

Children's Law Centre

RESPONSE

AGE DISCRIMINATION IN GOODS, FACILITIES AND SERVICES

**RESPONSE TO PROPOSALS
FOR A PRIVATE MEMBERS
BILL**

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Children's Rights
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INTRODUCTION

The Children's Law Centre (CLC) is an independent charitable organisation in Northern Ireland (NI) which works towards a society where all children can participate, are valued, have their rights respected and guaranteed without discrimination and where every child can achieve their full potential.

Founded upon the principles enshrined in the United Nations Convention on the Rights of the Child (UNCRC), CLC leads for NI NGOs in co-ordinating the submission of evidence to the UN Committee on the Rights of the Child (CRC) to support and inform its periodic monitoring and reporting work on the UK's compliance with international children's rights standards.

Since establishment in 1997, CLC has provided free legal advice and information as well as strategic legal representation on a growing and increasingly complex range of issues affecting children. As a multi-disciplinary organisation, we offer training and research on children's rights, make submissions on law, policy and practice affecting children and provide a free legal advice, information and representation service. We have a dedicated free phone legal advice line for children, young people, their parents and carers as well as a Live Chat service for young people. Our work is underpinned by a youth advisory panel, Youth@CLC.

Our model of practice is very different to that provided by solicitors and legal practitioners working in private practice. Our expert legal advice, information and representation service is child-accessible and jurisdictionally unique in that regard. The service is free and accessible to children who contact us directly for legal advice and support. Our policy and advocacy work is informed by analysis of our casework, children's lived experiences as communicated to us through Youth@CLC, research and legal analysis.

While we work on behalf of all children in NI, our focus is on vindicating the rights and unmet legal needs of the most marginalised and disadvantaged groups of children in society including but not limited to, children with severe and complex health and mental health needs, special educational needs and disabilities, social and emotional or additional learning support needs, children in or at risk of contact with the criminal justice system and refugee and asylum seeking children.

For many years now, CLC has been actively engaged in advocacy in relation to the need for legislation to protect children and young people from age discrimination when accessing goods, facilities and services (hereafter referred to as Age GFS legislation). CLC engaged with Ministers and

provided evidence to the Assembly when the issue was last substantively considered.¹ More recently we have also worked in partnership with the Equality Commission for Northern Ireland (ECNI) and the Northern Ireland Commissioner for Children and Young People (NICCY) to bring attention to the long-standing need to deliver such legislation.²

In this context, CLC is grateful for the opportunity to respond to Claire Sugden MLA's private members bill consultation on addressing age discrimination in goods, facilities and services. In previous considerations regarding Age GFS legislation, there had been suggestions that such proposals should only apply to those aged 16 and over. As an overarching principle CLC believes it is important to state clearly that the exclusion of children and young people from any Age GFS legislation in Northern Ireland would in itself be age discriminatory, and a fundamental breach of the Government's obligations under the UNCRC and the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998. **We therefore stress the necessity that any Age GFS legislation includes all ages.**

CHILDREN'S RIGHTS STANDARDS

In forming our view on the necessary contents of any Age GFS legislation, we draw upon the standards set out in the UNCRC³, which the UK ratified in 1991 and is regarded and accepted as the authoritative description of the minimum basic human rights standards every child is entitled to and should expect to enjoy; as well as the General Comments (GCs)⁴, Statements and Concluding Observations and Recommendations of the United Nations Committee on the Rights of the Child (the CRC).⁵

While the UNCRC and associated provisions have not been incorporated into domestic legislation in this jurisdiction, they are recognised by the Courts as an authoritative interpretative tool when considering domestic legislation. Further, the European Convention on Human Rights (ECHR)⁶, which is given domestic effect by the Human Rights Act 1998 (HRA), provides protection against discrimination in the enjoyment of other Convention rights. Combined, these standards should be regarded as providing the foundational principles upon which any Age GFS legislation should be built upon.

At the core of the UNCRC is the principle of non-discrimination, meaning that all children should enjoy their rights and should never be subjected to any discrimination.⁷ This is expressed in Article 2 of the UNCRC⁸, which clearly provides that States Parties shall respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of things like social identities, race, disability, or other status (including age). Additionally, Article 4 of the UNCRC⁹ requires that States Parties undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised under the UNCRC.

Most critically, the rights of children as set out in the UNCRC are interdependent and indivisible and so must be understood and applied in the context of the Convention as a whole.¹⁰ The fulfilment of one right fundamentally relies on the fulfilment of others, and thus neglecting the principle of non-discrimination has a detrimental impact on a child's enjoyment of multiple rights. It is our experience that in NI, at the core of age discriminatory policies and practices are stereotypes about children and a lack of recognition that they themselves are rights holders. This results in the infringement on other rights, such as the right to express views and for these to be given due weight (Article 12)¹¹, the right to health (Article 24)¹², and the right to rest and leisure (Article 31)¹³.

Further, in June 2023, following its most recent examination of the UK Government's compliance with its obligations under the UNCRC, the CRC urged the Westminster Government and devolved administrations to take

legislative and other measures to “ensure the protection of all children below 18 from discrimination on the grounds of their age, address discriminatory stereotypes against children, and promote a positive image of children as rights holders”.¹⁴ CLC believes that comprehensive Age GFS proposals that provide protection from discrimination for all children and young people provide the best opportunity to fulfil this recommendation by the CRC.

This latest recommendation follows on from recommendations made since the Committee's very first examination of the UK in 1995, which have been repeated or built upon in subsequent examination processes. Many of the features of the Committee's recommendations across all periodic examinations - 1995, 2002, 2008, 2016 and 2023 - are relevant to deliberations regarding Age GFS, as each one references issues such as: the need to promote the positive image of children as rights holders¹⁵; the importance of addressing age discrimination against 16-18 year olds¹⁶; concern about the general climate of intolerance and negative public attitudes towards children (which are often the underlying cause of further infringements on rights)¹⁷; and the need to take urgent measures to address the “intolerance of childhood” in the UK.¹⁸

In particular, following the deliberations in this jurisdiction in 2015 in relation to Age GFS, the CRC's Concluding Observations from 2016 expressed concern that “the proposed legislation on age discrimination excludes children under 16 years of age” and recommended that the UK Government “expand legislation to provide protection of all children under 18 years of age against discrimination on the grounds of their age”.¹⁹ The systemic and persistent reference to age discrimination issues over the course of thirty years of Concluding Observations and Recommendations to the UK further highlights the necessity to deliver progress by finally addressing the issue through law reform which includes protection from discrimination on the basis of age for all children and young people.

In addition to provisions provided by the UNCRC, **Article 14 of the ECHR** provides for the right to protection from discrimination in the enjoyment of all the other Convention rights.²⁰ This does not place an age range on protection from discrimination and covers ‘other status’ which includes protection from discrimination based on age.²¹ Much like the rights enshrined in the UNCRC, Age GFS will impact on several other ECHR rights as well as non-discrimination, such as the right to liberty and security of person (Article 5).

THE INCLUSION OF CHILDREN AND YOUNG PEOPLE

As set out above, it is CLC's view that the correct application of international human rights standards requires the inclusion of children of all ages in any proposed legislation which seeks to protect against age discrimination when accessing goods, facilities and services. To not do so would ultimately entrench a hierarchy of inequalities, with children and young people at the bottom.

Alongside this rationale is the need for any proposed legislation to be consistent in the objectives of our existing equality law. Only by including children and young people in Age GFS can we ensure the true promotion of equality of opportunity. As part of previous efforts to secure the inclusion of children and young people in proposed legislation an Expert Paper²² was commissioned by the Northern Ireland Commissioner for Children and Young People (NICCY) and the Equality Commission for Northern Ireland (ECNI) which was used to develop policy responses. NICCY and ECNI, around this time, also produced a comprehensive Summary Report²³ that includes examples of age discrimination faced by children in NI, recommendations for how the legislation should progress, and a robust case for including children in Age GFS legislation.

The Expert Paper also stressed the argument outlined above regarding the incompatibility of excluding children and young people in Age GFS with the statutory duty on public authorities to promote equality of opportunity between persons of different ages under Section 75. It states that the arguments for excluding children and young people do not withstand detailed scrutiny when considered against international human rights norms, local legislation, and general equality principles, and thus **excluding children and young people itself amounts to discrimination.**²⁴

In addition, CLC is certain that protection for all children will help improve outcomes for children and young people and is consistent with the commitments of the NI Executive, including through the Children and Young People's Strategy, which commits to ensuring that "children and young people are not treated unfairly due to their age".²⁵

Finally, the language in reference to Age GFS legislation in the New Decade, New Approach²⁶ deal solidifies this argument further, stating: "an age, goods and facilities services bill should also be brought forward by the Executive as the basis for ensuring that **no one** is discriminated against because of their age" [emphasis added]. Perhaps most critically however, when consulting our youth panel, Youth@CLC, they overwhelmingly agreed that age discrimination legislation should include children.

Despite the clear evidence that necessitates the inclusion of children in Age GFS legislation, CLC recognises in prior discussions in 2015, the Government was concerned that including young people would undermine parental rights. In CLC's view, this fear is unfounded. Firstly, the legislation could be drafted to make it clear that it only applied to service providers, not parents acting in their personal capacities. This means that parents would not be subject to litigation by their children. Secondly, it is CLC's experience that parents are supportive of their children being protected in Age GFS legislation, particularly where this protection would ensure equal access to vital services in areas such as health - including mental health - and education. It is also CLC's opinion that legislation could be drafted to ensure that any age limits already in place in other pieces of legislation would not be affected by these proposals, as outlined in further detail below.

At the core of CLC's stance is that negative societal attitudes towards children and young people have resulted in age discrimination being institutionalised in law and policy, which prevents children from fully benefitting from goods, facilities and services.²⁷ If children are not legally recognised as a group protected from discrimination, the incentive for government and service providers to consider their needs in planning and funding decisions is reduced.

Given resources in NI are already inadequate, this is particularly problematic where there are resource implications arising from the legal obligation to ensure additional protections for other age groups. Without including children in this legislation, CLC are concerned that funding for children's services will be diverted to ensure that legal obligations to the ages included in the legislation are met. While more research needs to be conducted to further understand this specific policy dynamic, there is evidence that in countries with more robust social policies and resources that support older adults, there are also higher levels of anti-youth ageism and a transfer of resources from young people to older adults.²⁸

CLC is concerned that this pattern would replicate in NI, and result in differential adverse impacts being suffered by children and young people through a disproportionate investment in adult-oriented services, while essential facilities – such as youth centres, child mental health services, and respite care – are underfunded or overlooked. Over time, this perpetuates the pre-existing cycle where children's interests are consistently deprioritised. Ensuring that age discrimination legislation includes children is therefore a vital step in shaping inclusive, balanced public policy and investment that values all age groups equally.

Considering the combination of international human rights standards, local equality legislation, expert legal analysis, the views of young people in Northern Ireland, and the adverse policy implications of exclusion, **CLC does not believe that there is any legal or practical reason for the exclusion of children from this legislation.**

EVIDENCE OF AGE DISCRIMINATION SUFFERED BY CHILDREN AND YOUNG PEOPLE IN ACCESSING GOODS, FACILITIES AND SERVICES

CLC notes that the consultation questionnaire invites consultees to outline evidence of age discrimination and while there is no official data collected in NI about instances of age discrimination CLC has continued to refresh our understanding of how age discrimination faced by children and young people manifests itself as evidence in support of the long held view that Age GFS legislation should include children and young people.

It is worth pointing out that children and young people are not a homogenous group, meaning that their needs and experiences differ through childhood, just as adults' do. Many of the examples collected by CLC apply to children between around 12-17 years old. However, we believe there is also compelling evidence that very young children and babies experience age discrimination in accessing goods, facilities and services.²⁹ For example, difficulty accessing public transport, and public buildings lacking appropriate changing facilities or access points.

For CLC, the main scenarios of age discrimination that we witness through our work relates to the negative portrayal of children in the media (resulting in negative cultural perceptions of children), a refusal of entry to public services, problems accessing age appropriate mental health care, not being taken seriously in healthcare or education settings, and maltreatment by the police and the justice system.

Media Coverage and Negative Treatment

One of the issues raised by Youth@CLC in seeking their contribution to this submission was the negative perception of children and young people in the media and how this translates to societal perceptions of them. Young people feel like the media disproportionately highlights stories about young people and anti-social behaviour, generally emphasising things like underage drinking and smoking as well as violence or disorder. Research commissioned by CLC in 2022 cements this; it gathered information from 12–17 year-olds in NI and reported that teenagers experience discrimination and prejudice because they are viewed as being 'troublesome' and 'dangerous'.³⁰

Young people from Youth@CLC also shared their concerns about the impact that media discourse around being "snowflakes" has on children and young people. The terms "snowflake" or "the snowflake generation" are pejorative ways to describe young people generally born in the late 1990s and early 2000s, who are perceived as being overly sensitive, easily offended and less resilient than previous generations.³¹ Youth@CLC members stated that this type of stereotype has impacted their ability to access both physical and

mental health care, as well as services in education, as they are not taken seriously by adults in these settings.

As already highlighted, the Committee on the Rights of the Child raised concerns in its most recent concluding observations about the general climate of intolerance and the negative public attitudes towards young people in the UK, including in the media. They noted that this may often be the underlying cause of infringement on children and young peoples' rights and therefore stressed the need to address stereotypes against children and promote the positive image of children as rights holders.³²

Access to Mental Health and Healthcare Services

Age discrimination in access to mental health services is consistently present in NI. There has been a long-standing chronic under-investment in Children and Adolescent Mental Health Services (CAMHS); despite children and young people representing approximately 25% of the population, the total spend on CAMHS is around 8% of the overall mental health budget in Northern Ireland.³³

At the core of this issue is the age discriminatory nature of policymaking in NI, where children are not sufficiently prioritised and thus their needs are not adequately considered, resulting in a disparity in the allocation of resources. As referenced, CLC are concerned that resource allocation and skewed public investment decisions will worsen if children are not included in any proposed legislation, as the government will be required to ensure additional protections for other age groups included in the legislation. Children's interests are already consistently deprioritised or disregarded – as evidenced in the availability of mental health services - and excluding them from this legislation will reinforce their disadvantage.

Youth@CLC also highlighted their personal difficulties in accessing appropriate mental health care. This mostly pertained to facing barriers at the GP or in school settings when seeking care for low mood and anxiety. Adults in these spaces undermined their concerns entirely, or else provided minimal support, such as pointing them to a website link. The consensus was that they felt like they weren't taken seriously because they were perceived as faking it for attention or seeking help solely because it's "trendy". For Youth@CLC members we engaged with, this was tied to the perception of young people as "snowflakes" and it made their ability to access care extremely difficult. Conversely, Youth@CLC stressed that concerns they raised at the GP or in other health settings were often legitimised by the presence of a parent or adult with them. This is just one example of many which strengthens our belief that Age GFS legislation which includes protections for all children and young people can contribute to a meaningful cultural shift which will enable children to be rightly seen and treated as rights holders.

This is substantiated by wider trends in mental health care settings, where

researchers have noted how age contributes to the minimisation of young people's concerns. The negative stereotypes that adult practitioners have about children and young people undermines their ability to access care as they receive unwarranted judgements about being "dramatic" or "going through a phase".³⁴ This unjustifiable treatment by service providers is based solely on stereotypical negative views of children and young people and is inherently age discriminatory.

Education

In a similar way that children and young people are undermined in healthcare settings, Youth@CLC members outlined difficulties in accessing services and support relating to dyslexia and ADHD/ADD in education settings. They stated that this was particularly an issue for older children, who are routinely denied access to support due to the assumption that they would have been diagnosed earlier in their childhood. Much like in healthcare settings, Youth@CLC outlined that children get dismissed as being inherently disruptive in education settings when displaying symptoms of learning or attention difficulties, rather than being taken seriously when they approach teachers with their concerns.

The societal perception that children are unable to understand their own needs or that they will "grow out" of certain behaviour is therefore a further example of unjustifiable treatment based solely on stereotypes. The discriminatory impact of this treatment is that children are unable to access the support that they need and their peers progress while they fall further behind. Age discrimination in education settings therefore leads to some children becoming socially isolated and disengaged from education.

On a more structural level, NI does not have a policy on the use, monitoring or reporting of restrictive practices in educational settings. The introduction of what is seen as progressive mental capacity legislation in 2016, which provides legal clarity around definitions and operating frameworks for the use of Deprivation of Liberty (DoL) orders, does not, however, include educational settings or guidance for under 16s.³⁵ The lack of policy, guidance, and legislative reform to minimise the use of restrictive interventions (or suggest circumstances where it may be necessary) for this group of younger children is an example of unjustifiable age discrimination in education settings. With no legal obligation to record or report on restrictive practices, younger children subjected to these practices face segregation, humiliation, anxiety, fear, and discomfort in education settings.³⁶

CLC recognises that the inclusion of the education sector in Age GFS legislation may be the subject of debate as the legislation progresses. However, age discrimination persists across education settings and not including it in legislation would have an age discriminatory effect as education services primarily impact the lives of children and young people. We are also concerned that age will be used as a proxy in the context of

education where there is increasing evidence that ability and aptitude do not necessarily correlate to age or age-based cut off points. If education was excluded from the legislation, there would be little incentive to abandon inappropriate or arbitrary age-based rules. Critically, we are not advocating that age-based practices are abandoned entirely, only that where they do exist, they must either fall within the positive action exception or they must be capable of objective justification.

Youth Justice and Policing

CLC believes that there is significant potential for Age GFS legislation to address some of the serious inequalities faced by children and young people in their interactions with the Police Service of Northern Ireland (PSNI) and the justice system. Between April 2024 and March 2025, 1,533 children between 13 and 17 years old were stop and searched.³⁷ Of these, only 4.1% led to an arrest.³⁸ Between 2010/2011 and 2018/2019 close to 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.³⁹ The experience of being stopped and searched is an overwhelmingly negative one, with a survey from 2021 highlighting that 77% of respondents describing their experience as negative whilst 65% described the officers who searched them as not polite.⁴⁰

Further, this is a phenomenon that was outlined in the CRC's most recent examination of the UK in May 2023, where the Committee stressed its concern about the continued use of unnecessary stop-and-search checks on children. It recommended that the UK enforce the prohibition of the use of non-statutory stop-and-search checks on children, ensure that the statutory use of stop-and-searches are proportionate and non-discriminatory, and improve the monitoring of stop-and-searches on children through collecting and publishing data.⁴¹

The disproportionate use of stop and search powers is something that CLC has raised consistently for many years, with little to no noticeable change or improvement. Stop and search powers continue to be overused and have resulted in young people identifying the police as unprofessional, aggressive and discriminatory towards young people.⁴² CLC therefore believes that the overuse of stop and search against this age group is an age discriminatory practice which could potentially begin to be addressed through Age GFS legislation.

Children and young people are also at risk of the disproportionate use of Anti-Social Behaviour Orders (ASBOs). These are civil orders that can be made against any individual aged 10 or over for behaviour which is not necessarily criminal in nature. While the raw number of ASBOs issued in NI has declined in recent years, and the use of them is generally considered to be a divergence from local youth justice policy, recent discourse regarding their use have given us cause for concern.

In April 2025, the Department of Justice (DoJ) published the responses to a public consultation on the review of anti-social behaviour legislation.⁴³ In it, youth and children's rights organisations (including CLC), outlined that the use of ASBOs on children should be withdrawn as they breach children's rights under the UNCRC and have the potential to criminalise young people.⁴⁴ Nonetheless, the consultation responses included responses from the general public, with 75% of respondents stating that ASBOs should be imposed on under 18s.⁴⁵ This evidences how wider society perceives and justifies the criminalisation of young people. While the DoJ stated that "further policy development work is required with respect to ASBOs",⁴⁶ the lack of decisive action to discontinue the use of ASBOs for under 18s is evidence of age discriminatory assumptions prevailing in policymaking.

Additionally, the inability of young people, particularly looked after young people, to perfect bail from Woodlands Juvenile Justice Centre (JJC) is a further example of age discrimination in goods, facilities and services. The Police and Criminal Evidence (NI) Order 1989 (PACE) allows the PSNI to refuse bail to a child, including on the basis that they ought to be detained for their own interests.⁴⁷ In 2022/23 there were 224 admissions to the JJC, 176 (78.6%) of which were related to PACE.⁴⁸ CLC has consistently expressed concern that these powers are not used as a measure of last resort but instead have been employed in the absence of alternative accommodation.⁴⁹

This legislation disproportionately impacts children in care and often results in such children being detained inappropriately by the JJC, due to a lack of appropriate alternatives. Of the children in JJC custody in 2022/23, 41.8% were in care – the highest rate in five years. The over representation of looked after children in the justice system is evidence that detention under PACE is not being used as a measure of last resort, but rather, due to a failure to provide an alternative. Further, it is well established by organisations who work with children in NI that once a child has been placed in the JJC under PACE, they are more likely to return on remand, and their admission puts that child on a course to return to custody on a more permanent basis.⁵⁰

It is CLC's view that to allow children who should not be remanded in custody to be detained due to a failure to provide alternative accommodation is a clear breach of the Government's obligations. The level of resources that have been allocated to address this issue through the provision of suitable, alternative accommodation is an example of age discriminatory policy and the failure to protect children in Age GFS legislation will mean that funding issues for children's services will only be exacerbated.

Retail and Public Space

The combination of negative attitudes towards young people alongside the policing of children, means that their access to services is routinely denied or restricted. This includes being refused access to shops without sound justification, being treated badly by staff when using public services, and

experiencing the use of deterrence tactics like Mosquito devices in public space.

For example, Youth@CLC members raised the issue of not being allowed into shops when wearing school uniform, or else only being allowed in if they leave their bags unattended at the door. The underlying assumption of these types of policies is that young people are more likely to engage in theft. Youth@CLC members stressed that this was further compounded by the socioeconomic status associated with certain schools and their uniforms, with unfair assumptions being made about young people from particular schools. The experience of being treated negatively or with less respect by shop staff than adults is a well documented phenomenon in Northern Ireland, with NICCY,⁵¹ the Young Life and Times Survey⁵² and the ECNI all receiving responses and complaints from children and young people about age discriminatory treatment by retailers.

Additionally, mosquito devices – electronic devices that emit high frequency sounds only audible to those under twenty – are still legal in Northern Ireland and are used by retailers and those that manage public space to deter young people.⁵³ Some Youth@CLC members referenced these devices, noting their experiences with them in places like playing fields and parks. The deployment of these devices infringes on several rights enshrined in the UNCRC - including the principle of non-discrimination (Article 2), the right to freedom of assembly and association (Article 15), and the right to play and leisure (Article 31) - and the CRC has consistently called for a strengthening of measures to prevent their use. They serve to further entrench the negative and intolerant attitudes towards children and young people in public spaces and are therefore a form of age discrimination.

Covid-19

The onset of the Covid-19 pandemic highlighted how policy and decision making processes fail to properly consider children and young people in NI. CLC noted at the time that government departments were failing to consider the impacts of their decisions on vulnerable children in NI, with grossly unequal impacts.⁵⁴ It is CLC's view that decisions made about children throughout the pandemic were often poorly informed, disjointed, and have had long term negative consequences. This has also been the case in decisions taken in relation to 'recovery' from the pandemic. One clear example of this is an Equality Commission investigation, conducted following complaints by young people supported by CLC into the High Street Voucher Scheme – which excluded under 18s. ECNI found that the Department for the Economy failed to screen for equality issues at the earliest opportunity and did not properly assess the impacts of the policy on children under 18.⁵⁵ The lack of consideration of the needs of children and young people, and their arbitrary exclusion from policies, is yet another example of how age discrimination manifests on a structural level.

RECOMMENDATIONS FOR AREAS OF PROTECTION

Given age discrimination occurs throughout a range of public arenas in a child's life, CLC recommends that Age GFS legislation gives protection against unlawful discrimination and harassment on the grounds of age in the following areas:

- **Public bodies** when exercising public functions, such as healthcare, mental health care and social care settings, as well as police and prison authorities.
- **Education** and associated services, including services provided by schools, education and library boards, as well as institutions of further education such as universities and colleges.
- **Access to general services** such as retail services, public transport provision or facilities for entertainment.
- **Financial services** such as banking, credit and insurance.
- **Accommodation**, including hotels, boarding houses and the letting and management of housing accommodation provided by both the private and social housing sectors.
- **Private clubs or other associations** including the likes of gyms, golf clubs or political parties

This is consistent with general understandings of what goods, facilities and services are as well as approaches adopted under other equality legislation in NI.

AGE-BASED PRACTICES AND EXCEPTIONS

CLC recognises that there are certain instances where age-based practices and exceptions may be justified and it is our view that Age GFS legislation should permit them in specific circumstances. These should be narrowly construed and objectively justifiable.

To note, the inclusion of exceptions in anti-discrimination laws is a common practice, and therefore CLC does not believe that legislation would be unworkable simply because there would be exceptions. As outlined by the Expert Paper⁵⁶, provided exceptions are drafted clearly and carefully, there is no reason for any issues in justifying the necessity of this legislation.

With that in mind, Age GFS legislation should be expressly formulated to ensure that children and young people – and indeed any group – can be treated differently only where a social objective is being pursued and the measure adopted to achieve that aim can be justified. By social policy objective, we mean a policy that is of a 'public interest nature', as opposed to a purely private aim of a service provider. Examples of these include immunisation programmes, screening programmes, youth clubs, youth training schemes, and breakfast clubs.

Additionally, Age GFS legislation should include provision for positive action by service providers. They should be permitted to take proportionate action if it is aimed at, overcoming or minimising a disadvantage or meeting the needs of a particular group so that they can participate in an activity where their participation is proportionally low.

CLC also notes that it seems likely, based on issues that were raised in 2015, that Age GFS legislation will fuel a debate as to the extent to which children should be prevented from engaging in activities. Most of these will have no immediate connection with the provision of goods, facilities and services, however we anticipate discussions around issues like the age at which people can vote, marry, consent to medical treatment, or drink alcohol. These would, in our view, be outside of the scope of this specific legislation.

As the Expert Paper⁵⁷ succinctly highlights, if it is lawful for children and young people to carry out these activities then there is no reason they should not be protected from Age Discrimination GFS. If, on the other hand, it is not lawful to carry out these activities, then no issue arises as to discrimination in the provision of services associated with them.

A related point is that Age GFS legislation can include an exception for statutory authority, meaning that public and private organisations can act

in compliance with statutory provisions without fear of litigation under anti-discrimination legislation. Essentially, Age GFS legislation would be secondary to other legislation that imposes age limits. This could apply to legislation which both predates and post-dates the date on which the proposed legislation comes into force.

PRACTICALITIES, GUIDANCE AND ENFORCEMENT

CLC believes that for Age GFS legislation to be impactful, adults working across goods, facilities and services will need to be trained not only to avoid perpetuating age discriminatory behaviour, but also to identify instances of age discrimination. The Judiciary in NI will also need to be trained on how to identify age discrimination as well as to fully understand the wide-ranging impact such discrimination can have on the life of a child. While we recognise that addressing the underlying cultural stereotypes that result in age discriminatory policies will require more than baseline training, this is a good initial step to successfully implementing and building awareness around age discrimination against children.

Further, children and young people will need to be informed on their rights, with support in place to help them identify when/if they have experienced age discrimination in accessing goods, facilities and services. It is CLC's view that children are generally aware that something may not be right about how they have been treated, but they don't always have the knowledge of their rights or the specific language to identify when something is discrimination. Working with them to raise awareness is a crucial first step.

With regards to enforcement and remedies for breach, CLC considers that the organisation responsible for enforcing the legislation – the ECNI – should have a power to allow it to bring proceedings in its own name, as it has for other equality legislation. This would enhance the protection of children and young people by ensuring that important issues were litigated where a claimant who was a child did not have an adult support network to pursue the litigation.⁵⁸ Nonetheless, it should be noted that if the ECNI are to undertake new powers and duties in relation to age discrimination, they will require additional resources.

For specific enforcement provisions, the previous proposals outlined in Age GFS legislation in 2015 were the following, which CLC believes should also be included this time:

- A person who believes they have been discriminated against may bring proceedings before a county court to get a ruling on whether discrimination has occurred and seek a remedy for the wrongdoing (usually financial compensation).
- A person who is a victim of alleged discrimination and is considering bringing proceedings under the regulations should have the benefit of a standard form by which to question the alleged discriminator, and there would be a similar form available for the alleged discriminator to respond.

- Other provisions on evidence, burden of proof and remedies consistent with other equality legislation that applies to goods, facilities and services

CLC notes that, as per arguments raised in 2015, there is concern among policymakers that including children in Age GFS legislation would lead to a significant number of cases being brought. Based on the experiences of other jurisdictions where children are included⁵⁹, it is CLC's understanding that their inclusion has not led to a significant increase in cases. These jurisdictions - most notably Canada, Belgium and Australia - also demonstrate that children and young people can be protected in Age GFS legislation and that suitable exceptions can be formulated without encountering drafting difficulties or creating any undesirable or unintended consequences.⁶⁰ They also identify a wide range of scenarios where the prohibition of age discrimination makes a real difference for children and young people, and CLC recommends considering the full details of how these jurisdictions legislated around Age GFS to guide decisions around practicalities, guidance and enforcement.

FURTHER COMMENTS

Childhood is a critical time not only for development and growth, but also for the early formation of identity, beliefs and values. Children's concept of themselves and their role in society are influenced by their everyday interactions and experiences with caregivers and peers.⁶¹ If these experiences are discriminatory and exclusionary in nature, children may experience long-term negative ramifications in areas such as physical and mental health and educational attainment.⁶² Further, experiencing age discrimination in access to goods, facilities and services has a disproportionate impact on children. Their childhood is finite, so any delay or barrier in accessing support and services is more acute.

It is also important that age discrimination, and all types of discrimination, are understood from an intersectional perspective, meaning that depending on one's varying social identities, they will experience age discrimination in different ways. For example, gendered and ageist stereotypes often compound, resulting in young girls being taken less seriously, or young boys being labelled as inherently disruptive. Further, age discrimination against young people is often disproportionately, falsely and unfairly applied to children and young people with marginalised identities in ways that uphold racism and cis-heterosexism.⁶³ Negative stereotypes such as laziness are more often applied to Black adolescents, for example, and ageist assumptions about children being immature and cognitively underdeveloped falsely portray trans and gender nonconforming children as incapable of gender self-identification.⁶⁴ It is CLC's experience, both from our casework and through direct engagement with young people, that the pervasive nature of discrimination faced by children and young people is such that discrimination on the basis of age is almost always a factor in a situation where the primary form of discrimination (or at least what appears to be the primary form) reported is of another nature.

Therefore, while age may in some instances be the primary reason for discrimination, the nature of discrimination someone experiences will vary depending on gender, sexual orientation, ethnicity, religion, disability, socioeconomic status and other factors. To strengthen rights and equality for people who experience discrimination, any legislation should consider how an individual may experience multiple forms of discrimination at once. Similarly, if age discrimination is not determined to be the primary form of discrimination experienced, it should still be considered by any proposed legislation as an aggravating or contributing factor.

CONCLUSION

CLC is grateful for the opportunity to provide this submission in relation to the development of Age GFS legislation in NI. By reflecting on previous deliberations relating to potential legislation, the UK and devolved administration's obligations under international human rights standards, NI equality principles, and the evidence of age discrimination suffered by children in NI, we hope to have evidenced a **robust case** for including children and young people in such legislation. We hope that our comments have been constructive and useful, and remain willing to engage on an ongoing basis to support the development of this legislation, which is long overdue. Unjustified age discrimination in the provision of goods, facilities and services must finally be tackled so that people of **all ages** are treated fairly and with dignity.

REFERENCES

- 1 NI Assembly (2014). Official Report, Age Discrimination Legislation relating to Goods, Facilities and Services: Children's Law Centre. Available at: https://www.niassembly.gov.uk/globalassets/documents/official-reports/of-mdfm/2013-2014/140402_agediscriminationlegislationchildrenslawcentre1.pdf
- 2 Equality Commission for Northern Ireland (2023). Age discrimination law needs strengthened in NI. Available at: <https://www.equalityni.org/Footer-Links/News/Delivering-Equality/Age-discrimination-law-needs-strengthened-in-NI>
- 3 The United Nations Convention on the Rights of the Child (1989). Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- 4 United Nations Committee on the Rights of the Child. General Comments database. Available at: <https://www.ohchr.org/en/treaty-bodies/crc/general-comments>
- 5 The Concluding Observations and Recommendations of the United Nations Committee on the Rights of the Child to the UK can be accessed as follows: (i) 1995 CRC/C/15/Add.34: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2F15%2FAdd.34&Lang=en (ii) 2002 CRC/C/15/Add.118: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2F15%2FAdd.118&Lang=en (iii) 2008 CRC/C/GBR/CO/4: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F4&Lang=en (iv) 2016 CRC/C/GBR/CO/5: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F5&Lang=en (v) 2022 CRC/C/GBR/CO/6-7: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en
- 6 The European Convention on Human Rights. Available at: <https://www.echr.coe.int/european-convention-on-human-rights>
- 7 The United Nations Convention on the Rights of the Child (1989).
- 8 Ibid.
- 9 Ibid.
- 10 UNICEF UK (2022). A child-rights based approach. Available at: <https://www.unicef.org.uk/child-friendly-cities/crba/#:~:text=2.-,Interdependence%20and%20indivisibility,or%20to%20freedom%20of%20expression>

- 11 The United Nations Convention on the Rights of the Child (1989). Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>
- 12 Ibid.
- 13 Ibid.
- 14 2023 CRC/C/GBR/CO/6-7
- 15 1995 CRC/C/15/Add.34
- 16 2002 CRC/C/15/Add.118
- 17 2008 CRC/C/GBR/CO/4
- 18 2016 CRC/C/GBR/CO/5
- 19 Ibid.
- 20 The European Convention on Human Rights. Available at: <https://www.echr.coe.int/european-convention-on-human-rights>
- 21 BB v UK , no. 53760/00, ECHR 2004
- 22 NICCY and ECNI, (2013). Expert Paper: Strengthening Protection for all Ages, Protecting children and young people against unlawful age discrimination in the provision of goods and services. Available at: https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/ExpertPaper-ExecSummaryOnly_Age-GFS_ProtectingAllAges-IncCYP_v1_18413.pdf
- 23 NICCY and ECNI, (2013). Summary Report: Strengthening Protection for Children and Young People When Accessing Goods, Facilities and Services. Available at: <https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Age-children-and-young-people-summary.pdf>
- 24 Ibid.
- 25 NI Executive, (2020). Children and Young People's Strategy: 2020-2030, pp. 89-90. Available at: <https://www.education-ni.gov.uk/sites/default/files/publications/education/final-executive-children-and-young-people%27s-strategy-2020-2030.pdf>
- 26 UK Government, (2020). New Decade, New Approach, p. 41.
- 27 Wray-Lake, L., Rottenberg, J. and Kennedy, H. (2025). Anti-Youth Ageism: What It Is and Why It Matters. *Child Development Perspectives*.
- 28 Bratt, C., Abrams, D. and Swift, H.J., 2020. Supporting the old but neglecting the young? The two faces of ageism. *Developmental psychology*, 56(5), p.1029.
- 29 Children's Rights Alliance for England, (2009). Making the case: why children should be protected from age discrimination and how it

can be done: Proposals for the Equality Bill. Available at: <https://archive.crin.org/en/library/publications/united-kingdom-making-case-why-children-should-be-protected-age-discrimination.html#:~:text=Young%20Equals%20is%20calling%20on,children%2C%20including%20alcohol%20and%20cigarettes>

30 D. Haydon, (2022). Rights Here Right Now: Children and Young People's Report to the UN Committee on the Rights of the Child about Children's Rights in Northern Ireland, Children's Law Centre and Youth@CLC, pp. 16-19.

31 Zavodna, L.S., (2022). Is the Snowflake Generation More Sensitive? Research from the Teaching of the New Generation. Teaching Generation Snowflakes: New Challenges, p.8.

32 2023 CRC/C/GBR/CO/6-7

33 NI Assembly Public Accounts Committee, (2024). Report on Mental Health Services in Northern Ireland. Available at: <https://www.niassembly.gov.uk/assembly-business/committees/2022-2027/public-accounts/reports/public-accounts-committee---report-on-mental-health-services-in-northern-ireland/>

34 Byrne, S.J., Bellairs-Walsh, I., Rice, S.M., Bendall, S., Lamblin, M., Boubis, E., McGregor, B., O'Keefe, M. and Robinson, J. (2021). A qualitative account of young people's experiences seeking care from emergency departments for self-harm. International journal of environmental research and public health, 18(6), p.2892. Available at: <https://www.mdpi.com/1660-4601/18/6/2892>

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

36 NI Assembly Committee for Education, (2021). Briefings on restrictive practices, seclusion and restraint from Parent Action. Available at: <https://www.youtube.com/watch?v=3GQQIzPTsSQ>

37 Police Service of Northern Ireland, (2025). Use of Stop and Search Powers by the Police in Northern Ireland: 1 April 2024 to 31 March 2025. Available at: https://www.psni.police.uk/sites/default/files/2025-05/PSNI%20Stop%20and%20Search%20Report%20Q4%202024_2025.pdf

38 Ibid.

39 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/>

40 Burke, S. (2023). PSNI Stop and Search Survey: Summary Findings. Available at: <https://www.psni.police.uk/sites/default/files/2023-03/Stop%20and%20Search%20Survey%20Summary%20Findings%20Report.pdf>

41 CRC/C/CO/GBR/6-7

42 Burke, S. (2023). PSNI Stop and Search Survey: Summary Findings. Available at: <https://www.psni.police.uk/sites/default/files/2023-03/Stop%20and%20Search%20Survey%20Summary%20Findings%20Report.pdf>

43 Department of Justice, (2025). A consultation on proposals to amend the legislation to help tackle anti-social behaviour: Summary of Responses. Available at: Anti-social behaviour public consultation responses published. Available at: <https://www.justice-ni.gov.uk/news/anti-social-behaviour-public-consultation-responses-published>

44 Ibid.

45 Ibid.

46 Ibid.

47 Police and Criminal Evidence (Northern Ireland) Order, (1989). Article 39. Available at: <https://www.legislation.gov.uk/nisi/1989/1341/contents>

48 NICCY, (2024). Justice Briefing. Available at: <https://www.niccy.org/wp-content/uploads/2024/06/Justice-Briefing-%E2%80%93-June-2024.pdf>

49 Children's Law Centre, (2025). Children's Law Centre Calls for Urgent Amendments to the Justice Bill. Available at: <https://childrenslawcentre.org.uk/childrens-law-centre-calls-for-urgent-amendments-to-the-justice-bill/>

50 NICCY, (2024). Justice Briefing. Available at: <https://www.niccy.org/wp-content/uploads/2024/06/Justice-Briefing-%E2%80%93-June-2024.pdf>

51 NICCY, (2006). Young Consumers Report. Available at: <https://www.niccy.org/wp-content/uploads/2022/03/niccy-young-consumers-report.pdf>

52 ARK Young Life and Times Survey, (2010). Rights and Perceptions. Available at: https://www.ark.ac.uk/ylt/2010/PERCEPTIONS_AND_RIGHTS/index.html

53 NICCY and ECNI, (2013). Strengthening Protection for Children and Young People when accessing goods, facilities and services: Summary Report. Available at: <https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Age-children-and-young-people-summary.pdf>

54 Children's Law Centre, (2020). Response to consultation on cross-departmental Covid-19 vulnerable children and young people's plan. Available at: <https://childrenslawcentre.org.uk/consultation-responses/>

55 Children's Law Centre, (2023). Children's Law Centre Support Young Person in Successful High Street Voucher Scheme Complaint. Available at: <https://childrenslawcentre.org.uk/childrens-law-centre-support-young-person-in-successful-high-street-voucher-scheme-complaint/>

56 R. Allen QC and D. Masters BL, (2013). Expert Paper - Strengthening Pro-

tection for All Ages: Protecting children and young people against unlawful age discrimination in the provision of goods and services, commissioned by NICCY and ECNI. Available at: https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/ExpertPaper_FULLAge-GFS_ProtectingAllAges-IncCYP_v1_18413.pdf

57 Ibid.

58 R. Allen QC and D. Masters BL, (2013). Expert Paper - Strengthening Protection for All Ages: Protecting children and young people against unlawful age discrimination in the provision of goods and services, commissioned by NICCY and ECNI. Available at: https://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/ExpertPaper_FULLAge-GFS_ProtectingAllAges-IncCYP_v1_18413.pdf

59 Ibid.

60 Ibid.

61 United Nations Children's Fund, (2022). Rights denied: The impact of discrimination on children, UNICEF, New York. Available at: www.unicef.org/media/130801/file/rights-denied-discrimination-children-EN.pdf

62 Ibid.

63 Wray-Lake, L., Rottenberg, J. and Kennedy, H., 2025. Anti-Youth Ageism: What It Is and Why It Matters. *Child Development Perspectives*.

64 Ibid.

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