ireland Anti-Bullying Forum is withdrawn?

Early childhood care and education

- What measures are being taken by the Northern Ireland Executive to ensure that all children receive a minimum one year's pre-school provision?

Relationships and Sexuality Education [RSE]

- What measures are being taken by the Northern Ireland Executive to:
 - ensure all schools, in line with CEDAW recommendations, 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 LGBTI+ children?
 - ensure teachers have the knowledge, skills, training and confidence to deliver age-appropriate, inclusive RSE or that schools commission delivery by external professionals?

- abolish parents' ability to withdraw their children from RSE and, in the short-term, ensure that children who are removed from RSE lessons receive information on relationships and sex?

Human rights education

- What measures have been taken by the Northern Ireland Executive to include Human Rights education in the curricula of all schools and in teacher training programmes?

Inclusive education for children with SEN and/or disabilities

- What measures have been taken by the Northern Ireland Executive to:
 - collect disaggregated data about children with SEN and/or disabilities, equality screen education policies to identify inequalities and develop necessary actions?
 - establish effective coordination between departments (particularly Education and Health) and children's services providers to develop child-centred, inclusive working practices through pooling of human and financial resources, as required under the *Children's Services Co-operation Act 2015*?
 - improve current deficiencies in the implementation of legal requirements to identify and provide for children with SEN and disabilities, including: delays in initial assessments, lack of communication with parents/ carers, inappropriate decisions leading to parental appeals via SENDIST hearings, inability of schools to provide inclusive education or access specialist support for vulnerable children?
 - ensure allocation of sufficient financial and human resources for: assessments to identify individual needs; provision of services to meet the needs of children with SEN and/or disabilities in mainstream schools; training and support for teaching and non-teaching staff to implement necessary targeted support based on need; additional specialist support where necessary?

Academic selection

- What measures are the Northern Ireland Executive taking to end academic selection, replacing it with a children's rights compliant system aimed at ending educational inequalities?

Integrated education

- What measures does the Northern Ireland Executive have in place to:
 - increase integrated school provision, including capital and revenue funding, to meet growing demand and its statutory duty to support integrated education?

- address shortcomings of ‘shared’ education, including the predication that this will bring together children of different religions with no reference to those holding non-religious beliefs?
- implement the findings of the Independent Review of Education, due to be finalized in April 2023?

Science Education

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

Religious Education [RE]

- What measures have the Northern Ireland 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 that the RE curriculum acknowledges and respects the beliefs of children with no religion and those with other faiths?

Home schooled children

- What measures does the Northern Ireland Executive plan to initiate to:
 - monitor the number of de-registrations from school?
 - introduce a compulsory register of all home educated children?
 - ensure children who are home educated receive full-time education?

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

Play policies and provision

- What measures have the Northern Ireland 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, in line with the devolved administrations in Wales and Scotland?
 - 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 and young people?

- ensure the negative impacts of COVID-19 on children’s right to play are urgently addressed, including provision of support to vulnerable children whose mental health and social development have been affected by restricted access to play, particularly during lockdowns?
- support the enhancement of play opportunities in schools for children at primary and post-primary levels?

Inclusive play opportunities

- What measures have been taken by the Northern Ireland 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?
 - support the development of inclusive play equipment and environments at a local community level?
 - address negative attitudes towards children with disabilities within play facilities or spaces, and more broadly in public attitudes?

SPECIAL PROTECTION MEASURES

Asylum-seeking, refugee and migrant children

Accommodation

- What measures have been taken by the Northern Ireland Executive to:
 - urgently remove families from ‘contingency accommodation’ in hotels, where significant concerns have been raised by NGOs about safeguarding, children’s health and wellbeing, access to basic necessities, opportunities for play and recreation, provision of appropriate support for children and parents?
 - provide appropriate accommodation for asylum seeking families?
 - ensure that all asylum seeking children are provided with child-friendly services, access to health care and education as well as an adequate standard of living?

Family reunion

- Given that the UK Government recognises the need for refugee adults to be reunited with their spouses and dependent children, what action is being taken to recognise the equal (or greater) right for a child to be reunited with their parents and minor siblings?

Administration of child justice

Minimum Age of Criminal Responsibility

- What measures have the Northern Ireland Executive taken to:
 - raise the age of criminal responsibility to a minimum of 14 years, in compliance with the CRC Committee's recommendations?

Administration of youth justice

- What measures have the Northern Ireland Executive taken to:
 - ensure legal representation and participation throughout the youth justice process?
 - 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)?

Use of custody

- What measures have the Northern Ireland Executive taken to:
 - ensure, in statute, that under-18s will not be detained under any circumstances in the prison system at Hydebank Wood?
 - ensure children are not detained as a consequence of lack of alternative accommodation, unjustified bail conditions or homelessness, with the intention of ending inappropriate detention of children in the JJC as a place of 'safety' under PACE legislation or on remand?
 - ensure children with disabilities or mental health needs, Looked After Children and Catholic children are not inappropriately detained in custody?
 - ensure that 'single separation' in custody is used only as a measure of last resort, to ensure the safety of the young person or others, and for the shortest possible period of time?
 - ensure that detained children have prompt access to all necessary health services, including CAMHS, ophthalmology and dental care?
 - provide guidance and training for staff regarding the placement of, and responses to, trans or non-binary young people in the Juvenile Justice Centre?
 - establish an in-patient facility for young people requiring intensive psychiatric treatment and rehabilitation in a secure, therapeutic environment (similar to the Shannon Clinic for adults)?

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?

APPENDIX 2: SUGGESTED RECOMMENDATIONS

NEW DEVELOPMENTS

COVID-19 pandemic

Emergency legislation

The Committee recommends that the Northern Ireland Executive:

- Ensures that any emergency legislation (including legislation introduced in response to global pandemics such as COVID-19) is compliant with international human rights standards;
- Undertakes children’s rights impact assessments before the introduction of any emergency legislation, focused on potential adverse impacts on children.

Withdrawal from the European Union

Withdrawal of the UK from the EU

The Committee recommends that, following withdrawal of the UK from the EU, the UK Government:

- Ensures that any negotiations with the EU guarantee an open border between Northern Ireland and the Republic of Ireland, with maintenance of positive cross-border arrangements;
- Ensures that children in Northern Ireland identifying as ‘British’ retain the same rights entitlements and protections as those identifying as ‘Irish’ or other EU citizens.

GENERAL MEASURES OF IMPLEMENTATION OF THE UNCRC

Legislation

Domestic legislation

As previously, the Committee recommends that the Northern Ireland Executive:

- Expedites bringing domestic legislation in line with the Convention to ensure that its principles and provisions are justiciable under domestic law;
- Introduces a statutory obligation to systematically conduct a Child Rights Impact Assessment when developing laws and policies affecting children, publishing the results of such assessments and demonstrating how they have been taken into consideration;
- Expedites the enactment of a *Bill of Rights for Northern Ireland*, as agreed under the *Belfast/ Good Friday Agreement*.

Withdrawal of the UK from the EU

The Committee recommends that the UK Government:

- Ensures full protection of children's rights within any proposed changes to existing legislation (such as amendment of the *Human Rights Act 1998*, which gives effect to rights within the *European Convention on Human Rights*), to strengthen the status of international human rights and provide effective protection of these rights across all UK jurisdictions;
- Ensures that there will be no diminution of children's rights, including enforcement and remedies, as a result of the UK's withdrawal from the EU.

Comprehensive policy, strategy and co-ordination

Comprehensive policy and strategy

The Committee recommends that the Northern Ireland Executive:

- Recognises the *Children and Young People's Strategy for Northern Ireland* as the delivery mechanism for implementation of the UNCRC;
- Allocates sufficient human, technical and financial resources; establishes clear timelines and a monitoring/ evaluation framework for implementation of this Strategy and associated Delivery Plan; links this Strategy with other strategies affecting children and families, paying special attention to those in the most disadvantaged and vulnerable groups.

Child rights indicators

The Committee recommends that the Northern Ireland Executive:

- Develops a child rights indicator framework, covering all areas of the Convention, for implementation by duty bearers within relevant Departments and public authorities;
- Ensures that any strategy affecting children and families includes intended outcomes and associated indicators specifically relating to children.

Independent monitoring

The Committee recommends that the Northern Ireland Executive:

- Amends *The Commissioner for Children and Young People (Northern Ireland) Order 2003* to strengthen the Commissioner's independence and introduce a statutory requirement for Departments and public bodies to respond to the Commissioner's advice and recommendations.

Coordination

As previously, the Committee recommends that the Northern Ireland Executive:

- Establishes an appropriate statutory body at Ministerial level with a clear mandate, sufficient authority and sufficient human, financial and technical resources to effectively coordinate activities and implementation of the Convention across relevant Departments.

Allocation of resources

Budgeting processes

As previously, the Committee recommends that the Northern Ireland Executive:

- Utilises a child rights-based approach in budgeting processes, including implementation of a tracking system for the allocation of funding and use of resources for children;
- Defines budgetary lines for disadvantaged or vulnerable children who may require affirmative social measures following the COVID-19 pandemic and current economic recession, ensuring that these budgetary lines are protected.

Data collection

Disaggregated data collection

The Committee recommends that the Northern Ireland Executive:

- Establishes mechanisms to systematically collect and report disaggregated data in relation to all areas of the Convention (as requested by the Committee during the process of periodic reporting), including about: children with disabilities and long-term conditions; child protection; poor mental health among 0-18 year olds; child victims of domestic violence; drug and alcohol use among under-18s; use of restrictive practices in educational and other institutional settings.

Dissemination and awareness-raising

Making the Convention widely known to children and professionals

The Committee recommends that the Northern Ireland Executive:

- Makes children's rights education mandatory in the statutory curriculum of primary and post-primary schools;
- Ensures that the principles of the Convention are integrated into the structures and practices of all schools, with development and active dissemination of revised guidance for school Principals and Boards of Governors about participation;
- Encourages development of structures for the active and meaningful participation of children in all schools (eg School Councils, Pupil Forums);

- Introduces mandatory training about the Convention and children’s rights for all professionals working with children.

DEFINITION OF THE CHILD

Minimum age of marriage

Minimum age of marriage

The Committee recommends that the Northern Ireland Executive:

- Expedites its intention to raise the minimum age for marriage or civil partnership to 18 years;
- Ensures the protection of all children, including Roma, from early or forced marriage.

GENERAL PRINCIPLES

Non-discrimination

Age discrimination

The Committee recommends that the Northern Ireland Executive:

- Introduces legislation to protect all children (including under-16s) from all forms of discrimination on the grounds of age.

Negative stereotyping of children and young people

As previously, the Committee recommends that the Northern Ireland Executive:

- Takes urgent measures to address the ‘intolerance of childhood’, challenge negative stereotyping of children and young people, positively promote their contributions to local communities and Northern Ireland society – in policies, statements by politicians and government officials, and in the media.

Discrimination experienced by disadvantaged or vulnerable groups

The Committee recommends that the Northern Ireland Executive:

- Strengthens awareness of, and measures to prevent, discrimination experienced by specific groups, including: children living in poverty; disabled children; Looked After Children and care leavers; young carers; Irish language speakers; Roma; Travellers; migrants; children belonging to minority ethnic groups; asylum seeking and refugee children; LGBTI+ children;
- Allocates funding for, and implements, programmes to support disadvantaged and/or vulnerable children to ensure they do not face inequalities (in education, training, employment, health, accommodation, etc).

Complaints mechanisms

The Committee recommends that the Northern Ireland Executive:

- Establishes child-friendly complaints mechanisms to receive, monitor and effectively address complaints about discrimination experienced by children.

Legal aid

The Committee recommends that the Northern Ireland Executive:

- Ensures that all children have access to legal aid, removing current barriers affecting application for legal aid (eg by those who are homeless or estranged from their parents) and current restrictions (eg for representation at Special Educational Needs and Disability Tribunals).

Right to life, survival and development

Child mortality

The Committee recommends that the Northern Ireland Executive:

- Takes urgent measures to ensure appropriate provision for infants requiring a post-mortem (eg through recruitment of a Paediatric Pathologist or establishment of a cross-border service);
- Expedites a process to review child deaths, with a clear timescale for implementation of a Child Death Review Panel;
- Strengthens, and adequately resources, measures to reduce child mortality and avoidable child deaths.

Respect for the views of the child

Children's participation in decisions affecting them

The Committee recommends that the Northern Ireland Executive:

- Establishes processes to ensure that children are able to express their views in decisions affecting them, particularly within health and children's services, education, youth and community provision, and youth justice procedures;
- Allocates resources to develop and deliver advocacy services, particularly in relation to legal and administrative proceedings concerning: domestic violence; parental custody; placement in alternative care, including secure care, and subsequent planning/ review meetings; mental health treatment; migration and asylum processes.

Children's participation in development and implementation of laws, policies, programmes and services

As previously, the Committee recommends that the Northern Ireland Executive:

- Establishes structures for the active and meaningful participation of children, giving their views due weight in the design of laws, policies, programmes and services at local and national levels;
- Encourages every school to establish a School Council;
- Encourages every Council to establish a Shadow Youth Council, to inform local community decision-making;
- Ensures that Executive policies, strategies and programmes are informed by the priorities and recommendations of the Northern Ireland Youth Assembly.

CIVIL RIGHTS AND FREEDOMS

Freedom of expression, religion, association and peaceful assembly

Freedom of religion

As previously, the Committee recommends that the Northern Ireland Executive:

- Repeals the legal requirement for schools to provide collective worship;
- Ensures that children can independently exercise their right to withdraw from attendance at collective worship in school;
- Ensures that children whose parents have withdrawn them from collective worship are provided with meaningful educational alternatives and guarantees that their spiritual, moral, social, and cultural development is not disadvantaged.

Freedom of association and peaceful assembly

As previously, the Committee recommends that the Northern Ireland Executive:

- Prohibits the use in public spaces of acoustic devices (so-called 'mosquito devices') used to disperse gatherings of children.

Right to privacy

Stop and search checks against children

The Committee recommends that the Northern Ireland Executive:

- Prohibits disproportionate use of non-statutory stop and search checks by the police on children, particularly 15-17 year old males;
- Ensures compliance with the principles and provisions of the Convention in statutory use of stop and search checks against children (ie under-18s), including that these: are

proportionate, take into consideration the age and maturity of the child, and are non-discriminatory;

- Regularly collects, analyses and publishes disaggregated data relating to the use of stop and search checks on children;
- Conducts consultations with young people about their experiences of being stopped and searched and police officers' interactions with them;
- Monitors record keeping and reporting processes to ensure compliance with relevant legal and operational requirements.

Strip searching of children

The Committee recommends that the Northern Ireland Executive:

- Prohibits the strip searching of children (ie under-18s);
- Regularly collects, analyses and publishes disaggregated data about strip searching conducted on children by the police;
- Monitors record keeping and reporting processes to ensure accurate completion of records and access to information about the number of, and reasons for, strip searches on children.

Right to privacy

The Committee recommends that the Northern Ireland Executive:

- Reforms legislation to ensure statutory protection of anonymity for children who have been arrested and not yet charged;
- Implements measures to ensure the right to privacy for the children of alleged offenders;

Access to appropriate information

Access to appropriate information

The Committee recommends that the Northern Ireland Executive:

- Ensures that all children have access to decent, affordable digital connectivity and technology;
- Allocates sufficient resources to implement, monitor and review its *Online Safety Strategy* and associated *Action Plan*.

VIOLENCE AGAINST CHILDREN

Torture and other cruel, inhuman or degrading treatment or punishment

Use of harmful devices, spit and bite guards, restrictive practices

As previously, the Committee recommends that the Northern Ireland Executive:

- Prohibits the use on children of electrical discharge weapons (such as Tasers), attenuating energy projectiles and any other harmful devices, and systematically collects and publishes age-disaggregated data on their use to monitor implementation of such prohibition;
- Prohibits the use of spit and bite guards on children at any time, in any circumstances, and systematically collects and publishes age-disaggregated data on their use to monitor implementation of such prohibition;
- Abolishes all methods of restraint used on children for disciplinary purposes in all institutional settings, and bans the use of any technique designed to inflict pain on children;
- Ensures that restrictive practices (including use of restraint and seclusion) are used against children exclusively to prevent harm to the child or others, and only as a last resort for the shortest possible time;
- Systematically and regularly collects and publishes disaggregated data on use of restrictive practices, and authorisation of Deprivation of Liberty Safeguards for 16 and 17 year olds who lack capacity, in educational and other institutional settings (including custody, mental health, and immigration detention).

Corporal punishment

Corporal punishment in the family

As previously, the Committee recommends that the Northern Ireland Executive:

- Prohibits as a matter of priority all corporal punishment in the family, including through repeal of the legal defence of ‘reasonable punishment’;
- Strengthens its efforts to promote positive and non-violent forms of discipline, and respect for children’s equal right to human dignity and physical integrity, with a view to eliminating general acceptance of the use of corporal punishment in child-rearing;
- Adopts public education and awareness-raising initiatives for parents about changes to the law, including assurances that they can intervene to protect their child from harm, alongside information and support for parents about positive parenting.

Freedom of the child from all forms of violence

Domestic abuse

The Committee recommends that the Northern Ireland Executive:

- Ensures provision of appropriate support for child victims of domestic violence;
- Introduces a statutory obligation on public authorities to commission specialist domestic abuse services to provide emotional and practical support for children who have experienced or witnessed domestic violence;

- Revises *Domestic Abuse and Civil Proceedings* legislation to include children as victims of domestic abuse in their own right;
- Takes measures to ensure that every child has access to mandatory, age-appropriate, inclusive Relationship and Sexuality Education which helps them understand what constitutes healthy relationships, consent, different forms of abuse and sources of support as part of the *Ending Violence Against Women and Girls Strategy*.

Child sexual exploitation and abuse

The Committee recommends that the Northern Ireland Executive:

- Ensures that ‘abuse of trust’ offences provide protections to children across all environments and extracurricular activities, including but not limited to sport and religious settings;
- Ensures systematic collection and publication of disaggregated data on child exploitation and abuse, including online, to ensure effective prevention, early detection and intervention;
- Ensures full implementation and monitoring of the recommendations made by the 2014 Marshall Inquiry into child sexual exploitation;
- Establishes comprehensive child-centred services to support children who are victims, or at risk of, sexual exploitation and abuse, including development of multi-sectoral interventions such as the Barnahus system;
- Ensures the protection of child victims and witnesses of violence or sexual abuse throughout legal proceedings by ensuring that video-recorded interviews are conducted without undue delay and allowed as evidence-in-chief in court, ensuring that their views are given due weight and that they receive legal representation (taking into account the *Lanzarote Convention*);
- Strengthens the capacity of law enforcement authorities and the judiciary to detect and prosecute child sexual exploitation and abuse;
- Grants effective remedies to child victims of sexual exploitation and abuse;
- Introduces protective and regulatory measures to detect and disrupt child online abuse, including monitoring the impact of the cross-departmental *Online Safety Strategy and Action Plan*.

Violence by non-State actors

The Committee recommends that the Northern Ireland Executive:

- Takes urgent measures to protect children from assaults, intimidation, and racist attacks by non-State actors/ ‘paramilitary organisations’;
- Addresses the continued role of, and recruitment of young people to, ‘paramilitary organisations’ in the communities where they operate.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Family environment

Childcare

The Committee recommends that the Northern Ireland Executive:

- Develops and implements a comprehensive, fully costed *Childcare Strategy* underpinned by rights-based legislation;
- Ensures that affordable, high quality childcare is available to all families, protecting the child's right to development without discrimination.

Family support

The Committee recommends that the Northern Ireland Executive:

- Adopts an inter-Departmental approach to community-based family support, early intervention and prevention, including investment in early years and family support services;
- Ensures that all families can easily access holistic, relationship-based family support, particularly in rural communities and areas of high deprivation (eg via expansion of Sure Start programmes, Early Intervention Support Services, Choices Family Support Services, and Family Support Hubs).

Co-parenting

The Committee recommends that the Northern Ireland Executive:

- Raises awareness about the benefits of separated parents co-parenting, based on the best interests of their children;
- Ensures 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, such as the Coronavirus pandemic);
- Allocates sufficient resources for family mediation and support for parents, based on promotion of parents sharing child-rearing responsibilities.

Children deprived of a family environment

Alternative care

The Committee recommends that the Northern Ireland Executive:

- Intensifies efforts to render appropriate assistance to parents and kinship carers in the performance of their child-rearing responsibilities;
- Develops and implements interventions aimed at supporting families to protect children while helping them stay together;

- Allocates sufficient funding and resources to ensure that all vulnerable children receive timely and adequate support to protect them from abuse and neglect;
- Ensures appropriate resourcing of children’s social care, including recruitment of foster carers (particularly for teenagers and sibling groups) and early intervention to support families at the edges of care;
- Enacts revised Foster Care regulations;
- Takes urgent measures to recruit and retains social workers, with an emphasis on employment of permanent staff and reduced reliance on agency social workers;
- Develops and implements minimum standards to ensure that statutory and independent care providers, including for-profit companies, deliver appropriate alternative care.

Support for children leaving care

The Committee recommends that the Northern Ireland Executive:

- Consults with children about their care plan and transition arrangements;
- Ensures that every child leaving care receives adequate and appropriate support, including access to education/ training/ employment and timely provision of appropriate (if necessary supported) accommodation.

Secure accommodation

The Committee recommends that the Northern Ireland Executive:

- Ensures that secure accommodation is used only as a measure of last resort and for the shortest possible period of time;
- Addresses the reasons for repeated or lengthy placements in secure accommodation;
- Develops alternatives to secure accommodation, including appropriate community-based support for vulnerable children with complex needs.

Children of incarcerated parents

The Committee recommends that the Northern Ireland Executive:

- Ensures 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 the COVID-19 pandemic);
- Ensures that children of incarcerated parents receive appropriate information, support and advocacy.

BASIC HEALTH AND WELFARE

Health and health services

Health inequalities

The Committee recommends that the Northern Ireland Executive:

- Takes urgent measures to address and eliminate inequalities in access to health services and in health outcomes

Food insecurity and nutrition

The Committee recommends that the Northern Ireland Executive:

- Systematically collects data to identify the root causes of child food insecurity and malnutrition (including during emergencies such as the COVID-19 pandemic) to inform policies/ programmes;
- Regularly monitors and assesses the effectiveness of policies/ programmes intended to address food insecurity and malnutrition, including: school meal programmes, food banks, food parcels, emergency measures introduced during the COVID-19 pandemic;
- Takes urgent measures to ensure food security for every child, regardless of immigration status.

Abortion

The Committee recommends that the Northern Ireland Executive:

- Expedites its duty to centrally commission abortion services and ensure provision of abortion services in every Health and Social Care Trust, guaranteeing that no young woman has to travel outside Northern Ireland to access reproductive health care.

Mental health

The Committee recommends that the Northern Ireland Executive:

- Regularly collects comprehensive data on child mental health, disaggregated across the life course of the child (ie from birth to 18);
- Urgently addresses the impact of the COVID-19 pandemic on children's mental health and wellbeing, including allocation of appropriate resourcing of relevant mental health provision;
- Adopts a universal, preventative approach to support positive emotional wellbeing for all children, including access to programmes intended to support emotional wellbeing in all primary and post-primary schools;
- Allocates funding to provide independent counselling services for all primary and post-primary pupils who require this;

- Ends age discrimination in the funding of mental health services, with resourcing of the *2021-2031 Mental Health Strategy* based on funding for CAMHS proportionate to the population of under-18s;
- Allocates sufficient human and financial resourcing for delivery of CAMHS and ensures that service provision is based on identified need;
- Ensures that all children have access to appropriate CAMHS to meet their needs, when required, with particular attention to: babies and young children; disabled children; deaf children; children affected by conflict, trauma, abuse and neglect; children living in poverty; children in care; children in contact with the criminal justice system; LGBTI+ children; children with eating disorders; trafficked, refugee and asylum seeking children;
- Establishes a dedicated in-patient eating disorder service for young people;
- Reviews mental health legislation to ensure that the best interests, and the views, of the child are taken into account in mental health treatment of all aged under 18, particularly in relation to hospitalization and treatment;
- Addresses the exclusion of under-16s from the provisions and protections of the *Mental Capacity Act (NI) 2016*;
- Ensures that 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;
- Addresses delays in discharge from hospital for children with learning disability and co-occurring mental health needs;
- Ensures provision of resources for accommodation required to enable children who need supported living to live fulfilling lives outside of hospital;
- Reviews legislation to ensure that the RQIA has a statutory responsibility to inspect *and regulate* in-patient mental health services, including Beechcroft in-patient child and adolescent mental health Unit;
- Adopts the policy of publishing the findings of RQIA inspections of children's services, including Beechcroft in-patient child and adolescent mental health Unit and Lakewood Secure Care Centre, maintaining anonymity and the privacy of individuals while ensuring public accountability regarding the care provided;
- Takes measures to ensure that issues raised by inspection reports and through other sources (eg complaints from young people/ families, or bodies such as NICCY) are addressed within appropriate timescales;
- Considers extending 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;
- Expedites provision of a specialised Mother and Baby Unit where women who are psychiatric in-patients can care for their babies, and make interim arrangements to ensure that babies are not separated from their mothers when it is in both their best interests to be kept together;

- Addresses the specific needs of children experiencing transgenerational trauma as a result of the conflict in Northern Ireland, ensures the participation of children in processes and programmes to deal with the legacy of the conflict; and addresses the mental health needs of children whose lives are affected by paramilitary threats and/or violence.

Drug and alcohol use

The Committee recommends that the Northern Ireland Executive:

- Develops adequate and suitable provision for children with drug and alcohol issues, particularly when these are combined with mental health needs, including co-ordination and integration of necessary services (health, housing, leaving care, criminal justice, education/ training employment);
- Ensures that all children with co-occurring mental health conditions and drug/alcohol issues enjoy the same legislative protections as adults.

Provision for young people with disabilities when they transition to adult services

The Committee recommends that the Northern Ireland Executive:

- Takes measures to ensure appropriate provision of services for disabled children and those with long-term conditions, based on individual needs, including as they transition from children's services to adult services.

Workforce pressures

The Committee recommends that the Northern Ireland Executive:

- Takes urgent measures to address long waiting lists for outpatient appointments, particularly in consultant-led services, for children;
- Allocates sufficient resources to recruit and retain necessary staff (eg consultant paediatricians);
- Establishes processes to embed child health experts at commissioning level, engage with relevant stakeholders (including children) in decisions about health care delivery, collect quality data to monitor trends and improve decision making regarding commissioning of services.

Extra Contractual Referrals, residential and respite provision

The Committee recommends that the Northern Ireland Executive:

- Reduces investment in extra-contractual referrals, in which children are separated from their families and sent to Britain to receive specialist services not available in Northern Ireland, and explores the potential for development of specialist facilities shared with the Republic of Ireland (eg in-patient facilities for young people with

eating disorders, those with drug and alcohol issue, those with disabilities or mental health conditions who require specialist residential placements).

Standard of living

Child poverty

The Committee recommends that the Northern Ireland Executive:

- Expedites delivery and implementation of the *Anti-Poverty Strategy*, with specific and measurable targets for reducing child poverty;
- Establishes clear accountability mechanisms for child poverty eradication including development of a *Child Poverty Strategy* beyond 2022 with: concrete targets, set timeframes, measurable indicators to identify the impacts of poverty and subsequent inequalities, clear monitoring and reporting processes;
- Ensures the implement of policies and practices to better support children living in poverty, including mitigating inequalities in education, health, and housing outcomes;
- Takes urgent measures to support families affected by the cost-of-living crisis and unprecedented financial strains being experienced by households, particularly in lone parent families, families with a disabled child, and large families.

Welfare reforms

The Committee recommends that the Northern Ireland Executive:

- Conducts a comprehensive assessment of the cumulative impact on children of social security and tax credit reforms introduced since 2016, including specific disadvantaged or vulnerable groups (such as those living in poverty, with disabilities, belonging to ethnic minority groups, care experienced, young parents);
- Takes urgent measures to address regressive welfare reforms and changes to the tax and benefit system which have left poorer families worse off and reduced the level of social security support for children - strengthening the welfare mitigations package (including mitigations for the two-child limit) and increasing financial support by topping up the value of existing benefits (eg child benefit) or introducing a new Child Payment of £20 (modelled on the Scottish Child Payment);
- Ensures that children of asylum seekers do not endure severe poverty and periods of enforced destitution; calling for the Home Office to lift the 'no recourse to public funds' designation from asylum seekers whose claims have been rejected, lifting the ban on asylum seeking parents working, and ensuring that asylum seeking children are able to access essential services.

Homelessness

The Committee recommends that the Northern Ireland Executive:

- Addresses systemic failure to ensure the rights of homeless children;
- Takes measures to address disproportionate prevalence of housing shortage and housing need in areas that are predominately Catholic;
- Takes measures to 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), is accessible for children with disabilities;
- Enforces the legal duty to provide suitable accommodation for Looked After Children and children in need (including 16 and 17 year olds assessed as homeless);
- Ensures provision of supported and semi-supported accommodation to meet the needs of homeless young people, those leaving care who are transitioning from children's to adult services, those who are homeless and seeking bail from the Juvenile Justice Centre.

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Education

Educational inequalities

The Committee recommends that the Northern Ireland Executive:

- Takes measures to address inequalities in education 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, young carers, refugee and asylum seeking children;
- Collects disaggregated data about the educational experiences of groups at risk of educational inequality, to inform policy and practice;
- Enables the co-ordination of care appointments for children with health needs to ensure maximum attendance at school;
- Takes measures to reduce the widening attainment gap for deaf children and arrest decline in numbers of specialist Teachers of the Deaf;
- Takes urgent measures to 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;
- Ensures legal compliance with the SEN and Disability framework, enabling full access to inclusive education through provision of necessary human and financial resources;
- Ensures the adoption of positive attitudes towards cultural diversity and equality in schools, with development of welcoming and inclusive environments for children from ethnic minority communities, refugee and asylum seeking children.

Impacts of COVID-19 on education

The Committee recommends that the Northern Ireland Executive:

- Assesses the impact on children of legislation and policies introduced in response to the COVID-19 pandemic, including those at risk of educational inequalities;
- Takes measures to 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;
- Ensures any future emergency legislation guarantees children's right to education, including access to required equipment, internet access, resources and educational support for every child;
- Establish 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 any future emergencies.

School exclusions

The Committee recommends that the Northern Ireland Executive:

- Takes measures to end informal school exclusions of children with SEN or disabilities.

Bullying in schools

The Committee recommends that the Northern Ireland Executive:

- Ensures continued development of co-ordinated and consistent approaches to anti-bullying policy and practices in schools, clarifying how it will resource provision previously provided by the Northern Ireland Anti-Bullying Forum.

Early childhood care and education

The Committee recommends that the Northern Ireland Executive:

- Ensures that all children receive at least one year of pre-school provision and that additional provision is provided in circumstances where there is deferral of a Primary One place.

Relationships and Sexuality Education [RSE]

The Committee recommends that the Northern Ireland Executive:

- Ensures that 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 LGBTI+ children, in line with CEDAW recommendations;

- Ensures that teachers have the knowledge, skills and confidence to deliver age-appropriate, inclusive RSE, or that this is delivered by external professionals within schools;
- Abolishes parents' ability to withdraw their children from RSE and, in the meantime, ensures that children who are removed from RSE lessons receive information on relationships and sex.

Human rights education

The Committee recommends that the Northern Ireland Executive:

- Ensures the inclusion of Human Rights education in the curricula of every school and in teacher training programmes.

Inclusive education for children with disabilities

The Committee recommends that the Northern Ireland Executive:

- Ensures collection of disaggregated data about children with SEN and/or disabilities, equality screens education policies to identify inequalities and develops necessary actions;
- Ensures effective coordination between departments (particularly Education and Health) and children's services providers to develop child-centred, inclusive working practices through pooling of human and financial resources, as required under the *Children's Services Co-operation Act 2015*;
- Introduces measures to improve current deficiencies in the implementation of legal requirements to identify and provide for children with SEN and disabilities, including: delays in initial assessments, lack of communication with parents/ carers, inappropriate decisions leading to parental appeals via SENDIST hearings, inability of schools to provide inclusive education or access specialist support for vulnerable children;
- Allocates sufficient financial and human resources for: assessments to identify individual needs; provision of services to meet the needs of children with SEN and/or disabilities in mainstream schools; training and support for teaching and non-teaching staff to implement necessary targeted support based on need; additional specialist support where necessary.

Academic selection

The Committee recommends that the Northern Ireland Executive:

- Abolishes academic selection via use of unregulated admission tests to post-primary schools and replaces this with a children's rights compliant system that ends educational inequalities.

Integrated education

The Committee recommends that the Northern Ireland Executive:

- Allocates resources to increase integrated school provision (including capital and revenue funding) to meet demand and the statutory duty to support integrated education;
- Addresses the shortcomings of 'shared' education, including this being predicated on bringing together children of different religions with no reference to those holding non-religious beliefs;
- Ensures implementation of the findings of the Independent Review of Education, due to be finalised in April 2023.

Religious Education [RE]

The Committee recommends that the Northern Ireland Executive:

- Revises the practice of the core RE syllabus being designed by the four main Christian churches, with no involvement of representatives from non-religious or minority faiths;
- Ensures that the RE curriculum acknowledges and respects the beliefs of children with no religion and those with 'minority' faiths.

Home schooled children

The Committee recommends that the Northern Ireland Executive:

- Monitors the number of de-registrations from school; introduces a compulsory register of all home educated children; and ensures that children who are home educated receive full-time education.

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

Play policies and provision

The Committee recommends that the Northern Ireland Executive:

- Reviews its 2011 *Play and Leisure Implementation Plan* and develops an updated, funded plan to deliver every child's right to age-appropriate play and recreational activities;
- Introduces a statutory duty for play, in line with the devolved administrations in Wales and Scotland;
- Strengthens links with Councils and/or community planning partnerships to embed and support the inclusion of play within local policies and strategies;
- Ensures development and maintenance of child-friendly and age-appropriate spaces for play and socialization which are safe, accessible, inclusive, and smoke-free;
- Fully involve children and young people in the planning, design and monitoring of play policies as well as play and leisure facilities – at local and national levels;
- Takes urgent measures to ensure that the negative impacts of COVID-19 on children's right to play are addressed, including provision of support to vulnerable children whose mental health and social development have been affected by restricted access to play;
- Ensures support for the enhancement of play opportunities in schools for children at primary and post-primary levels.

Inclusive play opportunities

The Committee recommends that the Northern Ireland Executive:

- Address deficiencies in availability of safe, inclusive, accessible spaces for play, leisure and socialising that meet the needs of children of all abilities;
- Allocates resources to support the development of inclusive play equipment and environments in local communities;
- Challenges negative attitudes towards children with disabilities within play facilities or spaces, and more broadly in public attitudes.

SPECIAL PROTECTION MEASURES

Asylum-seeking, refugee and migrant children

Accommodation

The Committee recommends that the Northern Ireland Executive:

- Systematically collects and publishes disaggregated data on the number of children seeking asylum in Northern Ireland;
- Takes urgent measures to remove families from 'contingency accommodation' in hotels, where significant concerns have been raised about safeguarding, children's health and wellbeing, access to basic necessities, opportunities for play and recreation, provision of appropriate support for children and parents;

- Ensures provision of appropriate accommodation for asylum seeking families;
- Ensures that all asylum seeking children are provided with child-friendly services, access to health care and education as well as an adequate standard of living.

Family reunion

The Committee recommends that the Northern Ireland Executive:

- Recognises the equal right for unaccompanied or separated children to enjoy family reunion with their parents and minor siblings.

Administration of child justice

Minimum Age of Criminal Responsibility

The Committee recommends that the Northern Ireland Executive:

- Expedites proposals to raise the age of criminal responsibility to at least 14, in compliance with the CRC Committee's recommendations and General Comment No. 24.

Administration of youth justice

The Committee recommends that the Northern Ireland Executive:

- Ensures legal representation and participation throughout the youth justice process;
- Addresses continuing delay in youth justice cases;
- Ensures implementation of community-based diversionary measures outside the formal justice system, with appropriate safeguards (including informed and voluntary consent, access to legal advice, and that diversionary measures do not appear on a child's criminal record).

Use of custody

The Committee recommends that the Northern Ireland Executive:

- Ensures, in statute, that under-18s will not be detained under any circumstances in the prison system at Hydebank Wood;
- Ensures that children are not detained in custody due to lack of alternative accommodation, unjustified bail conditions or homelessness, with the intention of ending inappropriate detention of children in the Juvenile Justice Centre as a place of 'safety' under PACE legislation or on remand;
- Ensures that children with disabilities or mental health needs, Looked After Children and Catholic children are not inappropriately detained in custody;
- Ensures that use of 'single separation' in custody is a measure of last resort to ensure the safety of the young person or others, and is used for the shortest possible period of time;

- Ensures that detained children have prompt access to all necessary health services, including CAMHS, ophthalmology and dental care;
- Ensures provision of guidance and training for staff about the placement of, and responses to, trans or non-binary young people in the Juvenile Justice Centre;
- Considers the establishment of an in-patient facility for young people requiring intensive psychiatric treatment and rehabilitation in a secure, therapeutic environment (similar to the Shannon Clinic for adults).

Children affected by armed conflict

The Committee recommends that the UK Government and Northern Ireland Executive:

- Clarify the legal basis for denying the family of a child killed by UK Security Forces access to government files, including details about alleged 'national security' issues raised in the circumstances surrounding the killing of a child by a police officer or British soldier firing a plastic bullet.

APPENDIX 3: ENDORSEMENTS AND SUBMISSION OF INFORMATION

*Organisations/ individuals contributed information to assist in the writing of the *Northern Ireland Stakeholder Report 1 and Supporting Evidence (2020)* and/or the *Northern Ireland NGO Stakeholder Report 2 and supporting Evidence (2022)*

The following organisations and individuals endorse the *Northern Ireland NGO Stakeholder Report 2*, submitted to the UN Committee on the Rights of the Child in December 2022

Organisations

1. Action for Children NI *(2022)
2. Barnardo's NI *(2020)
3. Children in Northern Ireland *(2020)
4. Children's Law Centre *(2020; 2022)
5. Colin Neighbourhood Partnership
6. Comhairle na Gaelscolaíochta [representative body for Irish-medium education] *(2022)
7. Disability Action NI
8. Employers for Childcare *(2020; 2022)
9. Extern
10. Family Fund *(2020)
11. Human Rights Consortium *(2020; 2022)
12. Include Youth *(2020)
13. Law Centre NI
14. McCann and McCann Solicitors
15. Migrant Centre NI
16. National Autistic Society NI
17. National Children's Bureau *(2020)
18. NDCS [National Deaf Children's Society] NI *(2020; 2022)
19. NIACRO *(2020)
20. Northern Ireland Council for Integrated Education [NICIE] *(2020; 2022)
21. Northern Ireland Humanists *(2020; 2022)
22. Northern Ireland Youth Forum *(2020)
23. NSPCC [National Society for the Prevention of Cruelty to Children] (NI) *(2020; 2022)
24. Pat Finucane Centre *(2020)
25. Parenting NI *(2020; 2022)
26. Phoenix Law Solicitors
27. PlayBoard NI *(2020; 2022)
28. PPR [Participation and the Practice of Rights] *(2020; 2022)
29. Relate NI
30. Relatives for Justice *(2020)
31. Save the Children NI *(2022)

32. Social Change Initiative
33. Start 360 *(2020)
34. STEP [South Tyrone Empowerment Programme] *(2020)
35. The Fostering Network *(2020)
36. The Rainbow Project
37. Training for Women Network
38. VOYPIC [Voice of Young People in Care] *(2020; 2022)
39. Women's Platform *(2022)

Individuals

1. Ciaran White, BL, Senior Lecturer in Law, School of Law, Ulster University
2. Colin Harvey, Professor of Human Rights Law, School of Law and Director of the Human Rights Centre, Queen's University Belfast
3. Conchúr Ó Muadaigh* (2020)
4. Dirk Schubotz, Professor of Youth and Social Policy, School of Social Sciences, Education and Social Work, Queen's University Belfast* (2020; 2022)
5. Fay Watson* (2022)
6. Goretta Horgan, Senior Lecturer in Social Policy, School of Applied Social and Policy, Ulster University
7. John Topping, Senior Lecturer in Criminology, School of Social Sciences, Education and Social Work, Queen's University Belfast* (2020)
8. Laura Lundy, Professor of Children's Rights at Queen's University Belfast, Professor of Law at University College Cork. Joint Editor in Chief of the International Journal of Children's Rights
9. Monye Anyadike-Danes, KC* (2020; 2022)
10. Phil Scraton, Professor Emeritus, School of Law, Queen's University Belfast
11. Rory O'Connell, Professor of Human Rights & Constitutional Law, School of Law, Ulster University

The following organisations contributed valuable information:

1. Committee on the Administration of Justice [CAJ] *(2020; 2022)
2. RCPCH [Royal College of Paediatrics and Child Health] *(2020; 2022)