

NORTHERN IRELAND NGO ALTERNATIVE REPORT

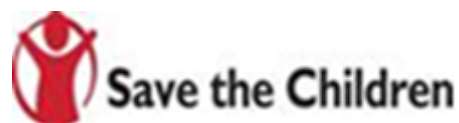
**SUBMISSION TO THE
UNITED NATIONS COMMITTEE ON THE RIGHTS OF
THE CHILD
FOR CONSIDERATION DURING THE COMMITTEE'S
EXAMINATION
OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND GOVERNMENT REPORT
(MAY 2014)**

CHILDREN'S LAW CENTRE

and

SAVE THE CHILDREN NI

JUNE 2015



NORTHERN IRELAND NGO ALTERNATIVE REPORT

CHILDREN'S LAW CENTRE and SAVE THE CHILDREN NI

JUNE 2015

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ENDORSEMENT

We the undersigned endorse this submission, including recommendations, to the UN Committee on the Rights of the Child in respect of the implementation of the CRC in Northern Ireland:

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Action Mental Health

AFASIC

Ardoyne Youth Providers Forum

Barnardo's Northern Ireland

Belong

Bryson Energy

Centre for Children's Rights, Queen's University Belfast

Children and Youth Programme, Ulster University

Children in Northern Ireland

Committee on the Administration of Justice

Contact

Contact a Family NI

Disability Action

Early Years

Extern

Family Fund

Focus: the Identity Trust

Gingerbread NI

Include Youth

Integrated Education Fund (IEF)

Mencap Northern Ireland

MindWise

National Children's Bureau Northern Ireland (NCB NI)

National Deaf Children's Society (Northern Ireland)

National Society for the Prevention of Cruelty to Children (Northern Ireland) (NSPCC)

NIACRO

Northern Ireland Council for Ethnic Minorities (NICEM)

Northern Ireland Council for Integrated Education (NICIE)

Northern Ireland Youth Forum

Parenting NI

PlayBoard NI

Polish Educational & Cultural Association Northern Ireland (PECA)

Public Achievement

Quaker Service

Royal National Institute of Blind People Northern Ireland (RNIB Northern Ireland)

Rural Community Network

SAIL - Support Acceptance Information & Learning

South Tyrone Empowerment Programme (STEP)

Start 360

The Rainbow Project

The Special Educational Needs Advice Centre (SENAC)

Voice of Young People in Care (VOYPIC)

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CONTENTS

| | |
|--|-----------|
| INTRODUCTION | 8 |
| COMPILATION OF THE NI NGO ALTERNATIVE REPORT | 8 |
| FORMAT OF THE NI NGO ALTERNATIVE REPORT | 8 |
| OPTIONAL PROTOCOL ON CHILDREN IN ARMED CONFLICT | 9 |
| OPTIONAL PROTOCOL ON A COMMUNICATION PROCEDURE | 9 |
| GENERAL MEASURES OF IMPLEMENTATION | 9 |
| GENERAL PRINCIPLES | 12 |
| • Non-discrimination | 12 |
| • Best interests of the child | 14 |
| • Right to life | 14 |
| • Right to be heard | 15 |
| CIVIL RIGHTS AND FREEDOMS | 16 |
| FAMILY ENVIRONMENT AND ALTERNATIVE CARE | 19 |
| VIOLENCE, ABUSE AND NEGLECT | 21 |
| CHILDREN WITH DISABILITIES | 23 |
| BASIC HEALTH AND WELFARE | 25 |
| MENTAL HEALTH | 26 |
| CHILD POVERTY | 29 |
| EDUCATION, LEISURE AND CULTURAL ACTIVITIES | |
| • Education | 31 |
| • Play and Leisure | 37 |
| SPECIAL PROTECTION MEASURES | |
| • Asylum-seeking and migrant children | 39 |
| • Sale, Trafficking and Abduction of Children | 40 |
| • Sexual Exploitation and Abuse | 41 |
| • Administration of Juvenile Justice | 43 |

| | |
|---|-----------|
| ANNEX 1 – ADDITIONAL INFORMATION ON THE STATE OF CHILDREN’S RIGHTS IN NORTHERN IRELAND | 56 |
| ANNEX 2 – LIST OF RECOMMENDATIONS | 84 |
| ANNEX 3 – LIST OF ABBREVIATIONS | 91 |

INTRODUCTION

Northern Ireland (NI) has a population of 1.811 million. Children under the age of 18 represent approximately 23.84% of the population.¹ The Northern Ireland Assembly (NIA) was established to give effect to the Good Friday Agreement, the multi-party peace negotiations signed on 10th April 1998. Powers were initially² devolved to the NIA in December 1999, with legislative and executive authority in respect of devolved matters transferring from the UK Government at Westminster to the NIA and NI Executive, enabling the Assembly to pass laws and make decisions, initially in relation to eleven Government Departments, which became twelve³ following the devolution of policing and justice in the 2010 Hillsborough Agreement.⁴ The British Secretary of State for NI retains responsibility for 'excepted and reserved matters' and represents NI within the UK Westminster cabinet. Reserved matters can be transferred to the NIA in future, excepted matters will remain with the UK Government.

NI experienced 30 years of intense conflict between the late 1960s and 1990s and remains a society in transition from conflict. Non-State forces still operate and the threat from these organisations, while reduced, remains real. Marches organised by the Orange Order, a Protestant fraternity committed to remaining part of the UK, occur regularly. There are over 4000 marches per year in Northern Ireland, with 5% of these considered contentious.⁵ A resolution to the issue of contentious marches has proved illusive and has resulted in sporadic street violence.

Community division and segregation in housing, education, public services and leisure facilities is the daily reality experienced by most children.⁶ Over 90% of public housing is segregated along religious lines.⁷ While forced exile out of communities, shootings and assaults by non-state forces against children still continue, these have diminished. Many of the children whose past trauma went unrecognised now have families of their own. Trans-generational trauma manifests itself in a variety of ways, impacting on the ability of children to participate in society, affecting children's education and mental health.⁸ There has been a rise in inward migration with increasing numbers of newcomer children and families settling in Northern Ireland. Racist attacks and race incidents are being reported with increasing frequency.⁹

COMPILATION OF THE NI NGO ALTERNATIVE REPORT

The NI NGO Alternative Report was compiled and written by the Children's Law Centre (CLC) and Save the Children (SC) supported by the Centre for Children's Rights at Queen's University Belfast (QUB). It is informed by a series of consultation workshops conducted with a wide range of NGOs and children across NI between November 2014 and March 2015 and an online survey of 752 children.

FORMAT OF THE NI NGO ALTERNATIVE REPORT

This report is divided into sections based on the clusters of rights under the CRC. Previous Committee Concluding Observations in relation to the United Kingdom (2008) provide the basis for analysis. Recommendations are proposed at the end of each cluster in order to give effect to the CRC in NI. The report also refers to new areas of concern. References to children mean all children and young people under 18. Annexes are included containing statistics and information relating to the current state of children's rights in Northern Ireland under each CRC cluster. A list of all recommendations and abbreviations is also included

OPTIONAL PROTOCOL ON CHILDREN IN ARMED CONFLICT

The NIA and Executive have no remit with regard to recruitment to the British army. Given the experience of the involvement of children in the NI conflict we acknowledge the long-term detrimental impact of the recruitment of children in both non-state and state forces and wish to see an end to the recruitment of children to armed forces.

OPTIONAL PROTOCOL ON A COMMUNICATION PROCEDURE

The UK has not signed the Optional Protocol on a Communication Procedure.

GENERAL MEASURES OF IMPLEMENTATION

The Committee recommends that the State party continue to take measures to bring its legislation into line with the Convention. To this aim, the State party could take the opportunity given in this regard by the development of a Bill of Rights in Northern Ireland and a British Bill of Rights, and incorporate into them the principles and provisions of the Convention... (UN Committee 2008, paras.10 – 11)

The CRC is not binding in domestic courts in NI. No progress has been made by the UK Government on the implementation of a Bill of Rights for NI. A NI Bill of Rights, incorporating the principles and provisions of the CRC is a longstanding demand of NI NGOs.¹⁰ There has been no progress with regard to incorporation of the CRC.

The Conservative party UK Government has committed to repealing the Human Rights Act 1998 and replacing it with a British Bill of Rights.¹¹ NGOs are extremely concerned that this will significantly weaken the protection of human rights in NI.¹² The principles of the CRC are not taken into account in all pieces of legislation and the compliance of all legislation affecting children with the CRC has not been ensured. Whilst some legislation attempts to reflect some of the principles of the CRC, there has been no comprehensive audit or routine child rights assessment of existing or new legislation.

The Committee reiterates its previous recommendation that the State party ensure effective coordination of the implementation of the Convention throughout the State party, including locally, especially where local authorities have significant powers to determine their priorities and allocate budgets. To this end, the State party – in addition to ensuring that each of the jurisdictions has a well-resourced and functioning coordinating body – could allocate responsibility for the coordination and evaluation of the Convention across the State party to a single, high-profile mechanism (UN Committee 2008, paras.12 – 13)

In NI, the Children and Young People's Unit (CYPU) within the Office of the First and Deputy First Minister (OFMDFM), under the portfolio of two Junior Ministers, has responsibility for children's issues, including implementation of the CRC. There is no Minister for Children in NI. Concerns exist about the ability of the CYPU to operate as a central coordinating unit within Government as it has no power to hold other Government Departments to account. Research found that the CYPU does not meet international standards as it lacks the high level authority, influence and resources of an inter-departmental statutory committee or a Minister for Children.¹³

There is strong support amongst NGOs for an enforceable statutory mechanism to be put in place to ensure co-operation across Government (see Annex 1, GMI1).

The Committee encourages the State party to adopt comprehensive plans of action for the implementation of the Convention in all parts of the State party, in cooperation with the public and private sectors involved in the promotion and protection of children's rights and based on a child right approach... The Committee also recommends that the State party ensure adequate budget allocations and follow-up and evaluation mechanisms for the full implementation of the plans of action to regularly assess progress achieved and identify possible deficiencies... (UN Committee 2008, para.15)

NI has a Ten Year Strategy 2006 - 16 for Children and Young People. It does not aim to be the CRC implementation plan and effectively has not been operative since April 2011 when the last Action Plan ended. NGOs are extremely dissatisfied by the lack of implementation of a national strategy supported by action plans, targets and measures charting progress.¹⁴

Legislation, policies and strategies in NI are often non-compliant with Government's obligations under the CRC and the CRC is not regularly used as a framework for their development. Research notes increasing reference to children's rights within Government strategies, policies and action plans, but that practice remains inconsistent.¹⁵

The Committee recommends that the State party ensure that all four established Commissioners be independent, in compliance with the Paris Principles and mandated, inter alia, to receive and investigate complaints from or on behalf of children concerning violations of their rights. These bodies should be equipped with the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner so that the rights of all children in all parts of the State party are safeguarded... (UN Committee 2008, para.17)

Concerns remain around the fact that the Northern Ireland Commissioner for Children and Young People (NICCY) is not Paris Principles compliant. A review¹⁶ of NICCY's legislation raised concerns about the independence of the office and the extent of OFMDFM's involvement in NICCY's operational matters (see Annex 1, GMI2 - 3). There has been no change to the powers of the Commissioner.

...The Committee recommends that the State party, in accordance with article 4 of the Convention, allocate the maximum extent of available resources for the implementation of children's rights...Child rights impact assessment should be regularly conducted to evaluate how the allocation of budget is proportionate to the realisation of policy developments and the implementation of legislation (UN Committee 2008, para.19)

The majority of funding available to the NI Executive comes from a 'block grant' from the UK Government. The Executive decides how money is allocated. NI is currently facing significant budgetary pressures (see Annex 1, GMI4). In NI the amounts of money spent on children are usually not specified nor disaggregated from total expenditure.¹⁷ The impact of austerity is a significant priority for NGOs, who believe that children's rights are being jeopardised.¹⁸ There was no child rights impact assessment conducted in determining recent budgetary cuts.

The Committee recommends that the State party further strengthen its efforts, to ensure that all of the provisions of the Convention are widely known and understood by adults and children alike, inter alia by including the Convention in the statutory national curriculum, and that it ensures that its principles and values are integrated into the structures and practice of all schools. It also recommends the reinforcement

of adequate and systematic training of all professional groups working for and with children...(UN Committee 2008, para.21)

There is no recent data on the level of knowledge or understanding of children's rights among adults (see Annex 1, GMI5). NGOs raised concerns that adults can perceive the promotion of children's rights as potentially undermining their rights and suggest the Government emphasises the benefits of children's rights to address these perceptions.¹⁹ Knowledge of the CRC among children is low (see Annex 1, GMI5 - 6). Addressing the lack of awareness of rights amongst children is a priority for NGOs.²⁰

NGOs have concerns that children's rights training for professionals is piecemeal.²¹ Due to severe budget cuts across public authorities, budgets for children's rights training have been withdrawn. The CRC is not a compulsory part of the NI curriculum (see Annex 1, GMI7).

The Committee recommends that the State party encourage the active and systematic involvement of civil society, including NGOs and associations of children, in the promotion and implementation of children's rights... (UN Committee 2008, para.23)

There are few structures in place for cooperation between Government and children's sector organisations in NI. Government Departments and agencies have dedicated Children's Champions but this mechanism has not delivered with the exception of the Police Service Northern Ireland (PSNI) which regularly meets with youth justice NGOs. Direct engagement by Government with children is extremely limited, despite statutory duties on Government to consult with children in the development of policies.²² The Participation Network, which was established to support Government to engage with children in decision-making,²³ had its funding withdrawn in 2012. A lack of evidence of systematic engagement and children's views impacting on policy development is noted.²⁴

Data collection

Statistics produced on children's rights in NI are very limited. The data that is collected is not comparable across jurisdictions. The Government does not produce an annual overview of the state of children's rights. A Child Rights Indicator Framework is yet to be finalised.

The UK Government should:

- **Sign and ratify the Optional Protocol on a Communication Procedure;**
- **Incorporate the CRC into domestic law and develop a statutory child rights impact assessment process to ensure that legislation and policy affecting children is CRC compliant;**
- **Desist from repealing the Human Rights Act 1998;**
- **Introduce a NI Bill of Rights ensuring that it affords maximum protections to all NI children;**
- **Ensure that resources are allocated to the maximum extent possible and analyse spending on children across each jurisdiction of the State party.**

The NIA and Executive should:

- **Incorporate the CRC into domestic law and develop a statutory child rights impact assessment process to ensure that legislation and policy affecting children is CRC compliant;**
- **Ensure that the CYPU is given an adequate mandate to ensure implementation of the CRC across Government;**

- Introduce a legislative statutory duty requiring Government to cooperate and pool resources to meet the needs of children with their best interests as a primary consideration;
- Implement a comprehensive, national strategy for the implementation of the CRC, supported by adequate budgets, action plans, targets and measures which chart progress;
- Amend the Commissioner for Children and Young People (Northern Ireland) Order 2003 to ensure Paris Principles compliance;
- Allocate resources to the maximum extent possible for the implementation of children's rights, establish mechanisms to enable disaggregated analysis of spending on children and ensure child rights impact assessments are conducted;
- Ensure that training on children's rights is mandatory across Government;
- Urgently implement an adequately resourced strategy for raising awareness of children's rights;
- Ensure that education on children's rights is central to the statutory curriculum in education;
- Strengthen cooperation between civil society and Government in the implementation of children's rights. Direct engagement between Government and children should be facilitated through the proper implementation of Section 75 of the Northern Ireland Act 1998;
- Establish systems for the collection of disaggregated data on children across Government;
- Produce annual reports on the state of children's rights and CRC implementation which are the subject of debate by the NIA.

GENERAL PRINCIPLES

Non-discrimination

The Committee recommends that the State party ensure full protection against discrimination on any grounds, including by (a) Taking urgent measures to address the intolerance and inappropriate characterization of children, especially adolescents, within the society, including in the media... (UN Committee 2008, para.25)

Children consistently raise the issue of the negative treatment which they receive in society. A survey of 16 year olds highlighted the negative attitudes that children in NI face (see Annex 1, GP1) with 77% of respondents stating that the media portrays children mostly negatively.²⁵ Research from 2010 analysed 6 months of local print media's representations of children.²⁶ Common themes related to under-age drinking, anti-social behaviour, crime, drug taking, violence, suicide and calls for harsh, reactionary measures.²⁷ Further research also illustrates the impact of negative labelling, with children²⁸ highlighting discrimination and negative stereotypes attributed to groups of children by the media, with comparable behaviour by adults not similarly represented. Children highlighted the impact of negative media representations on the treatment they receive, particularly from the police and paramilitaries.

... (b) Strengthening its awareness-raising and other preventive activities against discrimination and, if necessary, taking affirmative actions for the benefit of vulnerable groups of children, such as Roma and Irish Travellers' children; migrant, asylum-seeking and refugee children; lesbian, bisexual, gay and transgender children (LBGT); and of children belonging to minority groups... (UN Committee 2008, para.25)

Traveller children

Census figures on the number of Travellers living in NI are considered to be a significant underestimate (see Annex 1, GP2). The Equality Commission for NI (ECNI) found that 30% of persons surveyed hold negative attitudes towards Travellers, with 54% saying they would mind having a Traveller as a neighbour.²⁹ Traveller children regularly report incidents of racist behaviour directed at them by children and adults.³⁰ A recent survey of Travellers found that 48% of respondents reported racially motivated bullying of Traveller children in school.³¹

Migrant, asylum-seeking and refugee children & minority ethnic children

Negative attitudes towards minority ethnic groups exist in NI (see Annex 1, GP3). Research shows that children suffer racist bullying in schools (see Education section). NGOs highlight racism as an issue for children which impacts on their ability to play outside their homes, with racism being a particular issue across Belfast. NGOs recommend greater awareness raising and preventative activities within schools.³²

Transgender children

There is no official estimate of the number of transgender children in NI.³³ Anecdotal information suggests between 40 and 50 transgender children are accessing support services due to gender identity issues. Referrals are rapidly increasing.³⁴ The ECNI found strong negative attitudes towards transgender people (see Annex 1, GP4)³⁵ and NGOs highlighted discrimination against transgender children.³⁶ Transgender children's testimonies highlight issues including accessing appropriate toilet and changing room facilities, accessing healthcare, transphobic bullying and hate crime and the adverse impact these experiences have on their mental health and wellbeing.³⁷

Lesbian, gay and bisexual children

The Department of Education's 'Schools Omnibus Survey' suggests that less than a quarter of schools provide information on lesbian, gay and bisexual relationships in NI (see Annex 1, GP5 - 6). NGOs share these concerns.³⁸ A repeated concern in relation to all vulnerable groups of children in education is that the equality obligations under section 75 of the Northern Ireland Act 1998 do not extend to schools.³⁹

Roma children

There is an inadequate understanding of the size of the migrant Roma population as well as a lack of awareness of the issues this community faces (see Annex 1, GP7). It was estimated in 2012 that NI has a Roma population of around 500.⁴⁰ A key issue identified is the experience of the Roma population of entrenched discrimination, resulting in an absence of trust.⁴¹ In 2009, a number of Roma homes in Belfast were attacked. Around 100 members of the Roma community were intimidated out of their homes and decided to return to Romania, although most returned at a later date.⁴²

Research into the Roma community in NI has highlighted child poverty⁴³ and overcrowding in housing provision, with Roma women reporting that living in multiple-occupancy households enables them to cover the cost of rent and Roma families reporting that they are not always accepted as tenants.⁴⁴ As 'newcomer' children, Roma children face particular barriers to education, with issues identified including a lack of English language skills, limited experience of formal education, bullying and poor attendance (see Education section).

Children from the Roma community and a community development worker⁴⁵ highlighted that Roma children are likely to share accommodation with their own and at least one other family. Only 2 of the 7 children aged under 16 consulted with were attending secondary school, with one having lived in Belfast for 3 years and never attending school. Whilst the young people indicated that they liked to go out together to socialise with other young people, they also stated that they remained in groups for their own safety.

Hate crime

Children continue to be subjected to hate crime (see Annex 1, GP8). Criminal justice agencies acknowledge the under-reporting of hate crimes for various reasons including a lack of knowledge of reporting systems, a lack of confidence in the system or language difficulties.⁴⁶

...(c) Taking all necessary measures to ensure that cases of discrimination against children in all sectors of society are addressed effectively, including with disciplinary, administrative or – if necessary – penal sanctions (UN Committee 2008, para.25.).

Age discrimination legislation

Proposals are being brought forward in NI to introduce age discrimination legislation to protect those over 16 from discrimination on grounds of their age in accessing goods, facilities and services. The exclusion of under 16s will result in age discrimination legislation which itself discriminates on grounds of age. NGOs consider it vital that all children are included within the scope of age discrimination legislation.

Mental Capacity Bill

The Department of Health, Social Services and Public Safety (DHSSPS) and Department of Justice (DoJ) are jointly introducing a Mental Capacity Bill, which will provide protections and safeguards for those who lack capacity. It is proposed to exclude under 16s from the scope of this Bill. There are concerns that this is age discriminatory (see Mental Health section).

Best interests of the child

The Committee recommends that the State party take all appropriate measures to ensure that the principle of the best interests of the child, in accordance with article 3 of the Convention, is adequately integrated in all legislation and policies which have an impact on children... (UN Committee 2008, para.27)

There are numerous examples of legislation and policies in NI which do not recognise the best interests of the child as a primary consideration, including the introduction of powers for the PSNI to test for sales of alcohol by allowing a child, under PSNI direction, to enter licensed premises and seek to purchase alcohol.⁴⁷

Right to life

The Committee recommends that the State party use all available resources to protect children's rights to life, including by reviewing the effectiveness of preventive measures. The State party should also introduce automatic, independent and public reviews of any unexpected death or serious injury involving children – whether in care or in custody (UN Committee 2008, para.29)

The Safeguarding Board for Northern Ireland (SBNI) has a statutory obligation to undertake a case management review (CMR) when a child has died or been significantly harmed,

subject to certain criteria. This procedure is not automatic and not all cases are subject to CMRs (see Annex 1, GP9). Legislation⁴⁸ also requires that the SBNI establishes processes to review child deaths in Northern Ireland. Legislation required to establish a Child Death Overview Panel (which exists in other parts of the UK) has yet to be brought forward.⁴⁹ This should be enabled as a matter of urgency.

The State party should treat Taser guns and AEPs as weapons subject to the applicable rules and restrictions and put an end to the use of all harmful devices on children (UN Committee 2008, para.31)

Tasers

The PSNI introduced Tasers in NI in 2008. A Taser has been discharged once against a child, although occasions where Tasers have been used but not discharged against children are more frequent (see Annex 1, GP10). NGOs believe their use against children should be prohibited.

AEPs

The PSNI continues to use AEPs including in public order situations when children are present (see Annex 1, GP11). AEPs are not used in any other UK jurisdiction. NGOs believe that AEPs should never be used against children or in public order situations where children are present.

Paramilitary attacks on children

Paramilitary shootings or assaults are usually carried out by Loyalist or Republican non-state forces on members of their own communities as 'punishment'. PSNI statistics on paramilitary attacks are not routinely collated by age, but information from the PSNI indicates that children are victims of such attacks. The number of recorded child victims of paramilitary attacks is low, indicating underreporting (see Annex 1, GP12). Research has shown that children and young people report fear or actual experience of paramilitary threat.⁵⁰ NGOs emphasise the serious threat paramilitaries pose to children.⁵¹

Right to be heard

...The Committee recommends that the State party, in accordance with article 12 of the Convention...(a) Promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child (UN Committee 2008, paras.32 – 33)

Government has a statutory duty under section 75 Northern Ireland Act 1998 to directly consult with children on the likely impact of policies on the promotion of equality of opportunity.⁵² Despite this, direct consultation with children does not consistently occur, child accessible documentation is not regularly produced and enforcement is inadequate. Where consultation with children does occur views expressed are not reflected in decisions. There are many examples of areas where children require an enforceable statutory right to have their voices heard and their views considered (see Annex 1, GP13 - 14). Pupils under 18 in NI have no separate right of appeal to an Expulsion Appeal Tribunal (EAT) if they are expelled/excluded from school. The right of appeal to the Tribunal rests solely with the child's parent/carer. Similarly children do not hold an individual right to appeal to the Special Educational Needs and Disability Tribunal (SENDIST). Neither the child nor his/her parents currently qualify for legal aid for representation at education tribunals which means these tribunals are the preserve of those who have economic resources. There is no statutory

appeal procedure to any Tribunal for either the child or parent/carer where a child has been suspended from school. To seek legal redress, a child must issue judicial review proceedings in the NI High Court to challenge an unreasonable or procedurally flawed decision to suspend him/her from school, a remedy likely to be accessed by only a few.

There is no statutory right to advocacy services for children with mental health needs and/or learning disabilities. NGOs expressed concern about how few children take complaints against the PSNI to the Office of Police Ombudsman for Northern Ireland (OPONI). At February 2015 there were 104 complaints from children for 2014/15⁵³ (see Annex 1, GP15).

The NIA and Executive should:

- **Urgently address the Committee's recommendation from 2008 on the demonisation of children, including in the media;**
- **Take measures to address discrimination against all groups of children, in schools and the community;**
- **Extend section 75 Northern Ireland Act 1998 to schools;**
- **Ensure children are treated as rights holders and included in legislation which implements their rights;**
- **Ensure all existing and future legislation, policy and practice incorporates the best interests principle;**
- **Prohibit the use of Tasers and AEPs against children and in all circumstances where children are present and at risk of being harmed;**
- **Intensify efforts to address paramilitary attacks against children, ensuring that children feel confident enough to report such attacks to the police;**
- **Ensure children have a statutory right to have their voices heard and their views given due weight in all court/tribunal/administrative proceedings;**
- **Introduce legal aid for education tribunals and separate rights of appeal for children in expulsion and SENDIST cases and a right to appeal suspensions from school;**
- **Introduce a statutory right to independent advocacy for children in care and those with mental health needs and/or learning disabilities;**
- **Ensure that children have access to child-friendly complaints mechanisms, and are encouraged and assisted to take complaints.**

CIVIL RIGHTS AND FREEDOMS

The Committee recommends that the State party reconsider the ASBOs as well as other measures such as the mosquito devices insofar as they may violate the rights of children to freedom of movement and peaceful assembly...(UN Committee 2008, para.35)

...The Committee recommends that the State party conduct an independent review of ASBOs, with a view to abolishing their application to children (UN Committee 2008, para.80)

ASBOs

Since their introduction in Northern Ireland, a disproportionate number of Anti-Social Behaviour Orders (ASBOs) have been made against children (see Annex 1, CRF1). Breach of an ASBO, which is a civil order, remains a criminal offence with a potential custodial sentence if breached.⁵⁴ There has been no independent review of ASBOs, with a view to abolishing their application to children.

Mosquito devices

Mosquito devices are high-frequency commercial devices which emit a high pitched sound aimed at dispersing children from congregating in public places. In June 2010 over 3,500 mosquito devices were installed in the UK.⁵⁵ NGOs believe that in allowing their use, the PSNI is in breach of the CRC by failing to protect children from assault and the child's right to peaceful assembly.

Children's use of public spaces

Groups of children in NI are often dispersed when congregating in public spaces, often by police. In a survey of 752 children conducted by CLC and SC, 61% of children experienced being asked to "move on" with 13% experiencing it all the time (see Annex 1, CRF2). Perceptions of children engaging in 'anti-social behaviour' when using public spaces are common, with 'teenagers hanging around on the streets', identified as a problem by adults.⁵⁶ Considerable police time is spent responding to complaints about children congregating in public spaces⁵⁷ even when they are doing nothing wrong.

The Committee recommends that the State party: (a) Ensure, both in legislation and in practice, that children are protected against unlawful or arbitrary interference with their privacy, including by introducing stronger regulations for data protection... (UN Committee 2008, para.37)

Legislation⁵⁸ allows the PSNI to take fingerprints or DNA samples from individuals without their consent when they are detained at a police station having been arrested for a recordable offence. These can be retained indefinitely, regardless of the outcome. The current law is incompatible with the European Convention on Human Rights (ECHR) (*S and Marper v the United Kingdom*).⁵⁹ As a result, the Criminal Justice Act (Northern Ireland) 2013 was brought forward but has not yet been commenced. It will allow the indefinite retention of fingerprints and DNA profiles from children arrested or charged but not convicted of an offence, where they have previous convictions. It also allows the retention of fingerprints and DNA profiles for specified periods from children arrested or charged with offences who have no previous convictions. Children given cautions and diversionary disposals may also have this material retained for specified periods of time.⁶⁰

...(b) Intensify its efforts, in cooperation with the media, to respect the privacy of children in the media, especially by avoiding messages publicly exposing them to shame, which is against the best interests of the child (UN Committee 2008, para.37)

There are no automatic reporting restrictions in ASBO proceedings, which are at the discretion of the court.⁶¹ In 2010, the PSNI released images of children suspected of being involved in or who were present when acts of criminal/anti-social behaviour had taken place. Given the threat posed by paramilitaries to children suspected of engaging in crime or anti-social behaviour, NGOs were extremely concerned at the release of such images. PSNI policy on the release of images of children has now changed⁶² and images of children will now only be released in specific circumstances, following a risk assessment. NGOs believe that the release of such images should never be considered by the PSNI.

Stop and search

Children in NI represent a disproportionately high proportion of persons stopped and searched by the PSNI. In 2009⁶³ almost 2,300 under 16's were stopped by the PSNI in the previous twelve months, with 27 of the children aged nine and under, below the minimum

age of criminal responsibility, the youngest being only three years old. The NI Policing Board notes that stop and search of very young children continues to occur, with 12 children aged 10 and under being stopped and searched in 2011/12 and 14 in 2012/13⁶⁴ (see Annex 1, CRF3).

The Committee urges the State party to ensure that restraint against children is used only as a last resort and exclusively to prevent harm to the child or others and that all methods of physical restraint for disciplinary purposes be abolished (UN Committee 2008, para.39)

DHSSPS guidance on restraint is not child specific. There has been no comprehensive review of the use of restraint in education, custody, health and welfare institutions as recommended by the Committee in 2002.⁶⁵

...The Committee, reiterating its previous recommendations...recommends that the State party (a) Prohibit as a matter of priority all corporal punishment in the family, including through the repeal of all legal defences, in... Northern Ireland, (UN Committee, 2008, para.42)

The position with regards to corporal punishment in NI remains unchanged.⁶⁶ Article 2 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 remains in force and provides for the defence of reasonable punishment in respect of a charge of common assault tried summarily.

The NIA and Executive should:

- **Legislate to prohibit the use of ASBOs against children;**
- **Ensure equal protection for children from assault by prohibiting the use of mosquito devices;**
- **Repeal legislation allowing the retention of fingerprints and DNA profiles from children in relation to an offence for which they have not been convicted, cautioned or had the matter dealt with through diversion; repeal legislation allowing the retention of fingerprints and DNA profiles from children following conviction, caution or diversion for minor offences; prohibit indefinite retention of fingerprints and DNA profiles taken from children following conviction for serious offences;**
- **Review of the use of restraint in all settings and ensure that restraint against children is only used as a measure of last resort, to prevent harm to the child or others;**
- **Prohibit all corporal punishment of children.**

The PSNI should:

- **Respect the rights of children to use public spaces and to peaceful assembly and not interfere where no criminal offence is being committed;**
- **Never release images of children suspected of being involved in crime or anti-social behaviour;**
- **Ensure that children under the age of 10 are never subject to 'stop and search' and fully investigate the reasons why children are disproportionately subject to 'stop and search'.**

FAMILY ENVIRONMENT AND ALTERNATIVE CARE

... The Committee recommends that the State party: (a) Intensify its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities (UN Committee 2008, para.45)

NI Childcare costs have risen steadily since 2011. Employers for Childcare states that childcare costs are having a negative impact on standard of living, adding to the risk of in-work poverty, inhibiting career progression and potentially affecting children's development (see Annex 1, FEAC1).⁶⁷ OFMDFM is developing a NI Childcare Strategy, though this has not been published.⁶⁸ There is only one registered childcare place for every six children in NI and a lack of provision for children with disabilities (see Annex 1, FEAC2).⁶⁹

8,352 children and young people (up to the age of 23) act as carers in NI, with an average age of around 12, often for a family member who has a terminal, progressive or degenerative illness.⁷⁰

...(b) Avoid having children taken into alternative care as a result of low parental income...(UN Committee 2008, para.45)

Levels of child poverty in NI are predicted to increase. Increasing numbers of 'children in need' referrals (see Annex 1, FEAC3), which can be considered the first step of a child being taken into care, can be explained by factors including the economic downturn.⁷¹ From a survey of children in care for at least 12 months, 45% were from the 20% most deprived areas within NI.⁷² Voice of Young People in Care (VOYPIC) suggests that more research is required to understand the correlation between poverty and children being taken into care.⁷³ NGOs expressed concerns that minority ethnic and asylum seeking children are overrepresented in the care population in NI, with financial hardship raised as a potential contributory factor towards this; however, further investigation is required to determine the reasons for this.⁷⁴

...(d) Ensure support to children with one or both parents in prison, in particular to maintain contact with the parent(s) (unless this is contrary to their best interests) and to prevent their stigmatization and discrimination against them (UN Committee 2008, para.45.)

In 2013, 4,865 children visited NI's prisons (20% of total visits that year).⁷⁵ Identifying children affected by parental imprisonment is a concern as no agency collects this information. Barnardo's NI states that children with imprisoned parents are the forgotten victims of crime as they are at higher risk of poor educational outcomes and can suffer mental and physical health problems.⁷⁶

...(g) Facilitate the initiation of contact proceedings for all children separated from their parents and siblings, including those in long term residential care (UN Committee 2008, para.45)

From a survey of children who had been in care for a period of at least 12 months almost a quarter (23%) had experienced a placement change during the last 12 months (see Annex 1, FEAC4 - 5).⁷⁷ VOYPIC surveyed children in care over a 3 year period and found that contact with family and friends remains the most important issue to children, as was feeling safe and stable within their placement.⁷⁸ Less than half (49%) of participants were able to keep in touch with their family as much as they wanted.⁷⁹

Contact with parents, carers and relatives is also a significant issue for children not in care once parents separate or relationships breakdown. NGOs highlight concerns that the best interests of the child are not always at the forefront of contact decisions.⁸⁰

... (c) Take into account in all measures the views of children, and provide them with child-accessible complaint mechanisms in all parts of the country... (UN Committee 2008, para.45)

Concerns have been raised around the level of knowledge and understanding children have of their care plans (see Annex 1, FEAC6). VOYPIC recommends greater emphasis on ensuring children have support to voice their opinions about being in care and what is in their care plan, to actively engage in decision making and plan for their lives and a statutory right to independent advocacy for children in care.⁸¹

... (h) Provide training and education programmes to prepare children for adult life (UN Committee 2008, para.45)

Children in care have much poorer educational attainment compared to peers not in care (see Annex 1, FEAC7). Personal Education Plans (PEPs) have been introduced for children in care to improve educational outcomes. A PEP should be completed for all children in care of school age, though not all such children have one (see Annex 1, FEAC8 - 10).

VOYPIC 'Our Life in Care' survey highlights that over half (54%) of over 16s surveyed do not feel that they can talk to their personal advisor,⁸² with a number of these children not being aware of their pathway plan (see Annex 1, FEAC11).

The Going the Extra Mile (GEM) scheme is a DHSSPS initiative which supports foster care leavers.⁸³ However, once a young person becomes 18, they cannot remain on the scheme if they are Not in Employment, Education or Training (NEET). The scheme is only for children in foster care, with no equivalent in place for children in other placements.⁸⁴ VOYPIC recommends extending support for all care leavers in Northern Ireland up to the age of 25 to aid transition.⁸⁵

Secure accommodation

There are certain circumstances within which the liberty of children in care may be restricted by the state (see Annex 1, FEAC12). Children placed in secure accommodation have been identified as being amongst the most vulnerable in society.⁸⁶ NI has one secure care facility, the Lakewood Centre (see Annex 1, FEAC13). In 2011 the Regulation and Quality Improvement Authority (RQIA)⁸⁷ identified that there is a core group of 40 - 50 children per year who are admitted to secure accommodation, with a number experiencing repeat admissions.⁸⁸ This remains the case (see Annex 1, FEAC14). Whilst data on the average length of placement in secure accommodation is not routinely collected,⁸⁹ anecdotal information suggests that some children can remain in secure accommodation for long periods of time (see Annex 1, FEAC15).

An inspection of the care pathways of a group of children who met the criteria for secure accommodation identified the need for earlier interventions aimed at managing complex behaviours in order to prevent children reaching the threshold for secure care, including alternative placement options and access to therapeutic services.⁹⁰ Some children in secure accommodation are assessed as requiring therapeutic provision or treatments outside of NI (see Annex 1, FEAC16). Children consulted with in Lakewood recognised the need for early interventions targeted at under 13s.

Children in secure accommodation⁹¹ perceived that they were differentially treated as a child in care and resented being 'locked up', which they saw as a harsher response to drug use or being at risk of sexual exploitation than would be applied to other children. While acknowledging that efforts were being made to protect them from harm, some children suggested that staff should use their discretion to risk assess situations, rather than being constantly reactive. Those consulted rarely felt adequately involved in decision-making both inside and outside Lakewood and did not believe that being in Lakewood was in their best interests. The children were dissatisfied by certain conditions, including very restricted movement around the building, early bedtimes, phone calls to a prescribed list of friends and family restricted to 2 per day, between 18.00 - 21.00, a lack of privacy when making phone calls, and feeling that they did not have enough to do. Children described how they can be separated from the group and placed in a room on their own when they are concerned about tensions within the group environment, or as a response to challenging behaviour.

Accommodation and homelessness

Article 21 of the Children (Northern Ireland) Order 1995 places obligations on the Government to provide accommodation for 'children in need' who require accommodation through, for example, their being lost or abandoned. The law in relation to the obligations of authorities to accommodate homeless 16 and 17 year olds in Northern Ireland was clarified in 2012 through a judicial review taken by CLC.⁹² This case resulted in guidance in this area being revised.⁹³ Despite this, there is a continued failure on behalf of Health and Social Care Trusts to meet these obligations (see Annex 1, FEAC17).

Foster care placements

There are concerns at the lack of suitable foster care placements.⁹⁴ The Fostering Network warns that at least 200 new foster families will be needed in NI this year to meet demand.⁹⁵ Foster care remains the main placement option for children in care (see Annex 1, FEAC5). Action for Children has highlighted that more than a third of siblings fostered in NI were split from their siblings due to a shortage of foster carers who can care for more than one child.⁹⁶

The Committee recommends that the State party strengthen its efforts to facilitate a situation in which children, always in their best interests, be adopted as speedily as possible, taking in due account, inter alia, their cultural background (UN Committee 2008, para.47)

During the year ending 31st March 2014, 89 children were adopted from care in NI,⁹⁷ compared to 5,050 in England and 345 in Wales.⁹⁸ The majority of children were adopted as a single child adoption between 1 – 4 years of age (see Annex 1, FEAC18). There is no common legislative framework for adoption across the UK. There are concerns that NI's adoption laws are not fit for purpose and incompatible with contemporary family life, as they allow birth parents to specify the religion in which the child placed for adoption will be brought up.⁹⁹ Concerns have been expressed at delays in relation to a new Adoption and Children Bill and that NI lags behind other parts of the UK.¹⁰⁰

VIOLENCE, ABUSE AND NEGLECT

The Committee recommends that the State party: (a) Establish mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation, including within the family, in schools and in institutional or other care (UN Committee 2008, para.51)

Within NI, there is no single mechanism to record instances of violence, sexual abuse, neglect, maltreatment or exploitation of children (see Annex 1, VAN1 - 3). The Department of Health, Social Services and Public Safety (DHSSPS) highlights that for every child subject to a child protection plan or on a register in the UK, it is estimated - there are around 8 other children who have suffered maltreatment.¹⁰¹ A significant number of children in Northern Ireland are also subject to domestic violence (see Annex 1, VAN4).¹⁰²

...(c) Strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure that they are not victimized once again during legal proceedings (UN Committee 2008, para.51);

Adopt appropriate measures to protect the rights and interests of child victims or witnesses of crime at all stages of the criminal justice process (UN Committee 2008, para.78(h))

Research into the experience of young witnesses within the criminal justice system in NI¹⁰³ found anxiety in the pre-trial period (which on average lasted 12 or 18 months), anxiety whilst at court and having to wait a long time before giving evidence are significant issues (see Annex 1, VAN5). 63.9% of children involved in the research suggested changes to improve how young witnesses are treated at court - focussing mainly on cross examination, with children describing this as too harsh and not taking enough account of their age.¹⁰⁴

...(d) Provide access to adequate services for recovery, counselling and other forms of reintegration in all parts of the country (UN Committee 2008, para.51)

The National Society for the Prevention of Cruelty to Children (NSPCC) recommends the introduction of advocates/supporters, similar to the Independent Sexual Violence Advisors in England, for all child victims of violent crime and their families.¹⁰⁵ They highlight insufficient support for young witnesses post trial, with high caseloads and budget constraints cited as barriers to support.¹⁰⁶ Research into the experiences of young witnesses and victims in NI after criminal trials highlights that over half still feel upset, scared or worried.¹⁰⁷

Female Genital Mutilation (FGM)

FGM is a criminal offence in NI.¹⁰⁸ In 2014, the NI Executive published Multi-Agency Guidelines on FGM.¹⁰⁹ The Guidance indicates difficulties in estimating the prevalence of FGM because of the hidden nature of the crime.¹¹⁰ The Northern Ireland Council for Ethnic Minorities (NICEM) highlights a disparity between NI and elsewhere in the UK in investment and prioritisation placed on combating FGM. NGOs have highlighted the problem of co-ordination of combating FGM across government departments with no clear lead. Anecdotal information suggests approximately two new women present with FGM when accessing maternity services every month in NI hospitals and the number of women seeking treatment is rising. NICEM recommends awareness raising of FGM in schools, health and social services, and faith communities, highlighting the misconception that FGM is a practice of the Islamic faith, and that organisations need to work with medical professionals and practising sects to tackle this cultural practice; the active promotion of intervention measures to increase referrals to PSNI and social services; and using statutory child protection measures for safeguarding vulnerable girls.¹¹¹

The NIA and Executive should:

- **Ensure sufficient provision of childcare including support for families with childcare costs;**

- Invest in effective early interventions to prevent children being taken into care and secure accommodation;
- Investigate the correlation between child poverty and children going into care;
- Collect information on the number of children affected by parental imprisonment and provide them with appropriate support;
- Take actions to reduce the number of placement changes experienced by children in care, ensuring that children enjoy safe, stable placements;
- Ensure children enjoy safe, beneficial contact with parents, relatives and carers;
- Introduce a statutory right to independent advocacy for children in care;
- Ensure that all children in care have their Article 12 rights upheld in all aspects of their lives;
- Extend support to care leavers up to the age of 25;
- Ensure that secure accommodation is used as a measure of last resort, for the shortest appropriate period of time. Investigate the reasons why children are repeatedly admitted to secure accommodation, or spend lengthy periods in secure accommodation, and urgently address these issues;
- Encourage the recruitment of foster carers, particularly those that can care for siblings together;
- Bring forward an Adoption and Children Bill to update adoption laws, in line with the CRC;
- Ensure that HSC Trusts comply with their legal obligations with respect to homeless children;
- Reduce delay in criminal cases involving child victims and witnesses; take steps to ensure that cross examination of children takes account of their age and vulnerabilities; safeguard the rights of child defendants to a fair trial;
- Ensure one government department in NI co-ordinates the development of an FGM action plan;
- Ensure training is provided to develop the competence, knowledge and awareness of multi-disciplinary frontline staff from education, health, police and the voluntary sector to ensure all victims of FGM are identified and supported;
- Collect data on the level of FGM in NI and raise awareness of FGM in schools, health and social services and faith communities, encouraging reporting of FGM.

CHILDREN WITH DISABILITIES

The Committee recommends that the State party: (a) Take all necessary measures to ensure that legislation providing protection for persons with disabilities, as well as programmes and services for children with disabilities, are effectively implemented... (UN Committee 2008, para.53)

Within NI, unlike in England, Scotland and Wales, no legislative solution exists to a House of Lords judgment¹¹² which makes it more difficult to prove disability-related discrimination as required within education legislation. This judgment narrows the application of a 'comparator' test, meaning that the needs of disabled children are compared against how those without a disability would be treated. The lack of a legislative solution in NI allows disabled children to suffer less favourable treatment at school without access to an effective remedy.

...(b) Develop early identification programmes (UN Committee 2008, para.53)

The Children with Disabilities Strategic Alliance (CDSA)¹¹³ reports that funding for some disabled children's services is being withdrawn or reduced and funding cuts are disproportionately impacting on children with disabilities.¹¹⁴ They highlight increasing delays in accessing services for disabled children and the failure of services to intervene early enough, negatively affecting their development.¹¹⁵ The assessment process for children with disabilities can be lengthy and may result in little or no intervention. Services are often linked to diagnosis, so children without a diagnosis can be denied access to provision even if they have complex needs.¹¹⁶

...(c) Provide training for professional staff working with children with disabilities...(d) Develop a comprehensive national strategy for the inclusion of children with disability in the society; (e) Undertake awareness-raising campaigns on the rights and special needs of children with disabilities, encourage their inclusion in society and prevent discrimination and institutionalization (UN Committee 2008, para.53)

CDSA expressed concern that disabled children are unable to access public services in the same way as their peers and highlighted a lack of awareness amongst service providers about how to provide inclusive services. Attitudinal and physical barriers, a lack of staff training and the absence of a holistic approach in providing services for disabled children have all been raised as concerns.¹¹⁷

NI has a Disability Strategy,¹¹⁸ but NGOs note it does not pay sufficient regard to the needs of disabled children.¹¹⁹ NGOs also highlight the prevalence of discrimination against disabled children in mainstream schools, with children experiencing difficulties in making friends and schools not recognising the abilities of the individual child.¹²⁰ CDSA highlights that disabled children are particularly vulnerable to bullying and that, despite the statutory obligation requiring all schools in NI to develop anti-bullying policies, schools do not consistently monitor bullying of disabled children.¹²¹ They¹²² also expressed concern at the withdrawal of funding for programmes promoting equality and diversity within education.¹²³

Data on disabled children

NGOs highlight the lack of data on disabled children, which has an adverse impact on the planning of services and on realising the rights of disabled children.¹²⁴ There is no baseline data in NI on the numbers of disabled children, nor any related disaggregated data.¹²⁵

Participation of disabled children

NGOs are concerned that the right of disabled children to be heard is often tokenistic, or their views are not sought at all.¹²⁶ Paternalistic attitudes towards children with a learning disability mean that they are not routinely asked for their views.¹²⁷ CDSA advocates for independent advocacy services for disabled children in NI.¹²⁸

Child poverty

CDSA highlights that families with disabled children are more likely to face extra costs associated with transportation; heating; home adaptations; food; laundry; learning aids and childcare (see Family Environment and Alternative Care section). Consequently, families with disabled children are more likely to experience poverty (see Annex 1, CWD2).¹²⁹

The NIA and Executive should:

- **Legislate to resolve the difficulties in proving disability related discrimination;**

- Ensure adequately funded, targeted services are available for disabled children and intervene at the earliest possible stage;
- Provide rights-based training for all professional staff working with disabled children;
- Develop a comprehensive, fully resourced strategy for disabled children;
- Address negative attitudes and bullying of disabled children and develop a culture of respect for their rights;
- Collate and monitor disaggregated data on the lives of disabled children;
- Ensure that the right of disabled children to participate is realised, including through the provision of advocacy and support services;
- Take targeted actions, including providing financial support, for disabled children and their families living in poverty;
- Ensure that families of disabled children have equal access to affordable, flexible, quality childcare services.

BASIC HEALTH AND WELFARE

The Committee recommends that inequalities in access to health services be addressed through a coordinated approach across all government departments and greater coordination between health policies and those aimed at reducing income inequality and poverty (UN Committee 2008, para.55)

Health and social care services in NI are facing extreme resource pressures (see Annex 1, BHW1). In NI children from socio-economically deprived areas have poorer health than those from more affluent areas (see Annex 1, BHW2). Research shows a “stark link” between poverty, inequality and mortality and that more can be done to reduce mortality during childhood through improving children’s health services.¹³⁰ Child mortality rates in the UK are higher than those in many comparable European countries and infant mortality rates in NI are higher than in other parts of the UK (see Annex 1, BHW4).¹³¹ While there has been a decline in infant mortality from 5.7 deaths per 1000 live births in 1997/2001 to 4.9 in 2007/2011,¹³² infant mortality rates in the most deprived areas are 11% higher than in the least deprived.¹³³

In 2002 the NI Executive published the ‘Investing for Health’ strategy, which sought to reduce health inequalities. In 2014, it recognised that the last ten years have not seen a noticeable narrowing of the gap in health status between those living in the most deprived areas and the NI average.¹³⁴

The Committee recommends that the State party intensify its efforts in order to provide adolescents with appropriate reproductive health services, including reproductive health education, in school. (UN Committee 2008, para.61)

The teenage birth rate in NI has decreased in recent years, though the birth rate for teenage mothers in the most deprived areas is considerably higher than the NI average and even greater when compared to the least deprived areas (see Annex 1, BHW5). In NI, Relationship and Sexuality Education (RSE) is a statutory component of various subjects.¹³⁵ In 2011, the NI Education and Training Inspectorate (ETI) evaluated RSE and whilst recognising that the provision of RSE in most schools was good, made a number of recommendations to improve it (see Annex 1, BHW7).

The Committee recommends that the State party implement fully the International Code of Marketing of Breastmilk Substitutes. The State party should also further

promote baby-friendly hospitals and encourage breastfeeding to be included in nursery training (UN Committee 2008, para.59)

Despite breastfeeding rates having doubled in NI over the past twenty years, in 2010 NI had the lowest rates of breastfeeding in the UK.¹³⁶ The inequality gap between the most deprived areas and the NI average has widened every year since 2010.¹³⁷ NI also has the highest rate of fall-out in duration of breastfeeding in the UK (see Annex 1, BHW8).

MENTAL HEALTH

The Committee recommends that additional resources and improved capacities be employed to meet the needs of children with mental health problems throughout the country, with particular attention to those at greater risk, including children deprived of parental care, children affected by conflict, those living in poverty and those in conflict with the law (UN Committee 2008, para.57)

In NI it is estimated that 20% of children under 18 years of age suffer significant mental health problems, comprising the commonest form of severe disability in childhood.¹³⁸ Research carried out with 752 children suggests that this figure may be higher, with 27% stating they have had a concern about their mental health.¹³⁹ Research also indicates that 10% of children aged 15 and 16 have self-harmed.¹⁴⁰ Self-harm incidents have risen dramatically in the Juvenile Justice Centre (JJC) (see Annex 1, BHW9). CJINI reports that staff suggest the rise in self-harm rates is particularly due to increased numbers of children coming off drugs as they enter custody.¹⁴¹

There is an historic and ongoing failure to adequately resource child and adolescent mental health services (CAMHS). In NI in 2013/14, £19.4m was allocated to CAMHS, equating to 7.8% of the total mental health expenditure for that period,¹⁴² despite children representing nearly a quarter of NI's population. It is estimated that there will be an £164 million shortfall in the health budget in Northern Ireland for 2015-2016.¹⁴³

There is no forensic inpatient paediatric psychiatric provision in NI and limited inpatient adolescent facilities.¹⁴⁴ Children with anorexia and complex mental health needs are often moved out of NI at significant cost to access specialist CAMHS which do not exist in NI (see Annex 1, BHW10). Children continue to be admitted to and treated on adult psychiatric wards in NI (see Annex 1, BHW11).

Factors associated with the conflict impact severely on child and adolescent mental health in NI.¹⁴⁵ Research¹⁴⁶ highlights that, of those in NI suffering poor mental health, 15% is a direct result of the NI conflict as well as the ongoing impact of trans-generational trauma and poor mental health associated with living under paramilitary threat. The areas most impacted upon by the conflict are socially deprived which serves to exacerbate the mental health impact of the conflict.

The incidence of mental ill-health among vulnerable groups of children is disproportionately high, including disabled children,¹⁴⁷ those in poverty,¹⁴⁸ children in conflict with the law,¹⁴⁹ care experienced children,¹⁵⁰ children with caring responsibilities¹⁵¹ and those in need of safe accommodation. In the 2009, 29% of 16 year old survey respondents reported serious personal emotional or mental health problems, with 43% from 'not well off backgrounds' doing so. Worklessness among young people has become a serious problem in NI which impacts on mental health (see Annex 1, BHW12 - 13).

There is no overarching NI CAMHS strategy, resulting in inconsistent service provision. Some services are not accessible in particular areas and not all children who require an

independent advocate are able to avail of one.¹⁵² Transition between CAMHS and adult mental health services (AMHS) is a matter of concern, with geographical inconsistencies. Research reports no consensus around where CAMHS ends and AMHS begins.¹⁵³ CLC's casework experience is that when a child is in hospital and turns 18, there is no flexibility with regard to their transition. RQIA recommends addressing the interface between CAMHS and AMHS and better collaboration arrangements.¹⁵⁴ NGOs expressed concerns that children transitioning to AMHS can experience gaps in service provision.¹⁵⁵

Community and early intervention services for children with mental health problems are underdeveloped, resulting in long waiting times, delayed discharge from hospital and support being provided too late in the development of a mental disorder.¹⁵⁶

Research into schools counselling recommended the need for a legal duty to provide counselling in all schools, reflecting the choices and meeting the needs of all students; an increase in counselling hours for schools to reduce waiting lists; increased awareness of mental health issues and the availability of counselling and the provision of more mental health training for school staff.¹⁵⁷

Mental Capacity Bill

The current mental health legislation in NI, the Mental Health (Northern Ireland) Order 1986, is not fit for purpose and in places is not compliant with the ECHR. Combined mental health and mental capacity legislation, which includes criminal justice, is expected to become law in 2017. Under 16s will be excluded from its scope due to the Government's belief that the test for capacity in the Mental Capacity Bill cannot be applied to children in the same way as adults because of their developmental stage. The Mental Health (Northern Ireland) Order 1986 will remain in place, with some proposed amendments, for under 16s with mental health problems, including children with a learning disability. Under-16s will therefore be unable to access the protections and safeguards contained in the new Mental Capacity Bill due to their age.

Safeguards and protections for over 16s who lack decision making capacity under the Mental Capacity Bill include a statutory right to advocacy services, statutory recognition of the views of carers, protection under the creation of a new offence of ill treatment or neglect of those who lack capacity, legal protection to a person who provides care or treatment for anyone who lacks capacity and restraint safeguards. It will also provide safeguards when an individual, who is not detained but who lacks the capacity to consent to care in either a hospital or a care home, is deprived of their liberty in their best interests.¹⁵⁸ The Bill will detail when and how deprivation of liberty may be authorised. There will be safeguards including scrutiny, monitoring, or the need to justify, the deprivation of liberty of under-16s.

Under the Mental Capacity Bill it will be necessary to assess an individual's capacity and only once a lack of capacity has been established will it be possible to apply the test for formal detention in hospital. Under the Mental Health (Northern Ireland) Order 1986, there is no requirement to establish a lack of capacity before applying the formal detention test.

The Mental Health (Northern Ireland) Order 1986 excludes people disabled "by reason only of personality disorder" and conditions caused by alcohol misuse. The Mental Capacity Bill will include those who lack capacity as a result of 'personality disorder' and conditions caused by alcohol misuse but will not apply to under 16s. NGOs express particular concern at the lack of advocacy services for children with mental health needs or with a learning disability.¹⁵⁹

Suicide

Between 2010 and 2013 there were 69 deaths due to suicide registered in NI for young people aged 15 - 19. This figure may be higher, as these deaths were 'registered' as suicide. 54 of these were males (78%) and 15 were females (22%).¹⁶⁰ The suicide rate for children under 18 in NI has been increasing steadily over the last ten years, with rates in the most deprived areas having more than tripled and rates in urban areas consistently higher than rural areas.¹⁶¹

The NI conflict significantly shapes the suicide problem, with its legacy influencing the challenge of reducing suicide. Research concludes that changes in the relationships between state bodies and those most affected by the conflict impacted on the registration of suicides, recognition of the problem and the speed and nature of responses to it (see Annex 1, BHW14).¹⁶²

The Committee recommends that the State party continue to address the issue of substance use by adolescents across the State party, including by (a) Studying the root causes of these problems in order to provide targeted prevented measures (b) Strengthening mental health and counselling services, ensuring that they are accessible and sensitive to adolescents in all jurisdictions...(c) Providing children with accurate and objective information on toxic substances, as well as support to those attempting to abandon their use or dependency (UN Committee 2008, para.63.).

Children in NI continue to use drugs and alcohol (see Annex 1, BHW15). The Criminal Justice (NI) Order 2008 created a test purchase power which allows a child to enter licensed premises and seek to purchase alcohol, under the direction of a police officer, in order to identify premises selling alcohol to children. Such powers place children at risk through their involvement in a police operation. Four test purchase operations were carried out between December 2009 and April 2010, involving two children, aged 16 and a half.¹⁶³

Children who use drugs and alcohol are overrepresented in the criminal justice system and within custody particularly. A CJINI inspection of the JJC reported that many children entering custody are coming down from a cocktail of alcohol and drugs,¹⁶⁴ with NGOs expressing the view that JJC detention often offers children their only opportunity to stop using drugs and alcohol.¹⁶⁵ CJINI identified a link between self-harm in the JJC and children being under the influence of substances (see Appendix 1, BHW16). Often bail conditions are imposed prohibiting children from using drugs and alcohol, which are unrealistic when the child is not receiving support. There is also increasing recognition of the association between mental ill-health, suicide, self-harm, and alcohol and drug misuse¹⁶⁶ (see Annex 1, BHW17). NGOs highlighted concerns that children with alcohol and substance misuse issues, or who have used 'legal highs' and who report as suicidal, can be informed that they do not have a mental health diagnosis.¹⁶⁷ The Royal College of Paediatrics and Child Health and NCB NI recommend that the DHSSPS, Public Health Agency (PHA) and Health and Social Care Board (HSCB) ensures that children have access to adequate locally based early intervention services in addition to specialist provision, with investment secured to support this.¹⁶⁸

The NIA and Executive should:

- **Take action to end inequalities in children's health and access to health services in NI, particularly through reducing child poverty;**
- **Take steps to improve RSE in schools and ensure that it is sensitive to the needs of all pupils, including LGB pupils;**

- Investigate the reasons behind the increase in suicide amongst children in NI and put in place specific, fully resourced measures to prevent suicide amongst children;
- Cease the use of test purchase of alcohol operations involving children and ensure that measures aimed at combating alcohol and drug misuse have the best interests of the child as a primary consideration;
- Provide support for children on bail to desist from using drugs and alcohol;
- Fully investigate the relationship between substance misuse and children's mental ill-health and ensure adequate support services are in place across NI;
- Ensure that all children with mental ill-health and/or learning disabilities have equal access to robust, children's rights compliant legislative protections and safeguards which will meet their needs and realise their rights;
- Urgently address the underfunding of CAMHS, ensuring that adequate funding is allocated to CAMHS provision which will meet the needs of all children at all levels including in schools, in the community, in transitioning to adult services and through the provision of services not currently available to children in NI;
- Prioritise research to identify the causes of children's mental ill-health in NI, including the legacy of the conflict, the experiences of vulnerable groups and a lack of opportunities ; take proactive measures to address the causes of mental health conditions and meet the needs of children at the earliest possible opportunity;
- Put in place a comprehensive regional framework for CAMHS, including transition, which has the best interests of the child as the primary consideration and ensures all services are available to all children.

CHILD POVERTY

The Committee recommends that the State party: (a) Adopt and adequately implement the legislation aimed at achieving the target of ending child poverty by 2020, including by establishing measurable indicators for their achievement; (b) Give priority in this legislation and in the follow-up actions to those children and their families in most need of support; (c) When necessary, besides giving full support to parents or others responsible for the child, intensify its efforts to provide material assistance and support programmes for children, particularly with regard to nutrition, clothing and housing; (d) Reintroduce a statutory duty for local authorities to provide safe and adequate sites for Travellers (UN Committee 2008, para.65)

The UK Government passed the Child Poverty Act 2010, enshrining the commitment to eradicate child poverty by 2020. Each NI Government Minister has a statutory obligation to meet the targets set by the Act (see Annex 1, CP1); however, the NI Executive is failing to prioritise the implementation of the Child Poverty Act. Child poverty figures are predicted to rise, targets set under the Child Poverty Act will not be met and there is no child poverty strategy in place. Since 2010, the Executive has produced one Child Poverty Strategy, covering the period from 2011 to 2014. This strategy focused on outlining existing initiatives and did not represent a meaningful attempt to tackle child poverty. The NI Executive has also failed to appoint a representative to the Social Mobility and Child Poverty Commission as required by the Child Poverty Act 2010.

Figures show in 2012 - 2013 in NI, 20% of children were living in relative poverty and 22% in absolute poverty before housing costs (BHC).¹⁶⁹ In 2008, 21% of children in NI were living in persistent child poverty, which is more than double the rate in Britain and is due largely to the legacy of the conflict.¹⁷⁰ The necessary data to measure current levels of persistent poverty in NI are not collected.

NI has undergone a five year period of sustained reduction in Government spending on public services. There have been significant cuts to social security since 2010 which have a direct impact on families with children, including cuts to tax credits, housing benefit, Sure Start maternity payments, the abolition of the Health in Pregnancy Grant and the baby element of child tax credit.¹⁷¹ Anticipated severe cuts to social security are expected to exacerbate existing high rates of poverty in the most deprived areas of NI.¹⁷²

Cuts have taken place while the cost of living rises, including the cost of essential items. Of particular concern to NGOs is the sharp increase in food poverty¹⁷³ (see Annex 1, CP2 - 3). Fuel poverty is also of particular significance in NI, with more households affected than in other parts of the UK (see Annex 1, CP4). Children living in cold homes face significantly greater risks of health problems, including poor weight gain, lower levels of adequate nutritional intake, and respiratory problems.¹⁷⁴ More than half of children in NI (approx. 241,000) are growing up in households that could not pay an unexpected expense of £500.¹⁷⁵

NGOs are distributing crisis grants to families to meet growing demand for emergency support and express concern that the schemes they operate to support families in crisis are filling gaps in social security provision.¹⁷⁶ This vulnerability will be exacerbated by the proposed replacement of the current Social Fund, which distributes crisis loans, with more restricted Discretionary Support under Welfare Reform.

NI has yet to implement all the social security reforms that have occurred in England.¹⁷⁷ Many reports highlight the severe hardship caused by increasing sanctions and benefit delays in England.¹⁷⁸ There is concern that, due to the legacy of the conflict, the forthcoming cuts will have a disproportionate impact in NI and NGOs have raised concerns about the destabilising impact Government cuts may have on the NI peace process¹⁷⁹ (see Annex 1, CP5 - 6). While the stated imperative for cuts in the welfare system is 'getting families back to work', current figures demonstrate that a mixture of low-pay and insecure work means that over half of children living in poverty are in families where one parent is working.¹⁸⁰ NGOs identified that inadequate and inflexible childcare continues to act as a barrier to employment¹⁸¹ (see Family Environment and Alternative Care section).

The Institute for Fiscal Studies (IFS) predicts that in 2020 child poverty rates in NI are likely to rise to 26% of children in relative poverty (BHC) and 29.3% in absolute poverty (BHC).¹⁸²

Travellers are the ethnic minority group experiencing the poorest outcomes in relation to poverty.¹⁸³ Travellers have high rates of unemployment (7.7 %) and economic inactivity (69%), with the most common reason for economic inactivity cited as long-term sickness or disability. 67.8% of Travellers lack any qualifications.¹⁸⁴ Significantly high numbers of Travellers state they are not in good health and this is prevalent across all age groups (see Annex 1, CP7 - 9). The NI Housing Executive (NIHE) has responsibility for Traveller accommodation. In its accommodation needs assessment in 2014 23% of Travellers were dissatisfied/very dissatisfied with their current accommodation with the main reasons being poor living conditions and preferences for alternative accommodation.¹⁸⁵ A complex range of accommodation needs were identified.¹⁸⁶

The NIA and Executive should:

- **Immediately appoint a representative to the Social Mobility and Child Poverty Commission to garner expertise, share best practice and improve delivery on child poverty outcomes;**

- Improve data collection and measure levels of persistent poverty;
- Assess the impact budget cuts and the proposed Welfare Reform Bill will have on children and low-income families, including disabled children and their families, and take proactive measures to protect children and families from poverty;
- Prioritise the implementation of the Child Poverty Act 2010, publish a comprehensive, costed and integrated Child Poverty Strategy that addresses all aspects of poverty including fuel and food poverty and take meaningful actions to eradicate child poverty in NI;
- Urgently address the poor living standards of Traveller children through immediate provision of sufficient, safe and culturally appropriate accommodation;
- Urgently address the multiple disadvantages suffered by Traveller children and put a strategy in place with targets and time bound actions to remove all obstacles to the enjoyment and realisation of rights by Traveller children;
- Urgently address the link between disability and poverty and the difficulties faced by families in sourcing care and support so that they can work and assist disabled young people to find and maintain employment.

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

EDUCATION

The Committee recommends that the State Party: Continue and strengthen its efforts to reduce the effects of the social background of children on their achievement in school (UN Committee 2008, para.67(a))

The Department of Education (DE) has identified groups of children who are at particular risk of underachieving, including Traveller children; children from ethnic minorities; children with additional needs and children from disadvantaged backgrounds.¹⁸⁷ Free School Meals (FSM) entitlement is an indicator of social deprivation and is highly correlated with lower levels of educational attainment, with pupils entitled to FSM being more likely to have special educational needs (SEN); be excluded from school; be persistent truants; at risk of becoming involved in anti-social behaviour; and when they leave school, more likely to be unemployed or earning lower salaries. Nearly 30% of all pupils in Northern Ireland are entitled to free schools meals. This figure has increased steadily from 20% in 2010/11 to 29.7% in 2014/15¹⁸⁸ (see Annex 1, ELC2)

...Invest considerable additional resources in order to ensure the right of all children to a truly inclusive education which ensures the full enjoyment to children from all disadvantaged, marginalized and school-distant groups (UN Committee 2008, para. 67(b))

Under the educational system in NI girls perform better than boys, and children who attend grammar schools¹⁸⁹ perform better than non-grammar pupils (see Annex 1, ELC3). Almost 4,000 pupils leave primary school without the basic literacy and numeracy skills they need. This continues until leaving school¹⁹⁰ (See Annex 1, ELC4). Only 12% of disabled people hold a qualification higher than A-Level,¹⁹¹ compared to 26% of people without a disability.¹⁹² There are statistically different levels of academic achievement between the two main religious groupings in Northern Ireland, with particular concerns around the achievement of Protestant working class boys (see Annex 1, ELC5 - 6).

Looked after children continue to have much poorer educational outcomes than their peers and are much more likely to be identified as having SEN¹⁹³ (see Family Environment and Alternative Care section).

Traveller pupils continue to have exceptionally poor educational outcomes with only 11 school leavers from 2003/04 to 2009/10 achieving at least 5 A*-C GCSEs. Data shows that attendance continues to be poor, many Traveller children leave school early and a high proportion have a statement of SEN.¹⁹⁴ Many Traveller children in NI continue to receive *de facto* segregated education (see Annex 1, ELC7).

Only 42.1% of children with a statement of SEN¹⁹⁵ achieved 5 A*- C GCSEs. 58.9% of children with SEN who did not have a statement achieved 5 A*- C GCSEs in comparison to 83.8% of children without SEN.¹⁹⁶

The numbers of newcomer children registered in schools in NI and the numbers of languages spoken is rising (see Annex 1, ELC8 - 9). Newcomer pupils face particular barriers to their achievement in schools.¹⁹⁷ These include limited English language ability, lack of knowledge of the education system and social exclusion.¹⁹⁸ DE's 2009 strategy, "Supporting Newcomer Pupils" focusses on supporting the language needs of children to enable them to access the curriculum.¹⁹⁹ The policy includes funding of an Inclusion and Diversity Service (IDS). NGOs highlight that children who arrive in NI aged 16, (over statutory school age), may not be able to access English classes, which they must pay for themselves²⁰⁰ and recommend newcomer children receive English learning support before starting school.²⁰¹

Barnardo's NI highlights that two thirds of newcomer pupils felt scared starting primary school in NI, with fears about not knowing anyone and not being able to make friends because of language difficulties.²⁰² Concerns have been raised by schools about the poor attendance of some newcomer pupils,²⁰³ particularly Roma pupils.²⁰⁴

School staff express mixed views on the IDS, which is considered to be most useful when settling children initially, but of limited support in providing advice for classroom practice particularly for more complex issues.²⁰⁵ Barnardo's NI recommends that the IDS works directly with newcomer pupils.²⁰⁶ NGOs are keen to see the IDS reviewed, with a concern being the focus of the IDS on enhancing the child's English without addressing other diversity issues, such as the right of children from minority ethnic backgrounds to have their linguistic and cultural heritage acknowledged, nourished and supported.²⁰⁷

Research²⁰⁸ has found that some schools face challenges relating to the limited formal educational experiences of some newcomer pupils. These pupils have been identified as being mainly from the Somali and Roma communities, whose numbers have risen significantly over the last five years (see Annex 1, ELC9). NGOs working with refugee families highlight the lack of school places in areas where their communities settle, mainly in Belfast.²⁰⁹ Limited experience of formal education affects literacy and numeracy, attainment in other academic subjects, understanding of school norms and gives rise to concerns around behaviour and attendance. The limited experience of formal education of these groups can manifest itself through children being inexperienced in holding a pencil or understanding how to write on a page.²¹⁰ Current newcomer policy does not address these issues. It is recommended that the Supporting Newcomer Pupils policy be reviewed to take account of these needs²¹¹ and guidelines for the integration of newcomer pupils with interrupted experiences of education be produced by DE.²¹²

Children who are inpatients in Beechcroft Regional Child and Adolescent Mental Health facility attend an on-site education unit. There are some concerns that they do not have

access to the full content of some subjects, particularly with regard to practical components, at both GCSE and A Level.²¹³ Children in the JJC have no right to be educated in line with the NI curriculum due to the fact that the DoJ has responsibility for the education of children in custody. CJINI has recently stated that it considers the education provision in the JJC to be 'satisfactory' falling from the rating of 'good' awarded in 2011 (see Annex 1, ELC10).

...Ensure that all children out of school get alternative quality education (UN Committee 2008, para.67(c))

The NI Education Authority has a statutory duty²¹⁴ to make arrangements for the provision of education either at school or otherwise than at school for children of compulsory school age who cannot attend school due to illness, suspension, expulsion or other reasons and who would not receive suitable education unless such arrangements were made. NGOs highlight a number of limitations in practice in the provision of alternative education including delays in accessing provision. Pupils are usually out of school for 6 weeks before they can access support and education is provided on a restricted hours basis, often as little as 4.5 hours per week. There is usually a focus on English and Maths with difficulty in accessing practical courses. Provision varies with time out of school and the stage of education of the child and often no additional provision is available to take account of the child's SEN. There is no obligation to provide education for children out of school over compulsory school leaving age (16).

Education Other than at School (EOTAS) provides education for children with social, emotional, behavioural, medical or other issues, who cannot otherwise access suitable education.²¹⁵ Referrals to EOTAS cannot be made by parents or community EOTAS providers and schools will usually only make referrals through the Education Welfare Service (EWS) when attendance falls below 15%, i.e. the highest priority cases. NGOs have found that children are not able to access timely assessments for EOTAS and are disengaging from education with many not returning to education and leaving school without qualifications. Children with complex needs are often regarded as 'hard to place'.

In 2012-13 approximately 600 children attended EOTAS centres.²¹⁶ Most centres report an increase in the number of children with mental health and anxiety-based conditions,²¹⁷ reflecting the need for better capacity building in mainstream schools to meet the challenges of children presenting with multiple complex needs.

...Use the disciplinary measure of permanent or temporary exclusion as a means of last resort only, reduce the number of exclusions and get social workers and educational psychologists in school in order to help children in conflict with school (UN Committee 2008, para.67(d))

For the academic year 2013-14, 29 pupils were expelled and 3,677 children were suspended from school, including 59 children aged 4-7 and 179 aged 7 - 11. The most common reasons for expulsion were verbal abuse of staff (24.1%), physical attacks on staff (20.7%) and persistent infringement of school rules (17.2%). The majority of the pupils expelled were male and of post-primary age, with 69.0% of pupils expelled from Key Stage 4 (aged 14 - 16).²¹⁸ The most common reasons for suspension were persistent infringement of school rules (30%), verbal abuse of staff (22.9%) and physical attacks on pupils (21.1%).²¹⁹

Children with disabilities are routinely "informally" excluded from school in NI. There are no formal appeal rights to challenge *informal* exclusion from school as the practice is unlawful. NGOs highlight that informal exclusions are not being properly documented, resulting in such exclusions being a hidden problem with no data collection hampering knowledge about the scale of the problem. CLC's casework indicates cases of unlawful exclusions in relation

to children with a learning disability, at times sanctioned by Education and Library Boards, based on resource shortfalls or delay/failure to identify the child's needs and plan interventions to enable school attendance and inclusion. This issue has been remedied to an extent in England and Wales through guidance with requirements to record and explain all school exclusions. This problem is exacerbated in NI by the failure to commence an appeal mechanism against formal suspension.²²⁰ NGOs believe formal suspension is being used to punish and exclude children with SEN and disabilities when specialist support is the appropriate response.

CLC has acted in a number of cases for children with SEN and disabilities that have been denied access to educational facilities for prolonged periods. Notably, a significant number of autistic children are regularly left without a school place or alternative educational provision. Also, parents who home educate their children report a lack of flexibility in the delivery of educational services and response to the individual needs of the child. CLC reports that children have been unable to access suitable solutions to barriers to education due to this lack of flexibility.

...Intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, peace and tolerance (UN Committee, 2008, para 67(f))

The Minister for Education intends to bring forward new legislation to help tackle bullying in schools. DE aims to introduce a clearer legislative statement of the responsibilities of schools with regard to bullying and an additional legal duty to monitor and report all incidents of bullying. However, concerns have been expressed that schools will continue to have operational freedom over school discipline matters, including recognising and classifying incidents as 'bullying behaviour',²²¹ the new duty will relate only to pupil on pupil violence; and the protections are not wide enough to address incidents of cyber-bullying which will most commonly take place not on school premises or through the use of school equipment. The NI Anti-Bullying Forum (NIABF)²²² reviewed current anti-bullying policies and practice within schools. They found wide variations in the quality of schools anti-bullying policies and procedures, inconsistencies in their application across schools and issues with regard to the expediency with which they were applied and in the degree to which their systems were reviewed and updated. They also found that a lack of uniform recording of incidents of bullying, motivating factors and mitigating actions undertaken which meant schools were left without a mechanism to quantify the scale of the problem, identify and target motivating factors and monitor success in addressing incidents. This was identified as limiting the ability of schools to review their practices, identify weaknesses or specific types of bullying which may be particularly problematic among pupils and assess whether current systems are effective in dealing with incidents of bullying.

Research from 2011 found that levels of bullying in schools remain at similar levels to those identified in 2002 and 2007. Certain groups of children are more likely to experience bullying including children of 'other' religious communities than Catholic or Protestant, children of racial backgrounds other than white, disabled and LGB&T children (see Annex 1, ELC11 - 15). NICEM suggests that the response of schools to racist bullying varies enormously and is often characterised by not taking the issue seriously or ignoring it.²²³ The parents of Roma children in Belfast indicated that schools might not be aware of bullying as they had not reported it, due to being unaccustomed to reporting such incidents and anxious that reporting might lead to the situation getting worse for their children.²²⁴ Difficulties are reported in placing newcomer children in Belfast-based schools due to fear of racist attacks when travelling to school.²²⁵

Cyberbullying is increasing (see Annex 1, ELC16). There is no common definition of, or overarching policy to address, cyberbullying in NI. There is a lack of clarity with regard to the

legal position regarding the duty of care owed by schools in cases of cyberbullying, where in the majority of cases the bullying behaviour is occurring both outside school hours and outside school premises.²²⁶ Research highlights the need for a clear legal and policy framework which contributes to greater understanding and effective responses to cyberbullying in schools throughout NI²²⁷ as well as greater co-ordination of local online safety work.²²⁸

A particular concern is the experience of transgender children in schools. The lack of education in schools on transgender issues has been raised, which institutionalises a culture of ignorance of gender diversity within school and society generally, discriminating against young transgender people by hindering their development.²²⁹ NGOs working with transgender children have reported variations in how schools react when they become aware of a gender variant young person, e.g. children can be forced to wear a school uniform that does not match their gender identity,²³⁰ and single-sex facilities in educational settings, including toilets and changing rooms, can present difficulties for young transgender people. Some children have highlighted how going to the bathroom became such a source of anxiety that they avoid using facilities during break times.²³¹ Transphobic bullying occurs, and NGOs have raised concerns that a school's reaction can be to view the young transgender person as the problem, rather than the child displaying bullying behaviour.²³² Comprehensive policy guidance for schools in relation to transgender children is required.²³³

A recent survey has found that less than a quarter of NI schools provide information on lesbian, gay and bisexual relationships (see Annex 1, GP5). The Education Equality Project carried out a survey of the experiences of LGB children in education in NI which showed that 94% of the young LGB people surveyed were not taught anything in sexual health education that they felt was relevant to them. Twenty-four percent of respondents reported that they had been taught something about being LGB in school that they now know to be false. Seventy-nine percent of respondents reported that they had been taught nothing about their rights as a LGB person.²³⁴

The CRC and children's rights are not a compulsory part of the NI curriculum (see section on General Measures of Implementation.) Support for education on human rights, peace and tolerance was evident in the CRED policy,²³⁵ which identifies 'respect for rights' as both an objective and outcome of the policy.²³⁶ The DE has withdrawn all funding for this policy²³⁷ despite research which shows the policy was having an extremely positive impact on the attitudes and tolerance of participants of programmes funded under the policy. (See Appendix 1, ELC17)

...Strengthen children's participation in all matters of school, classroom and learning which affect them (UN Committee 2008, para 67(g))

...Ensure that children who are able to express their views have the right to appeal against their exclusion as well as the right, in particular for those in alternative care, to appeal to special educational need tribunals (UN Committee 2008, para 67(h))

Children have different experiences of the level to which they are facilitated to participate in school. Schools have been provided with guidance by DE on encouraging pupil participation,²³⁸ however, there is no consistent approach with regard to participation in schools as there is no statutory requirement to set up Schools Councils. A survey of 752 children on their enjoyment of their rights found that, although children were quite positive about the extent to which adults' facilitated participation in education, they did not generally feel their views were taken into account in decision making.²³⁹ NGOs report that the Article 12 rights of children with SEN and/or disabilities are not well respected.

INTEGRATED EDUCATION

...Take measures to address segregation of education in Northern Ireland (UN Committee 2008, para 67(i))

Children in NI are educated mainly in separate schools with only 7% of children attending “integrated” schools, which were established to educate Catholic and Protestant children together.²⁴⁰ Since 1989, DE has had a statutory duty to “*encourage and facilitate the development of integrated education*”.²⁴¹ The Good Friday Agreement²⁴² contains a pledge “*to facilitate and encourage integrated education.*” DE has stated its intention to bring forward ‘shared education’ which involves children from one school, who may be of one religion, accessing subjects at different schools which may be educating children of a different religion. NGOs are concerned that shared education falls short of integrated education.²⁴³ The failure of the Government to plan for and resource the establishment of integrated schools has meant that the *status quo* of segregated education has been preserved. There is no central planning for integrated schools. Catholic and state schools (which predominantly educate Protestant children) have statutory bodies to ensure sufficient provision for their type of school. In June 2014 an integrated school which had been refused permission to increase its enrolment to meet demand judicially reviewed this decision. The judgment found that DE’s approach to planning for schools assumes no growth in the integrated sector and is, “*the opposite of encouraging and facilitating*” as required by the statutory duty.²⁴⁴

ACADEMIC SELECTION

...Put an end to the two-tier culture in Northern Ireland by abolishing the 11+ transfer test and ensure that all children are included in admission arrangements in post-primary schools (UN Committee 2008, para 67(j))

In December 2007 the then Minister for Education announced that the last “11+ transfer test” (an academic test determining admission to post primary schools) would take place in 2008, with new arrangements applying to children entering post primary school in September 2010.²⁴⁵ NGOs welcomed the abolition of academic criteria for selection of pupils at post primary level and the provision of guidance on new post primary admissions criteria. Resistance to change from some NI political parties resulted in a failure to achieve the necessary cross-party support required to implement legislative change and there is no legal framework for the introduction of the new criteria, nor is it compulsory for schools to adopt the criteria proposed. Without a clear legal framework regarding tests and appeals, the reality is that following abolition of the 11+ transfer test, schools continue to set their own selection tests and are responsible for their own admissions procedures.²⁴⁶ There is now a completely unregulated situation with regard to admissions to post primary schools, which in most circumstances is based on academic selection. NGOs believe that the current situation exacerbates the problems posed by academic selection as a discriminatory system for determining access to post primary education and highlight the stress on children of having to sit multiple admissions tests.²⁴⁷

SPECIAL EDUCATIONAL NEEDS (SEN)

There are currently almost 74,000 children in NI registered as having SEN.²⁴⁸ This represents an increase of nearly 20,000 since 2005/6.²⁴⁹ Statements of SEN are held by 16,000 children.²⁵⁰ Significant investment is required to implement the right to an effective education for children with SEN and disabilities.

The vast majority of children with SEN attend mainstream schools. There is no mandatory legal duty upon the health services to provide for the educational needs of children if requested to do so by the education authorities. As a result there is a lack of cooperation between health and education authorities in the provision made for children with SEN both in mainstream and in special schools, resulting in delays in service provision for vulnerable children.

To date, there has been no transparency in the formulation of policies for the identification and assessment of children with SEN. NGOs report the increasing use of “scoring matrices” to allocate adult assistance with poor results for many children, reflecting a system starved of resources and which has not kept pace with the increasing numbers of children with SEN in NI.

YOUTH TRAINING AND EMPLOYABILITY SCHEMES

NI's Youth Training System, 'Training for Success', provides a vocational route for children 16 and over. Large numbers of children aged 16 and over who are Not in Education, Employment or Training (NEET) enter youth training provision. Under new arrangements,²⁵¹ children will be required to have attained a full Level 1 set of qualifications (four GCSEs at grades D - G, including English and Mathematics at grades D - F) before commencing youth training. Include Youth highlight that many children it works with will not achieve this level of qualification, affecting their ability to progress into youth training. They also highlight that children transitioning from school to further education or training may need additional support due to challenges such as lack of family support, mental health problems, homelessness, addictions and poverty (see Appendix 1,ELC18). The need for support for young people with a learning difficulty or disability has also been highlighted. The State Party report highlights the Pathways to Success strategy in relation to NEET children,²⁵² but NGOs report that implementation of this strategy is being affected by a lack of resources.²⁵³

EARLY YEARS

NGOs have highlighted concerns around the recognition of young children in NI as rights holders and a lack of appropriate budgetary allocations, especially in relation to children aged 0-3 and 5-8. A lack of training to ensure that everyone working with young children are aware of the CRC and able to translate it into their daily work, as well as a lack of reform of the early years curriculum to ensure a rights-based approach in pre and primary school have also been highlighted.²⁵⁴ Children in NI can start primary education from as early as 4 years 2 months. NGOs have concerns that this low school starting age can have negative impacts on vulnerable children.

PLAY AND LEISURE

The Committee recommends that the State party strengthen its efforts to guarantee the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts. The State party should pay particular attention to provide children, including those with disabilities, with adequate and accessible playground spaces to exercise their play and leisure activities (UN Committee 2008, para.69)

The NI Executive has published a policy statement and implementation plan for play.²⁵⁵ However, the plan has not been resourced, its implementation has been severely curtailed and it has had minimal impact. OFMDFM announced in October 2013 an agreed investment of £1.6 million.²⁵⁶ As of January 2015, only £20,000 had been released.²⁵⁷

NGOs highlight issues relating to play and leisure for children including: increased emphasis on educational attainment at the expense of the right to play;²⁵⁸ lack of spaces and places for teenagers to 'hang out' and socialise;²⁵⁹ the negative attitudes of adults towards children;²⁶⁰ lack of access to appropriate play facilities for all children,²⁶¹ including children with a disability,²⁶² minority ethnic children,²⁶³ children in rural areas²⁶⁴ and children in poverty;²⁶⁵ insufficient participation of children in community planning processes and inadequate consideration of play spaces in planning.²⁶⁶

Play and leisure opportunities for children with disabilities are limited. Where activities are available, they are often unwelcoming and fail to provide the extra support that some children need to participate.²⁶⁷ Research highlights a high level of social exclusion amongst disabled children in accessing play and leisure (see Annex 1, ELC19). NGOs expressed concerns that disabled children often miss out on play and leisure activities, such as after school clubs, as they may be receiving transport home from school as part of a statement of SEN which is inflexible.²⁶⁸

The NIA and Executive should:

- **Allocate additional resources to enable inclusion and access and reduce the effect of a child's social background and minimise the impact of disability on their achievement within school;**
- **Ensure that children detained within the JJC are educated in line with the NI curriculum;**
- **Review the Supporting Newcomer Pupils policy and the IDS; produce guidelines in relation to children with limited formal educational experience and adequately fund support for them;**
- **Provide support for Newcomer children to learn English before they start school and put in place measures for 16 – 18 year olds who are not in school to learn English;**
- **Produce guidance for schools in relation to transgender pupils;**
- **Ensure that children out of school receive timely, quality alternative education; increase the level of provision and the breadth of courses available and provide education which takes account of a child's SEN;**
- **End 'informal' exclusions from school, which particularly affect children with disabilities and SEN, for whom additional support should be provided; introduce an appeals mechanism against formal suspensions and exclusions and monitor the number and groups of children who experience informal exclusions;**
- **Ensure consistency in anti-bullying policies and their application across all schools; introduce uniform mechanisms to record all forms of bullying; introduce a clear legal and policy framework for cyberbullying; put in place measures that require and support schools to teach children, particularly children with disabilities, consistent messages about online and offline safety and put in place mechanisms to provide similar messages to parents;**
- **Take measures to strengthen children's participation in schools, including requiring schools to establish school councils and ensure that children's views are given due weight in decisions making;**
- **Plan and adequately resource the development of integrated schools;**
- **Abolish the system of unregulated academic selection and legislate for a non-academic, CRC compliant transfer system from primary to post primary education;**

- Ensure that health and education bodies cooperate in meeting the needs of children with SEN through the introduction of a robust enforceable statutory duty to cooperate;
- Fully implement and resource the play and leisure policy; ensure that the importance of play is recognised within education; ensure all children have their right to play realised and that the voice of the child is heard in community planning decisions;
- Ensure the inclusion and active participation of children with disabilities in the planning, design and enjoyment of play and leisure activities;
- Ensure that all 'NEET' children can access youth training and are sufficiently supported when transitioning to further education or training;
- Recognise younger children as rights holders and ensure that the curriculum for younger children and training for staff reflects the CRC and leads to its implementation in practice; publish and implement a childcare strategy for Northern Ireland; take legislative measures to introduce flexibility in the school starting age.

SPECIAL PROTECTION MEASURES

ASYLUM-SEEKING AND MIGRANT CHILDREN

NI's population has changed in recent years, with the numbers of persons born outside of the UK or Republic of Ireland increasing significantly (see Annex 1, ASM1). The numbers of children born in NI to parents from abroad is also rising. In 2013, there were 24,277 births registered in NI, with 10.1% of births to mothers who were not born in NI, elsewhere in the UK or the Republic of Ireland, the highest figure on record.²⁶⁹

Immigration and asylum laws apply uniformly across the UK and are not devolved from the UK Government to the NIA and Executive (see Annex 1, ASM2). Those who apply for asylum on entry may be detained or given temporary admission. Asylum seekers can receive housing (see Annex 1, ASM6) and are granted financial support if they cannot support themselves (under section 95 of the Immigration and Asylum Act 1999), but the level of support they receive can be very small (see Annex 1, ASM3). People whose claims have failed can sometimes access support (under section 4 of the Immigration and Asylum Act 1999) if they are co-operative, agree to leave the country, and can prove they are destitute, but this level of support is also very limited (see Annex 1, ASM4). A crucial difference between Section 95 and Section 4 support is that the latter is cashless. Neither makes any provision for the additional costs associated with disabilities. A UK Parliamentary Inquiry into asylum support for children highlighted instances where children were left destitute and homeless, entirely without support and forced to rely on charitable donations. It noted periods of destitution caused by administrative delays, leading some families to go without income or a place to stay for months, with severe implications for children's safety, physical and mental health, leaving families vulnerable to exploitation and serious harm. Levels of section 4 support were found to be insufficient to meet the essential needs of children.²⁷⁰

The Committee recommends that the State party...(d) Provide disaggregated statistical data in its next report on the number of children seeking asylum, including those whose age is disputed...(UN Committee 2008, para.71)

Regional data on the numbers of asylum seekers is sparse and inconsistent. UK Border Agency figures did not include NI as a separate category (see Annex 1, ASM5 - 7). No figures are available for the number of people in NI who have been granted refugee status.²⁷¹ It is also difficult to confirm the number of unaccompanied children entering NI (see Annex 1, ASM8).

...(a) Intensify its efforts to ensure that detention of asylum-seeking and migrant children is always used as a measure of last resort and for the shortest appropriate period of time, in compliance with article 37(b) of the Convention... (e) Give the benefit of the doubt in age-disputed cases of unaccompanied minors seeking asylum, and seek experts' guidance on how to determine age (UN Committee 2008, para.71)

In 2011, the first immigration holding centre in NI, Larne House, was opened. This centre does not hold children,²⁷² although age disputes have occurred. In such circumstances, the young person remains in Larne House until they are interviewed by immigration officers. If they appear to be under 18, social services are contacted although reports note that children can then go missing from care.²⁷³ Families with young children are not detained but given temporary admission with a direction to attend a reporting centre.²⁷⁴

Health and welfare

New immigrants to NI often have complex health needs. Migrant groups often share rented accommodation between individuals and one or more families. Housing is reported to be of poor quality which impacts on health. Evidence of deleterious health effects is strongest among children.²⁷⁵ Only those 'ordinarily resident' in NI are entitled to free healthcare, with those not ordinarily resident liable to be charged for treatment unless they fall into an exemption category.²⁷⁶ Children are rarely exempt from charges in their own right, rather it is dependent on their parents' circumstances.²⁷⁷ The 'ordinarily resident' requirement (which does not apply in other parts of the UK for eligibility to primary care) adversely affects children of undocumented migrants (persons who enter the country illegally or whose visas expire) resulting in them having no entitlement to free healthcare.²⁷⁸

Access to benefits

Access to social security benefits in NI for migrant families is restricted. As of 1st July 2014, a person must be living in the UK for 3 months before they can access child benefit or child tax credit.²⁷⁹ The impact of this is that some families are left without entitlement to social security, making them vulnerable to poverty. In NI, OFMDFM operated a Crisis Fund, which ran for 3 months in 2015. NGOs welcomed this fund and wish to see it made permanent.²⁸⁰

SALE, TRAFFICKING AND ABDUCTION OF CHILDREN

The Committee recommends that the State party provide the necessary resources for an effective implementation of the Anti-trafficking Action Plan. It also recommends that the State party ratify the Council of Europe Convention on Action against Trafficking in Human Beings and implement its obligations by ensuring that child protection standards for trafficked children meet international standards (UN Committee, 2008, para.76)

Victims of child trafficking are often considered part of the 'unaccompanied child' population.²⁸¹ Concerns have been raised about the possibility that trafficked children in NI may end up in domestic or sexual servitude, be forced into petty crime, or used to facilitate benefit fraud.²⁸² Trafficked children are the responsibility of NI Health and Social Care Trusts and are 'children in need' under the Children (Northern Ireland) Order 1995.²⁸³ NGOs report that the Health and Social Care Board has established a trafficking network, which is having a positive impact in identifying cases of human trafficking involving children. The National Referral Mechanism (NRM) introduced in 2009 established a multiagency framework for the agencies involved in trafficking cases to cooperate, share information, identify victims and facilitate access to advice, accommodation and support.

Figures suggest that the incidence of trafficked children in NI is small, with NI making the lowest number of referrals to the NRM of any UK jurisdiction (see Annex 1, STAC1). Department of Justice (DoJ) officials estimate that two thirds of all victims are not identified through the NRM mechanism.²⁸⁴ Challenges identified in this area include age disputes, children's reluctance to discuss their background and the possibility they may go missing from care.²⁸⁵ It is suggested that the threshold to confirm a case of child trafficking remains high and under-estimation of the extent of the problem occurs as a result (see Annex 1, STAC2). Agencies suggest that police, immigration officials and social workers need better training so that they ask the right questions and consider information from a child-centred perspective.²⁸⁶ Poor identification of victims by professionals has also been highlighted as an issue.²⁸⁷

The UK Government and NIA and Executive should:

- **Increase financial support for families and children seeking asylum and those who have failed in their asylum claims; ensure that refugees receive prompt access to adequate benefits and supports;**
- **Grant asylum seeking parents and refused asylum seekers who cannot return to their country of origin permission to work;**
- **Provide adequate benefits to all migrant families, to ensure that they are not vulnerable to poverty. The condition that a claimant must be living in the UK for three months before being eligible to access child benefit and child tax credit should be reversed and a crisis fund to assist destitute migrants and asylum seekers should be made permanent;**
- **Provide adequate housing to families and children seeking asylum, or those whose claims have been rejected, in order to protect the health and welfare of these children;**
- **Ensure that all children in Northern Ireland have free access to all healthcare, regardless of their or their parents' status. Free maternity healthcare should be provided to all;**
- **Collate and publish disaggregated statistical data on the number of children seeking asylum in Northern Ireland and the number of children who are granted asylum, including those whose age is disputed;**
- **Ensure widespread and ongoing training for all public officials to ensure that all victims of child trafficking are identified. The threshold for confirming that a child has been a victim of trafficking should be reviewed and the reasons for the low number of referrals investigated.**

SEXUAL EXPLOITATION AND ABUSE

Child Sexual Exploitation

The Committee recommends that the State party intensify its efforts to collect data on the extent of sexual exploitation and abuse of children essential to prepare adequate responses to and to combat these phenomena...(UN Committee 2008, para.74)

An Inquiry into child sexual exploitation (CSE) (the Inquiry) was launched in September 2013, following the PSNI's review of its cases spanning a short period of time during which 22 children had been reported missing 437 times (see Annex 1, SEA1).²⁸⁸ Prior to the Inquiry being conducted, Barnardo's NI published research in 2011 highlighting that CSE was occurring throughout NI and suggesting high levels of risk of CSE (see Annex 1, SEA2).²⁸⁹ The Inquiry highlighted the problem that children may not consider themselves victims of CSE, even when they can acknowledge the vulnerabilities of friends and peers.²⁹⁰

The increasing problem of legal highs²⁹¹ was highlighted as factor that makes children vulnerable to CSE.²⁹² One issue reported to the Inquiry was the involvement of individuals with links to paramilitary organisations in CSE.²⁹³ CSE was linked to internal trafficking of children within NI.²⁹⁴

The Inquiry found that few reliable figures exist to measure the extent of CSE in NI. From the data available, between 100 and 145 children were identified as being at significant risk of CSE. However, the number actually experiencing CSE is likely to be significantly higher.²⁹⁵ The DHSSPS acknowledges the limitations in current service provision to promote recovery from CSE. The Inquiry highlighted that growing awareness of CSE is likely to be followed by increased referrals and services must be prepared to respond,²⁹⁶ recommending that information needs to be collected to allow the extent of CSE to be measured.²⁹⁷ A significant risk factor relating to CSE is periods of going missing overnight or longer, either from care or home. However, the Inquiry found a lack of analysis and oversight of figures on 'missing' children (see Annex 1, SEA6 - 7).²⁹⁸

The Inquiry found that most of the activities under CSE are not new, but that advances in technology have exposed more children to them.²⁹⁹ Online grooming and the sharing of indecent images between young people (sexting), which can go on to become the focus of bullying and/or blackmail, were highlighted as issues³⁰⁰ with sexting reported to be widespread in schools.³⁰¹ The Child Protection Support Service for Schools (CPSSS) reported evidence that sexting starts at a very young age.³⁰² Increasing numbers of referrals to the Barnardo's Safe Choices service relate to online grooming.³⁰³ Children with disabilities were identified as being particularly vulnerable to exploitation involving social media, since many rely on this as a valuable tool for social engagement.³⁰⁴ The accessibility of online pornography was found to affect children's views about what is 'normal' in terms of relationships.³⁰⁵ NGOs highlight the need for consistent, clear messages for children and parents around internet safety, which acknowledge the relationship between this issue and CSE.³⁰⁶ The Inquiry recommended a comprehensive and well-resourced approach to raise awareness about CSE and many stakeholders told the Inquiry that a comprehensive public health campaign was required,³⁰⁷ a view shared by NGO's.³⁰⁸

Children in care are particularly vulnerable to CSE. However staff and children in care told the Inquiry that the children felt stigmatised by the focus upon them in relation to CSE.³⁰⁹ The Inquiry was clear that the use of restraint or secure accommodation must not be regarded as everyday responses to situations in children's homes and recommended that children with experience of CSE should be involved in discussions about what a safe space should be like, drawing on models of good practice.³¹⁰ NGOs emphasise the importance of a constant conversation with children in care around keeping them safe from exploitation.³¹¹

The NIA and Executive should:

- **Collect comprehensive data on the extent of CSE in NI;**
- **Support existing and further develop, comprehensive services to support victims of CSE;**
- **Collect consistent and comparable data on children going missing from care;**
- **Put in place strategies and measures that require and support schools to teach children consistent messages about online safety and put in place mechanisms to provide similar messages to parents;**
- **Begin a public health campaign to raise awareness of CSE;**
- **Ensure restraint is only used as a measure of last resort, exclusively to prevent harm to the child and never as a response to CSE;**

- Ensure secure accommodation is used as a measure of last resort and for the shortest appropriate period of time;
- Take measures to strengthen the rights of all children, but particularly children in care, to express their views in relation to how they should be protected from CSE.

ADMINISTRATION OF JUVENILE JUSTICE

The Committee recommends that the State party fully implement international standards of juvenile justice, in particular articles 37, 39 and 40 of the Convention, as well as general comment No. 10 on “Children’s rights in juvenile justice” the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“the Beijing Rules”), the United Nations Guidelines for the Prevention of Juvenile Delinquency (“the Riyadh Guidelines”) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (“the Havana Rules”) (UN Committee 2008, para.78)

In NI international standards of juvenile justice have not been implemented despite a commitment in the Hillsborough Agreement that there would be a review of how children are processed at all stages of the criminal justice system, including detention, to ensure compliance with international obligations and best practice.³¹² The Youth Justice Review reported in September 2011. NGOs have expressed concern at the non-implementation and dilution of the recommendations of the Youth Justice Review by Government.

It also recommends that the State party...Raise the minimum age of criminal responsibility in accordance with the Committee’s general comment No. 10, and notably its paragraphs 32 and 33 (UN Committee 2008, para.78(a))

In NI the minimum age of criminal responsibility (MACR) is 10 years of age. This is an extremely contentious issue in NI and the raising of the MACR faces significant political opposition.

...Develop a broad range of alternative measures to detention for children in conflict with the law; and establish the principle that detention should be used as a measure of last resort and for the shortest period of time as a statutory principle (UN Committee 2009, para.78(b))

Many children in NI are remanded in custody whilst accused of criminal offences. A serious issue is the use of legislation (the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE)) that allows the PSNI to refuse bail to a child. CJINI has found that the rate of PACE admissions to the JJC has almost trebled between 2008–9 and 2013–14 and has described this as ‘disproportionately high’.³¹³ This legislation disproportionately affects children in care and often results in children being detained inappropriately in the JJC, due to a lack of appropriate alternative accommodation. Serious concern persists about the over-representation of children in care in the criminal justice system (see Annex 1, AJJ1). It is reported that care homes refuse to take children back if they have offended against the home or a member of staff, or where they are considered unruly.³¹⁴ NGOs in NI believe that custody is not being used as a measure of last resort,³¹⁵ an issue which has also been noted by the CJINI.³¹⁶ In many cases, children detained under this legislation are released on bail once their case is heard in court and do not receive custodial sentences (see Annex 1, AJJ2 - 4).

The majority of children detained under PACE are detained due to breach of bail conditions (see Annex 1, AJJ4). NGOs expressed concerns that bail conditions imposed on children are unrealistic and are difficult to uphold due to the number of conditions and their complexity.³¹⁷ The imposition of unrealistic bail conditions on children puts them at risk of being set up to fail, particularly where their lives are already chaotic and unsettled.³¹⁸ The Youth Justice Review and a review of Bail law in NI have made recommendations aimed at addressing these issues (see Appendix 1, AJJ5). However, admissions to the JJC under PACE have continued to rise. PACE detentions to the JJC are much higher in areas which are geographically closer to the Centre, a situation CJINI has described as ‘a postcode expediency’³¹⁹ (see Appendix 1, AJJ6)

In NI, a variety of options exist to divert children from the formal court process. Where children are prosecuted through the court system, measures can be imposed short of the child being sentenced to custody and these are imposed by the courts more frequently than custodial sentences (see Annex 1, AJJ7).

NGOs are concerned³²⁰ that large numbers of children accepting diversion will not have received independent legal advice and that many children detained within police stations do not access legal advice (see Annex 1, AJJ6). In NI, the DoJ developed Youth Engagement Clinics in 2012, designed to speed up the justice system. Children are offered the opportunity to attend a clinic and can accept a diversionary disposal where they admit guilt. Most children attending clinics will not have had a legal representative or legal advice, despite being permitted to bring a legal representative and the availability of legal aid (see Annex 1, AJJ 8 - 10).

...Following the welcome withdrawal of its reservation to article 37(c) of the Convention, ensure that, unless in his or her best interests, every child deprived of liberty is separated from adults in all places of deprivation of liberty (UN Committee 2008, para.78(d))

The JJC is the sole location for the detention of children in NI. Hydebank Wood Young Offenders Centre (YOC), operated by the NI Prison Service, has ceased to be used for the detention of under 18s.³²¹ However, under current legislation it is still possible to detain children in the YOC, alongside adults aged 18 -23. The unsuitability of the YOC as a place of detention for children has been recognised by numerous independent reports,³²² all of which were clear that children should never be detained there.

NGOs have urged the DoJ to take forward legislative reform to completely prohibit the detention of under-18s in the YOC. The DoJ consulted on custodial arrangements for children in September 2013. The overwhelming response was that there were no circumstances in which children should be detained in the YOC.³²³ The DoJ has accepted that all custodial sentences for children should be served in the JJC until a young person turns 18.³²⁴ However, the legislation required to give effect to these proposals has been delayed.³²⁵

Criminal records

The system for retention and disclosure of children’s criminal records in NI is complex and include powers for the police to disclose information such as police intelligence which they believe is relevant and ought to be disclosed.³²⁶ While it is vital that children are protected from harm, NGOs are concerned that the unnecessary disclosure of criminal record information can prevent children accessing education, employment and training opportunities which could aid their rehabilitation.

New arrangements for 'filtering' came into operation on 14th April 2014. Access NI, the body with responsibility for criminal record checks, will filter some old and minor convictions and other criminal information such as cautions from Standard³²⁷ and Enhanced³²⁸ checks. All diversionary disposals (informed warnings, cautions, diversionary youth conferences) and convictions held on criminal record databases are now considered for disclosure.³²⁹ Access NI had not, since April 2011, routinely disclosed diversionary disposals on certificates.³³⁰ Whilst some diversionary disposals will be filtered after a period of time, some will not, depending upon whether the offence is a 'specified' offence, resulted in a custodial sentence, or is the only conviction on an individuals' criminal record (see Appendix 1, AJJ 11 - 13). Arrangements for the disclosure of criminal records highlight the importance of children being aware of the implications of accepting diversion and the importance of receiving independent legal advice before doing so.

...Children in conflict with the law are always dealt with within the juvenile justice system and never tried as adults in ordinary courts, irrespective of the gravity of the crime they are charged with (UN Committee 2008, para.77(c))

Children in conflict with the law are normally dealt with by the Youth Court. However, children may still be tried in the adult Crown Court for serious offences, such as homicide.³³¹

Delay

Delay in youth justice is a significant concern for NGOs.³³² The Youth Justice Review emphasised the need to tackle delay within the youth justice system, stating that the issue of delay stands out above all others as being in urgent need of reform.³³³ It recommended the introduction of statutory time limits of no more than 120 days, covering the period of arrest to disposal of the young person's case.³³⁴ The DoJ has yet to introduce the time limit recommended and delay remains a serious issue in children's cases (see Annex 1, AJJ 14 - 15).

The NIA and Executive should:

- **Ensure that all relevant international standards are integrated into youth justice legislation, policy and practice, implementing commitments made under the Hillsborough Agreement;**
- **Substantially raise the minimum age of criminal responsibility;**
- **Legislate to ensure that custody is used as a measure of last resort;**
- **Provide a range of appropriate accommodation and support across NI to ensure that children, particularly children in the care, are not remanded in custody inappropriately;**
- **Ensure that children's bail conditions are proportionate, relevant, realistic and understood by the child;**
- **Bring forward legislation reforming the law relating to bail for children, as recommended by the NI Law Commission;**
- **Ensure that all children in contact with the criminal justice system receive independent legal advice;**
- **Prohibit through legislation the detention of children alongside adults in all circumstances;**
- **Ensure that arrangements for the retention and disclosure of criminal records of children are compliant with international standards;**
- **Reform legislation to ensure that no child under 18 is tried in an adult court;**
- **Address the issue of delay in children's cases through the introduction of end-to-end statutory time limits.**

- ¹ 'Census 2011: Key statistics for Northern Ireland', December 2012, Table KS102NI, p.12.
- ² Devolution was suspended in Northern Ireland on 14th October 2002. Devolution was restored on 8th May 2007.
- ³ The eleven Government Departments are the Office of the First and Deputy First Minister, the Department of Health, Social Services and Public Safety, the Department of Education, the Department of Employment and Learning, the Department of Finance and Personnel, the Department of Social Development, the Department of Agriculture and Rural Development, the Department of Enterprise, Trade and Investment, the Department of the Environment, the Department of Culture, Arts and Leisure and the Department of Regional Development. The Department of Justice was established on 12th April 2010, making a total of 12 Northern Ireland Government Departments.
- ⁴ Hillsborough Agreement, 5th February 2010.
- ⁵ Annual Report of the Parades Commission for Northern Ireland, 2014.
- ⁶ McAlister, S., Scraton, P. And Haydon, D. (2009) Childhood in Transition Experiencing Marginalisation and Conflict in Northern Ireland QUB, Save the Children, The Prince's Trust.p152
- ⁷ NIHE (2006) Mixed housing scheme is launched. 30 October 2006.
- ⁸ Kilkelly, U. et al Children's Rights in Northern Ireland, Belfast: NICCY, 2004, p.244.
- ⁹ In 2013/14, the number of racist incidents recorded by PSNI rose by 30.9% with the number of racist crimes recorded also rising by 47.0% - 'Trends in Hate Motivated Incidents and Crimes Recorded by the Police in Northern Ireland 2004/5 to 2013/14', Police Service of Northern Ireland, 3rd July 2014, p.13.
- ¹⁰ Consultation workshop, 13th November 2014.
- ¹¹ <https://www.conservatives.com/manifesto>, p.75.
- ¹² <http://www.nihrc.org/news/chief-commissioner-responds-to-human-rights-proposals>, <http://www.caj.org.uk/contents/1310>, http://www.caj.org.uk/files/2015/05/11/CAJ_correspondence_to_SOS_re_HRA_May_20151.pdf
- ¹³ 'Children's Rights In Northern Ireland', NICCY, 2004, p.12.
- ¹⁴ Consultation workshop, 13th November 2014.
- ¹⁵ 'Barriers to Effective Government Delivery for Children and Young People in Northern Ireland', Byrne, B. and Lundy, L. (2011), NICCY, p.67 - 68.
- ¹⁶ 'A Review of the Duties and Powers of the Northern Ireland Commissioner for Children and Young People' Barry Fitzpatrick and Brice Dickson (2013).
- ¹⁷ 'Children's Budgeting in Northern Ireland: An Exploratory Study' Dr Helga Sneddon, March 2014, p.11.
- ¹⁸ Consultation workshop, 13th November 2014.
- ¹⁹ Consultation workshop 13th November 2014.
- ²⁰ Consultation workshop 13th November 2014.
- ²¹ Consultation workshop 13th November 2014.
- ²² Section 75 Northern Ireland Act 1998
- ²³ OFMDFM, <http://www.ofmdfmni.gov.uk/index/equality-and-strategy/equality-human-rights-social-change/children-young-people/participation.htm>
- ²⁴ 'Walking or Talking Participation? Evidencing the Impact of Direct Participation with Children and Young People in the Development of Departmental Policies, Strategies, Legislation and Services' Paula Keenan, NICCY, 2014, p.10 - 12.
- ²⁵ 'Young Life and Times Survey 2010' ARK.
- ²⁶ 'A Critical Analysis of Print Media's Representation of Children and Young People during transition from Conflict in Northern Ireland', Gordon, F. (2012) PhD study, School of Law, Queen's University Belfast.
- ²⁷ 'A Critical Analysis of Print Media's Representation of Children and Young People during transition from Conflict in Northern Ireland', Gordon, F. (2012) PhD study, School of Law, Queen's University Belfast, p.104 – 145.
- ²⁸ 'Behind the Headlines' Media Representation of Children and Young People in Northern Ireland , Summary of Research Findings, Queen's University Belfast (Gordon, McAlister, Scraton) and Include Youth, April 2015 <http://www.law.qub.ac.uk/schools/SchoolofLaw/FileStore/Fileupload,501440,en.pdf>
- ²⁹ 'Equality Awareness Survey 2011' Equality Commission for Northern Ireland, p.i –ii.
- ³⁰ 'Final Report – Sub Group in InterCulturalism and Racism' April 2010, Taskforce on Traveller Education, Department of Education, p.2 - 3.

- ³¹ 'Traveller Voices for Change – Mapping the views of Irish Travellers on integration and their sense of belonging in Northern Ireland' Geraldine Scullion and Sheila Rodgers, November 2014, p.26.
- ³² Consultation workshop, 5th February 2015 & 10th February 2015.
- ³³ 'Grasping the nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland, Institute of Conflict Research, 2012, p.17 – 18.
- ³⁴ 'Grasping the nettle: The Experiences of Gender Variant Children and Transgender Youth Living in Northern Ireland, Institute of Conflict Research, 2012, p.2.
- ³⁵ 'Equality Awareness Survey 2011', Equality Commission for Northern Ireland, 2012, p.20.
- ³⁶ Consultation workshop, 11th December 2014.
- ³⁷ Testimonies from transgender children shared with CLC by SAIL, an organisation which supports transgender families.
- ³⁸ Consultation workshop, 11th December 2014.
- ³⁹ Consultation workshop, 11th December 2014.
- ⁴⁰ 'Migrant Roma in the United Kingdom – Population sizes and experiences of local authorities and partners' Final Report, Brown et al, October 2013, p.7.
- ⁴¹ 'Migrant Roma in the United Kingdom – Population sizes and experiences of local authorities and partners' Final Report, Brown et al, October 2013, p.8.
- ⁴² <http://news.bbc.co.uk/1/hi/8114234.stm>
- ⁴³ 'New to Northern Ireland – A study of issues faced by migrant, asylum seeking and refugee children in Northern Ireland' National Children's Bureau Northern Ireland (NCB NI), March 2010, p.39, 45, 52.
- ⁴⁴ 'Poverty and Ethnicity in Northern Ireland – An Evidence Review' Joseph Rowntree Foundation, January 2013, p.47.
- ⁴⁵ A group of children from the Roma community were consulted with on 19th February 2015.
- ⁴⁶ 'Hate Crime Policy' Public Prosecution Service for Northern Ireland, December 2010, para.3.8.
- ⁴⁷ Article 67 Criminal Justice (Northern Ireland) Order 2008.
- ⁴⁸ Safeguarding Board (Northern Ireland) Act 2011, section 3(5).
- ⁴⁹ Safeguarding Board for Northern Ireland 'Annual Report for the period to 31st March 2014' p.31 – 32.
- ⁵⁰ McAlister, S., Scraton, P. and Haydon, D. (2009) 'Childhood in Transition: Experiencing Marginalisation and Conflict in Northern Ireland, Belfast: QUB/ Save the Children/ Princes Trust; Harland, K. (2011) 'Violent Youth Culture in Northern Ireland: Young Men, Violence and the Challenges of Peacebuilding', *Youth and Society*, Vol 43, No. 2, p414 - 432 ; McAlister, S. and Carr, N. (2014) 'Experiences of Youth Justice: Youth Justice Discourses and their Multiple Effects', *Youth Justice*, Vol. 14, No. 3, p241 – 254.
- ⁵¹ Consultation workshop, 15th December 2014.
- ⁵² Under Schedule 9 of the Northern Ireland Act 1998, public authorities are required to produce an equality scheme, which is a statement of the public authority's commitment to fulfilling its Section 75 statutory duties, including the public authorities arrangements for consulting on the impact of its policies on the promotion of equality of opportunity. The scheme should conform with guidelines issued by the ECNI and as a result should outline the public authorities arrangements for consulting with children and young people on the likely impact of policies on equality of opportunity. The ECNI can investigate where a complaint is made that a public authority has failed to comply with its' equality scheme, or can undertake an investigation where it believes that a public authority has failed to comply.
- ⁵³ Information provided by the Office of Police Ombudsman for Northern Ireland, 23rd April 2015.
- ⁵⁴ Anti-social Behaviour (Northern Ireland) Order 2004, Article 7.
- ⁵⁵ <http://www.theguardian.com/society/2010/jun/20/teenager-repellent-mosquito-banned-europe>
- ⁵⁶ <http://www.dojni.gov.uk/index/statistics-research/stats-research-publications/northern-ireland-crime-survey-s-r/nics-2012-13-perceptions-of-crime-bulletin.pdf>.
- ⁵⁷ 'Human Rights 2014 Annual Report' Northern Ireland Policing Board, p.137.
- ⁵⁸ The Police and Criminal Evidence (Northern Ireland) Order 1989
- ⁵⁹ December 2008; App nos. 30562/04 and 30566/04.
- ⁶⁰ Criminal Justice Act (Northern Ireland) 2013, Schedule 2.
- ⁶¹ Anti-social Behaviour (Northern Ireland) Order 2004, Article 8.
- ⁶² 'Human Rights Thematic Review: Policing with Children and Young People – Update on PSNI implementation of recommendations', Northern Ireland Policing Board, November 2013, p.21.
- ⁶³ 1st October 2009, *The Belfast Telegraph*.
- ⁶⁴ 'Human Rights Annual Report 2013' Northern Ireland Policing Board, p.38.

- ⁶⁵ 'Concluding Observations: United Kingdom of Great Britain and Northern Ireland' United Nations Committee on the Rights of the Child, CRC/C/15/Add.188, 9th October 2002, para.34.
- ⁶⁶ Consultation workshop, 13th November 2014, 17th November 2014.
- ⁶⁷ 'Northern Ireland Childcare Cost Survey', Employers for Childcare, December 2014, p.14 - 15.
- ⁶⁸ 'Bright Start – The NI Executive's Strategy for Affordable and Integrated Childcare', 2013, p.3.
- ⁶⁹ 'Bright Start – The NI Executive's Strategy for Affordable and Integrated Childcare', 2013, p.20 – 21 & 41.
- ⁷⁰ <http://www.crossroadsyoungcarers.co.uk/young-carers/>, last accessed 13th March 2015.
- ⁷¹ 'Children's Social Care Statistics Northern Ireland 2013/2014' DHSSPS, 16th October 2014, p. 9 & 11.
- ⁷² 'Children in Care in Northern Ireland 2012 – 13 Statistical Bulletin', DHSSPS, 31st July 2014, p.11.
- ⁷³ Consultation workshop, 29th January 2015.
- ⁷⁴ Consultation workshop, 4th March 2015.
- ⁷⁵ <http://www.thedetail.tv/issues/308/children-prisons/children-of-prisoners-the-forgotten-victims-of-crime>
- ⁷⁶ <http://www.thedetail.tv/issues/308/children-prisons/children-of-prisoners-the-forgotten-victims-of-crime>
- ⁷⁷ 'Children in Care in Northern Ireland 2012 – 13 Statistical Bulletin', DHSSPS, 31st July 2014, p.18.
- ⁷⁸ 'Our Life in Care 2013', VOYPIC, August 2014, p.6.
- ⁷⁹ 'Our Life in Care 2013', VOYPIC, August 2014, p.16.
- ⁸⁰ Consultation workshop, 17th November 2014.
- ⁸¹ 'Our Life in Care 2013', VOYPIC, August 2014, p.24.
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- ²⁹⁷ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.81.
- ²⁹⁸ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.13.
- ²⁹⁹ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.7.
- ³⁰⁰ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.11, 40, 43. These images are often shared on the understanding that they can only be visible for a short period of time.

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- ³⁰¹ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.12.
- ³⁰² 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.43.
- ³⁰³ Consultation workshop, 17th November 2014.
- ³⁰⁴ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.12.
- ³⁰⁵ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.12.
- ³⁰⁶ Consultation workshop, 17th November 2014.
- ³⁰⁷ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.15.
- ³⁰⁸ 'Not a world away – the sexual exploitation of children and young people in Northern Ireland' Dr Helen Beckett, Barnardo's, October 2011, p.97 and Consultation workshop, 17th November 2014.
- ³⁰⁹ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.60.
- ³¹⁰ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.15.
- ³¹¹ Consultation workshop, 4th March 2015.
- ³¹² 'Agreement at Hillsborough Castle' 5th February 2010, section 1.7.
- ³¹³ 'An Announced Inspection of Woodlands Juvenile Justice Centre' Criminal Justice Inspection Northern Ireland, May 2015, p.18.
- ³¹⁴ 'A Review of the Youth Justice System in Northern Ireland', September 2011, para.3.6.4.
- ³¹⁵ Consultation workshop, 15th December 2015.
- ³¹⁶ 'An announced inspection of Woodlands Juvenile Justice Centre', Criminal Justice Inspection Northern Ireland, November 2011, p. 4.
- ³¹⁷ Consultation workshop, 15th December 2015.
- ³¹⁸ 'A Review of the Youth Justice System in Northern Ireland', September 2011, para.3.6.3.
- ³¹⁹ 'An Announced Inspection of Woodlands Juvenile Justice Centre' Criminal Justice Inspection Northern Ireland, May 2015, p.6.
- ³²⁰ Consultation workshop, 15th December 2015.
- ³²¹ From 1st November 2012.
- ³²² 'Report on an unannounced short follow-up inspection of Hydebank Wood Young Offenders Centre, 21 - 25 March 2011', Criminal Justice Inspection Northern Ireland/Her Majesty's Chief Inspector of Prisons/Regulation and Quality Improvement Authority, October 2011, p. V, 'Review of the Northern Ireland Prison Service: Conditions, management and oversight of all prisons', Prison Review Team, Interim Report, February 2011, 'Review of the Northern Ireland Prison Service: Conditions, management and oversight of all prisons', Prison Review Team, Final Report, October 2011, Recommendation 38.
- ³²³ 'Custodial arrangements for children: Summary of responses and way forward' Department of Justice, May 2014, paras.5.5 – 5.10.
- ³²⁴ 'Custodial arrangements for children: Summary of responses and way forward' Department of Justice, May 2014, paras.5.12 – 5.13.
- ³²⁵ www.dojni.gov.uk/index/media-centre/news-archive/november-2014/sentencing-arrangements-for-children-will-be-reviewed-ford.htm
- ³²⁶ Police Act 1997, section 113B.
- ³²⁷ A Standard criminal records check contains details of all spent and unspent convictions and relevant cautions (<http://www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/accessni-criminal-record-checks/about-accessni.htm>).
- ³²⁸ An enhanced check contains the same information as a standard check as well as a check of police records held locally and, for positions working with children and vulnerable adults, may include information held by the Disclosure and Barring Service (<http://www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/accessni-criminal-record-checks/about-accessni.htm>)
- ³²⁹ <http://www.dojni.gov.uk/index/accessni/disclosures/filtering.htm>
- ³³⁰ <http://www.dojni.gov.uk/index/accessni/disclosures/ani-1-2014---filtering-of-old-and-minor-convictions-and-cautions.pdf>
- ³³¹ Criminal Justice (Children) Northern Ireland Order 1998, Article 17.
- ³³² Consultation workshop, 15th December 2014.

³³³ 'A Review of the Youth Justice System in Northern Ireland' September 2011, p.68.

³³⁴ 'A Review of the Youth Justice System in Northern Ireland' September 2011, p.71 – 73.

ANNEX 1

ADDITIONAL INFORMATION ON THE STATE OF CHILDREN'S RIGHTS IN NORTHERN IRELAND

GENERAL MEASURES OF IMPLEMENTATION (GMI)

1. The Assembly is currently considering a Children's Services Co-operation Bill, which will require NI Departments to discharge their functions in a way that furthers the outcomes listed under the Ten Year Strategy 2006 – 2016 for Children and Young People in the delivery of children's services. Under the Bill, the NI Departments must cooperate with one another in the furtherance of these outcomes. To fulfil this duty, Departments may pool resources, but would not be required to do so. Whilst widespread support exists for this proposed legislation amongst NGOs, CLC has suggested amendments aimed at strengthening the Bill, including making the pooling of resources mandatory.
2. A Review of NICCY's powers raised concerns about the independence of the office and the extent of the involvement of OFMDFM in its operations, noting that NICCY is dependent on OFMDFM for appointing and removing the Commissioner, decides how much public money NICCY should receive, decides the size of the salary and allowances paid to the Commissioner, the number of staff the Commissioner can appoint, the remuneration and conditions of service of such staff, and the form in which NICCY's statement of accounts must be presented.¹ The budget granted to NICCY from OFMDFM has fallen from £1,599,639² in 2010/ 11 to £1,447,000³ in 2013/14.
3. In a survey of 16 year olds carried out in 2014, 80% had not heard of the Children's Commissioner.⁴
4. In presenting its final budget agreed by the NI Executive for 2015/16, the Minister for Finance and Personnel indicated that the NI Executive's overall spending power has fallen by around £1 billion since 2010. He further stated that next year's resource budget has been reduced by 1.6% in real terms, impacting on the ability to pay for the day to day running of public services like schools and hospitals when demand for those and other services remains high. The years ahead look equally challenging with Office of Budget Responsibility projections suggesting NI could see its Resource Departmental Expenditure Limits fall by a further 13% in real terms by the end of this decade. The Finance Minister stated that NI has never before had to contend with budgetary pressures of this magnitude.⁵
5. The last survey addressing the issue of knowledge and understanding of children's rights in the adult population in 2002 found that only 43% of respondents had heard

¹ 'A Review of the Duties and Powers of the Northern Ireland Commissioner for Children and Young People' Fitzpatrick, Barry and Brice Dickson (2013). p.64.

² 'Annual Report and Accounts' NICCY, 2010 - 11, 15th December 2011, p.43.

³ 'Annual Report and Accounts' NICCY, 2013 - 14, 27th October 2014, p.60.

⁴ 'Young Life and Times Survey 2014' ARK.

⁵ 'Public Expenditure 2014 – 2015 January Monitoring Round & 2015 – 16 Final Budget: Statement to the Assembly' by Simon Hamilton MLA, Minister of Finance and Personnel, 19th January 2015.

of the CRC.⁶ Findings from the Young Persons Behaviour and Attitudes Survey⁷ revealed that less than half of the sample (43%) had heard of the CRC. A survey of 16 year olds carried out in 2014 found that 46% had not heard of the CRC.⁸

6. The ARK Kids Life and Times Survey (KLT), a survey 10 - 11 year olds in NI, found in 2010 that 91% of children understood what it means to have a right to do something, but only 38% identified that they in fact had rights and could write a few of them down, with 21% identifying that they had rights but did not know them. 60% had not heard of the CRC, which by 2012 had risen to 72%.⁹
7. A review of education policy undertaken by the NIHRC and Queen's University Belfast in 2013 highlighted that at Primary school level, specific mention of human rights as part of the statutory NI Curriculum appears only at Key Stage 2 (ages 8 – 11), with only non-statutory guidance suggesting that schools refer to the CRC. At Post-Primary level, Local and Global Citizenship education at Key Stage 3 (ages 11 – 14) contains as a core theme 'Human Rights and Responsibilities'. The CRC is not a statutory part of this course. At Key Stage 4 (ages 14 – 18) the statutory curriculum for Local and Global Citizenship education makes no specific reference to human rights. The Community Relations, Equality and Diversity (CRED) policy includes the CRC. However the Department of Education has recently removed all funding for CRED. No comprehensive strategy has been established in relation to teacher education for human rights education.¹⁰ A survey of 16 year olds in 2014 found that 58% of young people had learnt about children's rights in school, but 36% had not.¹¹

GENERAL PRINCIPLES (GP)

1. In a 2010 survey of 16 year olds living in NI, 83% of respondents thought that in general young people are judged negatively just because they are young. 86% reported that they had been treated with disrespect because they were a young person. 58% had been told to leave their school bag outside a shop because they were a young person, with 26% excluded from a shop or shopping centre because they were a young person. 66% had been treated as suspicious by staff in a shop because they were a young person, whilst 56% had experienced standing with friends on the street and being told to move on. 77% of respondents felt that the media portrays young people mostly negatively.¹²
2. The 2011 Census found that 0.1 per cent (1,300) of people living in NI were Travellers. This was lower than the 2001 Census figure of approximately 1,710

⁶ For full module related to the rights of the child, see Northern Ireland Life and Times Survey 2002, available at: http://www.ark.ac.uk/nilt/2002/Rights_of_the_Child/index.html.

⁷ NISRA (2013) The Young Persons Behaviour and Attitudes Survey available at: [http://www.csu.nisra.gov.uk/YPBAS%202013%20Top-Line%20Results%20\(Weighted\).pdf](http://www.csu.nisra.gov.uk/YPBAS%202013%20Top-Line%20Results%20(Weighted).pdf). The Young Persons Behaviour and Attitudes Survey (YPBAS) is a school-based survey conducted among 11 - 16 year-olds. The survey covers a range of topics relevant to the lives of young people.

⁸ 'Young Life and Times Survey 2014' ARK.

⁹ <http://www.ark.ac.uk/klt/results/Rights.html>

¹⁰ 'Education Reform in Northern Ireland – A Human Rights Review' Northern Ireland Human Rights Commission, Queen's University Belfast, 2013, para.5.2.1 – 5.2.2.

¹¹ 'Young Life and Times Survey 2014' ARK.

¹² 'Young Life and Times Survey 2010' ARK.

Travellers. In contrast, Our Geels, the All Ireland Traveller Health Study in 2010 concluded that there are at least 3,905 Travellers living in Northern Ireland.¹³

3. From a survey conducted in 2013, 21% of persons surveyed indicated that they would not willingly accept someone from a minority ethnic group as a resident in their local area.¹⁴ 27% would not willingly accept someone from Eastern Europe as a resident in their local area.¹⁵ 38% would not willingly accept a Muslim as a resident in their local area.¹⁶ 23% of people described themselves as a little prejudiced against persons from minority ethnic communities.¹⁷ 34% agreed that the needs of migrant workers children put a strain on schools.¹⁸ 25% agreed that migrant workers come to Northern Ireland just to get social security benefits.¹⁹
4. From a ECNI survey conducted in 2011, 35% of respondents stated they would mind (a little or a lot) if a transgender person was a work colleague, 40% would mind if they had a transgender neighbour and 53% would mind if an in-law was transgender. Despite this high level of prejudice, only 11% of survey respondents perceived transgender persons to be unfairly treated in society and just 3% perceived transgender persons to be the most unfairly treated.²⁰
5. In the most recent Northern Ireland Schools Omnibus Survey, of the 369 schools that took part (265 primary, 86 post-primary and 18 special schools), approximately 66% did not cover LGB issues within Relationship and Sexuality Education (RSE) or other parts of the school curriculum, with just under a quarter responding that they did cover these issues. Approximately four-fifths of post-primary schools did cover these issues, in comparison to 4.4% of primary schools.²¹ However, in a 2014 survey of 16 year olds, 49% of respondents indicated that LGB issues were not explained or discussed during RSE. Fifty percent indicated that they had homophobic terms directed at them, regardless of their own sexuality, by another pupil while 78% reported that this had happened to their classmates.²²
6. A 2011 survey of the experiences of LGB young people in education in Northern Ireland showed that 94% of the young LGB people surveyed were not taught anything in sexual health education that they felt was relevant to them, as an LGB person. Twenty-four percent of respondents reported that they had been taught something about being LGB in school that they now know to be false. Seventy-nine percent of respondents reported that they had been taught nothing about their rights as an LGB person.²³

¹³ 'Traveller Voices for Change – Mapping the views of Irish Travellers on integration and their sense of belonging in Northern Ireland' Geraldine Scullion and Sheila Rodgers, November 2014, p.7.

¹⁴ http://www.ark.ac.uk/nilt/2012/Minority_Ethnic_People/MEGRESA.html

¹⁵ http://www.ark.ac.uk/nilt/2013/Minority_Ethnic_People/EERES.html

¹⁶ http://www.ark.ac.uk/nilt/2013/Minority_Ethnic_People/MUSRES2.html

¹⁷ http://www.ark.ac.uk/nilt/2013/Minority_Ethnic_People/UPREJMEG.html

¹⁸ http://www.ark.ac.uk/nilt/2013/Minority_Ethnic_People/MIGWRK9.html

¹⁹ http://www.ark.ac.uk/nilt/2013/Minority_Ethnic_People/MIGWRK9.html

²⁰ 'Equality Awareness Survey 2011', Equality Commission for Northern Ireland, 2012, p.33 - 34

²¹ 'Northern Ireland School Omnibus Survey', Department of Education, November 2014, p.11.

²² 'Young Life and Times Survey 2014' ARK

²³ 'Left Out of the Equation – A Report on the experiences of Lesbian, Gay and Bisexual Young People at School', Education Equality Project, 2011, p.5

7. The UK's submission to the EU concerning development of a Roma Integration Strategy stated that there is no reliable data on the number of Roma in the UK.²⁴ Inaccurate data about 'ethnicity' is collected (e.g. in the NI School Census²⁵) compounded by a reluctance of individuals to self-ascribe as 'Roma' due to fears of discrimination.
8. In 2013/14, there were 65 racist crimes recorded against under 18s in Northern Ireland. This level of racist crime has remained relatively consistent since 2008/9.²⁶ In 2013/14, there were 8 homophobic crimes recorded against under 18s, out of a total of 176 crimes across all ages. The level of recorded homophobic crime has also remained relatively consistent since 2008/9.²⁷ There has been a fall in the level of recorded sectarian crime against under 18s, with the level of sectarian crime falling from 152 crimes against under 18s in 2009/10 to 88 crimes in 2013/14.²⁸
9. Up until 31st March 2014, the SBNI received 13 notifications about children who had died or been significantly harmed, but case management reviews were undertaken in only 6 of these cases.²⁹
10. Between 1st April 2008 and 30th September 2010 a Taser was discharged against 1 child under the age of 18 and 'drawn and aimed' against 7 under 18 years.³⁰ Further information received from the PSNI states that between April 2013 and September 2013, Tasers have been used³¹ but not discharged in 5 instances involving children under 18.³² Between April 2014 and September 2014 there was one occasion in which a Taser was used against a child.³³
11. On 13th July 2009 the PSNI fired 17 AEPs in the Ardoyne area of North Belfast during rioting, whilst children were present.³⁴ A number of injuries were incurred by young people as a result of being hit by AEPs, including the wounding of a 13 year old child from Ardoyne.³⁵ In July 2010 a 16 year old boy was hospitalised after sustaining severe liver damage as a result of being struck twice with AEPs fired by the PSNI

²⁴ UK National Roma Integration Strategy, 2012, p.2.

²⁵ For example, data about 'ethnicity' from the NI School Census continues to be reported using the categories: White, Chinese, Irish Traveller, Indian/Sri Lankan, Pakistani, Black, Other ethnic group, Mixed ethnic group (DE, 2014). These categories do not reflect diversity within the 'white' population and subsumes specific groups such as Roma in 'other'.

²⁶ http://www.psni.police.uk/index/updates/updates_statistics/updates_hate_motivation_statistics.htm , Racist motivations accompanying excel spreadsheet (MS Excel, 819.0 KB), Table 2.6.

²⁷ http://www.psni.police.uk/index/updates/updates_statistics/updates_hate_motivation_statistics.htm , Homophobic motivations accompanying excel spreadsheet, Table 3.5.

²⁸ http://www.psni.police.uk/index/updates/updates_statistics/updates_hate_motivation_statistics.htm , Sectarian motivations accompanying excel spreadsheet, Table 4.5.

²⁹ 'Annual Report for the period to 31st March 2014', Safeguarding Board for Northern Ireland, p.37.

³⁰ Figures obtained by CLC from the Police Ombudsman for Northern Ireland, 14th March 2011.

³¹ Use of a Taser refers to the Taser having been drawn and aimed in one instance involving a child and drawn and 'red-dotted' i.e. red laser sight for the taser visible on the suspect on 4 occasions involving a child.

³² Figures obtained from PSNI 13th December 2013.

³³ Figures obtained from PSNI, 5th June 2015. Figures are provisional and may be subject to change. This incident involved a Taser being red-dotted against a 16 year old.

³⁴ <http://www.belfasttelegraph.co.uk/news/local-national/orde-other-forces-would-have-used-live-rounds-in-ardoyne-14415089.html>

³⁵ The Irish News, 17th August 2009, 'International rights adviser to examine riot baton round use' Allison Morris.

during rioting at the Broadway interface in West Belfast.³⁶ On 29th January 2011 police fired one baton round during a riot in Lurgan, Co. Armagh.³⁷ It was reported that the PSNI believed a rioter was struck in the leg. CLC was unable to confirm the age of the person who was struck but news reports described them as a teenager.³⁸ From April 2008 until September 2012, AEPs have been used on a total of 168 occasions. A total of 579 AEPs were fired on these occasions.³⁹ PSNI figures from July 2013 indicate that AEP's were discharged on a number of occasions in public order situations and at least seven of those targeted were perceived by the officer to be under the age of 18.⁴⁰

12. In relation to shootings and assaults by non-state forces against children, 12 children were recorded as victims of paramilitary style shootings between 2009 and 2014, with 5 children recorded as victims in 2009. Twenty-seven children were recorded as being victims of paramilitary style assaults over the same period, with 13 children recorded as victims in 2009.⁴¹
13. In a survey of 16 year olds carried out in 2014, only 15% of respondents felt that they definitely or probably had an influence on decisions made in their area. Only 9% felt that they had any influence in relation to decisions made about what happens in NI.⁴²
14. In the family proceedings courts in Northern Ireland there is currently a limited legislative basis within the Children (Northern Ireland) Order 1995 (the 1995 Order) to provide separate legal representation to children.⁴³ Courts are required under Article 3 of the 1995 Order to consider the ascertainable wishes and feelings of the child concerned, considered in the light of their age and understanding, when making orders such as care orders which place the child in the care of the state and gives the state parental responsibility for the child. However, consideration of the wishes and feelings of the child is limited within the 1995 Order to certain circumstances listed within the Order.
15. Research published in 2014, found that 80% of 14 – 16 year olds surveyed had previously had some form of interaction with the police. Most respondents had not heard of OPONI (66%) or the Policing Board (58%) and a similar number did not know whether both organisations were part of the PSNI or independent.⁴⁴

³⁶ <http://www.u.tv/News/Teen-stable-after-west-Belfast-riots/69baf1c3-6924-4001-b7bd-c06a9e82b292>

³⁷ <http://www.u.tv/news/Lurgan-riot-orchestrated-against-police/e0fa8e15-2011-4ae0-b14b-493d7d01a0a6>

³⁸ <http://www.newsletter.co.uk/news/PSNI-under-attack-in-39orchestrated.6706869.jp>

³⁹ 'Use of Force Statistics: 1st April 2012 to 30th September 2012' 14th December 2012, Police Service of Northern Ireland, p.4.

⁴⁰ Police Service of Northern Ireland statistics on Use of Force, December 2013.

⁴¹ Information received from PSNI, 1st May 2015.

⁴² 'Young Life and Times Survey 2014' ARK.

⁴³ In care proceedings a Guardian Ad Litem and a solicitor will be appointed to represent the interests of the child. In cases where the child's views conflict with that of the Guardian Ad Litem, a solicitor may be appointed separately to represent the child's views to the family court.

⁴⁴ The Dynamics of Police Legitimacy Among Young People, L. Devaney, S.Pehrson, D. Bryan and D.Blalock, December 2014.

CIVIL RIGHTS AND FREEDOMS (CRF)

1. The PSNI has stated that between 1st April 2009 and 31st December 2014, 69 ASBOs were granted, 24 of which are still active. A third of all ASBOs and 8 currently active ASBOs are in relation to a young person.⁴⁵ Between 1st April 2009 and 31st March 2015, the PSNI received 223 reports of breach of ASBO offences by young people. In the vast majority of these cases, the PSNI dealt with these breaches through charging the young person with an offence (78.9% of all offences), or by a court summons being issued in relation to the young person (11.2% of all offences).⁴⁶
2. In an online survey of 752 young people's views on children's rights in Northern Ireland, conducted by CLC and SC, 61% of respondents had experienced being asked to "move on" with 13% experiencing it all the time. There was a statistically significant association between where a young person lived (urban/rural) and their frequency of being moved on, with young people living in urban areas experiencing this more frequently (51% of urban young people reported being asked to move on sometimes/all the time compared to 30% of rural young people). Young people reported that often they were asked to 'move on' while socialising in their area, e.g., playing football, in food outlets, in the park and in shopping centres. They reported being asked to 'move on' by a range of adults in their community, particularly the PSNI, local business employees and local residents.
3. Between 1st April 2013 and 31st March 2014, 5,482 under 18's were stopped, searched or questioned, representing 16.82% of the overall number of persons stopped, searched or questioned.⁴⁷ PSNI statistics also show that over a different period, 85% of under 18s stopped and searched were aged 15 - 17.⁴⁸ Northern Ireland population estimates show that 15 - 17 year olds comprise just 4% of the population in Northern Ireland.⁴⁹ This means that 14.45% of PSNI stop and searches were being carried out against just 4% of the population, showing just how disproportionately stop and search powers are being used against this small group of children and young people. In a survey of young people's contact with the PSNI conducted in 2009, the second most common form of contact young respondents had with the PSNI was that of being stopped and searched (29%).⁵⁰ PSNI statistics also show that only 7% of all those stopped and searched in Northern Ireland are ultimately arrested.⁵¹ There was a 9.6% increase in the number of stop and searches involving young people in 2013/14 compared to 2011/12.⁵²

⁴⁵ 'Children and Young People's contact with Police – Five Year Trend Analysis' March 2015, PSNI, p.16.

⁴⁶ Information provided by PSNI, 15th May 2015.

⁴⁷ Statistics Branch, Police Service of Northern Ireland, http://www.psnipolice.uk/2013-14_fy_stop_and_search_report__internet_.pdf

⁴⁸ Between 1st July 2013 – 30th September 2013, of the 1,257 under 18s stopped and searched 1,071 of these were aged 15 – 17, Statistics Branch, Police Service of Northern Ireland.

⁴⁹ NISRA Mid-year population estimates 2013, published 26th June 2014.

⁵⁰ 'Beyond the Margins. Building Trust in Policing with Young People', Achieve Enterprises and Public Achievement, March 2010, p.18.

⁵¹ Statistics Branch, Police Service of Northern Ireland http://www.psnipolice.uk/2013-14_fy_stop_and_search_report__internet_.pdf

⁵² 'Children and Young People's contact with Police – Five Year Trend Analysis', Police Service of Northern Ireland, March 2015, p.18.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE (FEAC)

1. Employers for Childcare surveyed over 4,200 parents and nearly 1,000 providers of childcare in 2014 and found that childcare costs had risen by 2.5% in the previous 12 months, with the average cost of full-time childcare for one child in Northern Ireland being £162 per week (1.2% higher than the rate of inflation). Since 2011, childcare costs in Northern Ireland have risen at a steady rate of 1.3% each year.⁵³ Forty-eight percent of surveyed parents stated that childcare consumed around half of their partner's or their own pay. Seven percent commented that the cost of childcare exceeded either their partner's or their own take-home pay.⁵⁴ Fifty-one percent had been forced to reduce their working hours, or leave work altogether, due to the high cost of childcare, a rise of 5%.⁵⁵
2. In 2011/12, there were 5,320 registered childcare providers in Northern Ireland offering nearly 56,000 childcare places. With some 355,000 children under the age of 15, there was around one registered childcare place for every six children. More than 80% of all provision in Northern Ireland was found to be focused on pre-school age groups with fewer places available for school-age children. A lack of childcare places in rural areas⁵⁶ and a lack of places for children with disabilities were identified as issues.⁵⁷ Research has found that more than half of all childcare providers (59%) stated they were not able to provide for children with disabilities. Of those that were able to provide for children with disabilities, 68% reported that they did not currently do so.⁵⁸
3. At 31st March 2014, 25,998 children were known to Social Services as a 'child in need' as defined under the Children (Northern Ireland) Order 1995, 6% higher than in 2013. Between 2007/8 and 2013/14, the number of 'children in need' referrals rose by 43%. In 2013/14, 71% of referrals were allocated for further action. Of those allocated for further action, the majority related to a carer who needed support to give appropriate care for the child (78%), with 20% relating to child protection investigations and 2% relating to a child with disability.⁵⁹
4. At 31st March 2014, 2,858 children were in the care of the Health and Social Care Trusts. NI currently has the highest number of children in care recorded since the introduction of the Children (Northern Ireland) Order 1995.⁶⁰ The number of looked after children (a common term used to describe children in care) in NI has risen by 14% since 2011 and by 23% since 1999.⁶¹
5. In 2013/14, three quarters of looked after children were in foster care placements, with just over two-fifths of those children in a kinship placement (meaning that they were placed with one of their own family or friends). Twelve percent of children were

⁵³ 'Northern Ireland Childcare Cost Survey', Employers for Childcare, December 2014, p.9.

⁵⁴ 'Northern Ireland Childcare Cost Survey', Employers for Childcare, December 2014, p.11.

⁵⁵ 'Northern Ireland Childcare Cost Survey', Employers for Childcare, December 2014, p.14.

⁵⁶ 'Bright Start – The NI Executive's Strategy for Affordable and Integrated Childcare', 2013, p.6 – 7 & 15.

⁵⁷ 'Bright Start – The NI Executive's Strategy for Affordable and Integrated Childcare', 2013, p.20 - 21.

⁵⁸ 'Bright Start – The NI Executive's Strategy for Affordable and Integrated Childcare', 2013, p.41.

⁵⁹ 'Children's Social Care Statistics Northern Ireland 2013/2014' DHSSPS, 16th October 2014, p.8.

⁶⁰ 'Children's Social Care Statistics Northern Ireland 2013/2014' DHSSPS, 16th October 2014, p.30.

⁶¹ 'Children's Social Care Statistics Northern Ireland 2013/2014' DHSSPS, 16th October 2014, p.32.

placed with parents, 7% in residential care and 5% in other placements.⁶² Children and young people in kinship foster care had the most stable placements, with children and young people in residential care and 'other' placement types (such as independent living or the Juvenile Justice Centre) experiencing least stability in their placements. Thirty-five percent of placement changes were as a result of the original placement breaking down.⁶³

6. VOYPIC 'Our Life in Care' research found that 68% of looked after under 12s in 2013 said that their social worker helped them to say what they think about being in care and 61% knew what their care plan⁶⁴ was. Thirty-nine percent of the youngest participants in the survey said that someone had spoken to them about what was in their care plan.⁶⁵
7. Children in care have much poorer educational outcomes than their peers who are not in care. Research shows that 27% of children in care achieve 5 or more GCSEs⁶⁶ at grades A* - C, compared to 80% of children in the general school population.⁶⁷ The proportion of young people leaving care with no qualifications was 28% in 2013/14, over 15 times that for general school leavers.⁶⁸
8. Seventy-seven percent of children in care for 12 months or longer at 30th September 2013 had a Personal Education Plan (PEP).⁶⁹ One fifth (19%) of care leavers aged 16-18 in 2013/14 had a completed Personal Education Plan.⁷⁰ Amongst those care leavers aged 19 whose economic activity was known, 36% were unemployed or economically inactive.⁷¹
9. A quarter (25%) of looked after children of compulsory school age (i.e. under 16) in 2012/13 had a statement of SEN, compared to 5% of the general school population in Northern Ireland.⁷²
10. In 2012/13 children in care were more likely to have been expelled from school than those in the general school population and were almost five times more likely to have been suspended from school. Of the looked after children of compulsory school age, 8 were expelled during 2012/13 compared with 19 in the general school population,

⁶² 'Children's Social Care Statistics Northern Ireland 2013/2014' DHSSPS, 16th October 2014, p.30 & 32.

⁶³ 'Children in Care in Northern Ireland 2012 – 13 Statistical Bulletin', DHSSPS, 31st July 2014, p.19 - 20.

⁶⁴ A plan prepared by social services which covers issues such as accommodation for the child, supports and services which may be offered for the child and how their case may progress in the future.

⁶⁵ 'Our Life in Care 2013', VOYPIC, August 2014, p.22 - 23.

⁶⁶ GCSE stands for General Certificate of Secondary Education and is an academic qualification awarded for specified subjects. GCSE exams are generally taken by children in Northern Ireland across a range of subjects at age 16.

⁶⁷ 'Children in Care in Northern Ireland 2012 – 13 Statistical Bulletin', DHSSPS, 31st July 2014, p.23 & 34.

⁶⁸ 'Northern Ireland Care Leavers 2013 – 14' DHSSPS, January 2015, p.4.

⁶⁹ 'Children in Care in Northern Ireland 2012 – 13 Statistical Bulletin', DHSSPS, 31st July 2014, p.22.

⁷⁰ 'Northern Ireland Care Leavers 2013 – 14' DHSSPS, January 2015, p.17.

⁷¹ 'Northern Ireland Care Leavers 2013/14', DHSSPS, 15th January 2015, p.34.

⁷² 'Children in Care in Northern Ireland 2012 – 13 Statistical Bulletin', DHSSPS, 31st July 2014, p.30.

and 6% (97) of looked after children had been suspended in 2012/13, compared with 1.3% of the general school population in Northern Ireland.⁷³

11. In VOYPIC's 'Our Life in Care' survey of the views of young people in care between 2011 – 2013, the number of young people surveyed aged over 16 who said that they could talk to their Personal Adviser⁷⁴ was highest in 2013 at 44%. In 2013, 22% of young people aged over 16 surveyed did not know "at all" about their pathway plan⁷⁵ (again the highest level of awareness over the 3 years) and only 16% had a copy of their pathway plan, the lowest rate in the three years.⁷⁶
12. Article 44 of the Children (Northern Ireland) Order 1995 provides that a child in care should not be placed in secure accommodation unless it appears that they have a history of absconding and are likely to abscond from any other description of accommodation and, if absconding, are likely to suffer significant harm, or if kept in any other type of accommodation is likely to injure themselves or others. The Children (Secure Accommodation) Regulations (Northern Ireland) 1996 provide that no child under the age of 13 may be placed in secure accommodation without the prior approval of the DHSSPS (Regulation 2). Without court authority the maximum period a child can be placed in secure accommodation is 72 hours, either consecutively or in aggregate in any period of 28 days (Regulation 6). The maximum period a court may authorise a child to be kept in secure accommodation is three months in the first instance, although on subsequent applications the court may authorise secure accommodation for six months at a time (Regulations 7 & 8). Each of the five Health and Social Care Trusts has established a 'restriction of liberty panel', to consider placements in secure accommodation in the first instance.
13. Secure accommodation in Northern Ireland is provided at the Lakewood Centre, which provides secure accommodation for up to 16 children.
14. In 2012/13 (1st April – 31st March), there were 39 admissions to secure care in Northern Ireland in total, with 13 being repeat admissions. In 2013/14, there were 42 admissions to secure care, with 7 repeat admissions. In April – September 2015, there were 20 admissions to secure care, with 8 being repeat admissions.⁷⁷ Several children consulted in Lakewood had experienced being admitted on more than one occasion.
15. Children can experience lengthy placements in secure accommodation, either consecutively or on aggregate over a period of time. One consulted child had been in Lakewood for a cumulative total of 18 months, having been admitted on various occasions. Staff in Lakewood highlighted that they had known children to be in secure accommodation for up to 2 years.
16. Information on the number of children leaving secure accommodation for treatment and/or therapeutic interventions outside of Northern Ireland, and the associated cost

⁷³ 'Children in Care in Northern Ireland 2012 – 13 Statistical Bulletin', DHSSPS, 31st July 2014, p.24 - 25.

⁷⁴ A Personal Adviser is appointed for young people preparing for life after being in care. They should act as an advocate for the young person, helping to ensure that the relevant Health and Social Care Trust and other service providers fulfil their duties towards the young person.

⁷⁵ A pathway plan is prepared for young people leaving care.

⁷⁶ 'Our Life in Care 2013', VOYPIC, August 2014, p.25.

⁷⁷ Information supplied by Health and Social Care Board, 1st May 2015.

of this provision, is not routinely collated.⁷⁸ However consulted children highlighted that treatment outside of Northern Ireland had been, or was being, considered as an option in their cases.

17. Homeless young people continue to be provided with accommodation under Article 18 of the Children (NI) Order 1995 rather than Article 21 of the 1995 Order. This results in them not being classified as 'looked after' children and as a result not being able to access a range of support services. Freedom of Information requests have shown that the majority of homeless young people are still not being provided with accommodation under Article 21. From August to December 2014, 22 young people presented as homeless to Belfast Health and Social Care Trust, with only 1 then being provided with accommodation under Article 21.⁷⁹
18. Between 1st April 2013 – 31st March 2014 the majority of looked after children (70%) are adopted as a single child, with 30% being adopted with siblings. The majority are adopted by their former foster carers.⁸⁰

VIOLENCE, ABUSE AND NEGLECT (VAN)

1. At 31st March 2014, 1,914 children were on the Child Protection Register,⁸¹ representing the lowest number of children on the register since 2007.⁸² A total of 4,114 child protection referrals⁸³ were received for the year ending 31st March 2014, a 3% decrease on the previous year. However, between 2007 – 2011, referrals rose from 2,829 to 4,804.⁸⁴
2. NSPCC research shows that there were 1,182 recorded sexual offences against children under the age of 18 in 2012/13 in Northern Ireland. A fifth (236) were rapes or attempted rapes and nearly two-thirds (769) were sexual assaults or sexual activity with a child. The number of recorded offences and the offence rate has been increasing. The NSPCC states that official statistics do not reflect the actual number of offences committed.⁸⁵ In January 2014, NSPCC also highlighted that in 2012 – 13, 377 sexual offences were recorded against under 10s, a 20% rise on the previous year.⁸⁶
3. PSNI statistics show that a consistently high proportion of sexual offences are committed against children. Between 2009 and 2013, of 7,486 sexual offences, 4,100 were committed against children.⁸⁷

⁷⁸ Correspondence between CLC member of staff and Health and Social Care Board, 27th April 2015.

⁷⁹ Response to Freedom of Information request from Belfast Health and Social Care Trust, 19th February 2015.

⁸⁰ 'Children adopted from care in Northern Ireland 2013/14', DHSSPS, 4th December 2014, p.8.

⁸¹ The Child Protection Register in each Health and Social Care Trust Area of NI lists every child in that area who has been abused, or who is at risk of being abused, and is subject to a child protection plan.

⁸² 'Children's Social Care Statistics Northern Ireland 2013/2014' DHSSPS, 16th October 2014, p.6.

⁸³ A child protection referral is made where there are allegations or suspicions that a child is being abused.

⁸⁴ 'Children's Social Care Statistics Northern Ireland 2013/2014' DHSSPS, 16th October 2014, p.22.

⁸⁵ <http://www.nspcc.org.uk/globalassets/documents/research-reports/how-safe-children-2014-indicator-04.pdf> (last accessed 26th March 2015).

⁸⁶ <http://www.belfasttelegraph.co.uk/news/northern-ireland/child-sex-crimes-on-the-increase-29910119.html> (last accessed 26th March 2015).

⁸⁷ Calculated from PSNI figures contained in 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry', Kathleen Marshall, November 2014, p.114.

4. In 2012-13, 880 women and 546 children stayed in Women's Aid refuges across Northern Ireland as a result of not being safe from domestic violence in their own homes.⁸⁸
5. The NSPCC Young Witness Service supported 2,056 young witnesses between 1st April 2012 and 31st March 2015.⁸⁹

CHILDREN WITH DISABILITIES (CWD)

1. In a survey of 16 year olds conducted in 2014, 10% of respondents indicated that they had a physical or mental health condition or illness which had lasted or which was expected to last for at least 12 months.⁹⁰
2. Parents of children with cancer have reported struggling to cope with the unexpected costs of travel, childcare, food and accommodation while their child has treatment, with 66% of those surveyed reporting having to borrow money to make ends meet.⁹¹ A survey of more than 3,500 families with disabled children across the UK in 2014 has found that families with disabled children are going without the basics, including food (31%) and heating (33%), with a third of those going without food or heating doing so more than once a month. Some children are going without specialist equipment, therapies and hospital appointments. The number of children going without food has doubled in the last two years, with nearly a third of families with disabled children going without heating.⁹²

BASIC HEALTH AND WELFARE (BHW)

1. The DHSSPS has highlighted that its 2015 - 2016 draft budget will present significant challenges.⁹³ For the period 2015 - 2016 the Department has identified cost pressures totalling £320m, which requires savings of £164m to be made through saving opportunities and cost reductions, including £113m of savings in direct health and social care services.⁹⁴
2. It was reported in 2013 that unplanned hospital admission rates among 0 - 15 year olds are more than 30% higher in the most deprived one fifth electoral wards in NI compared to the least deprived one fifth wards.⁹⁵
3. In 2012, 16.5% of expectant mothers in Northern Ireland smoked during their pregnancy, an increase from 15.8% in 2008, with a rate of 29.6% within the 20%

⁸⁸ <http://www.womensaidni.org/domestic-violence-northern-ireland-statistics/> - last accessed 26th March 2015

⁸⁹ Information supplied by NPSCC Young Witness Service.

⁹⁰ 'Young Life and Times Survey 2014' ARK.

⁹¹ 'Children with Disabilities Strategic Alliance' Manifesto (Review and Update 2012), p.47.

⁹² 'Counting the costs 2014' Contact a Family,

http://www.cafamily.org.uk/media/805120/counting_the_costs_2014_uk_report.pdf

⁹³ 'Draft Budget 2015 – 16 Consultation: Department of Health, Social Services and Public Safety, November 2014, p.2.

⁹⁴ 'Draft Budget 2015 – 16 Consultation: Department of Health, Social Services and Public Safety, November 2014, p.9

⁹⁵ 'Enhancing Healthcare Services For Children and Young People in Northern Ireland (From Birth to 18 Years) A Review of Paediatric Healthcare Services Available in Hospitals and in the Community', Consultation document, DHSSPS, November 2013, para.4.18 – 4.19.

most deprived areas, which had increased from 27.7% in 2008.⁹⁶ The percentage of mothers living in the 20% most deprived areas that smoked during pregnancy (29.6%) was almost twice as high as the Northern Ireland average (16.5%) and almost four times higher than mothers living in the 20% least deprived areas (7.8%).⁹⁷ In 2013, the percentage of mothers smoking during pregnancy in NI decreased slightly to 15.7%, with a slight decrease in the 20% most deprived areas (27.3%).⁹⁸

4. In 2012 there were 184 deaths of children aged between 0 and 19 years in Northern Ireland. The largest proportion of these deaths occurred in infants under one year of age (49%) and the second largest occurred in young people aged 15 to 19 (29%).⁹⁹
5. The teenage birth rate for mothers under the age of 17 decreased from 2.8 births to 2.2 births per 1,000 females between 2007 and 2011. However, the birth rate for teenage mothers in the most deprived areas is considerably higher, with a rate of 4.6 live births per 1,000 females within the 20% most deprived areas. The teenage birth rate in the 20% most deprived areas (4.6 births per 1,000 females) is almost 7 times the rate in the 20% least deprived areas (0.7 births per 1,000 females).¹⁰⁰ In 2012, the teenage birth rate in the 20% most deprived areas increased to 5.1 births per 1,000 females. Teenage births have also increased by more than two thirds in the 20% least deprived areas however, meaning that the gap between the most and least deprived areas has narrowed from 570% in 2011 to 336% in 2012.¹⁰¹
6. Between 2011 and 2014, the number of new episodes of diagnoses of various sexually transmitted infections (Chlamydia, Gonorrhoea, Syphilis, Herpes, Warts) amongst young people aged 19 and under decreased from 782 episodes in 2011 to 654 in 2014.¹⁰²
7. The ETI Evaluation on the Provision of RSE in schools in 2011 recommended improving consistency in the quality of learning and teaching across all year groups, the implementation of further staff training (including training in the handling of particularly sensitive areas such as self-harm, suicide, mental health issues, sexual orientation) and improved strategies for gathering and disseminating the most current and relevant information and research on sexual health issues to inform planning. It also recommended the development of suitable RSE resources for older children. ETI noted that most (80.4%) of the post-primary schools surveyed had a policy to support the RSE programme, but it was a matter of concern that nearly 20% of the schools reported they did not have an RSE policy.¹⁰³

⁹⁶ 'Making Life Better: Monitoring the Wider Social Determinants of Health & Wellbeing - Key Indicators & Baselines 2014', DHSSPS, June 2014, p.12.

⁹⁷ 'Making Life Better: Monitoring the Wider Social Determinants of Health & Wellbeing - Key Indicators & Baselines 2014', DHSSPS, June 2014, p.12.

⁹⁸ 'Making Life Better: Monitoring the Wider Social Determinants of Health & Wellbeing - Key Indicators & Baselines 2015', DHSSPS, May 2015, p.12.

⁹⁹ 'Why children die: death in infants, children and young people in the UK Part E', Royal College of Paediatrics and Child Health and the National Children's Bureau Northern Ireland, February 2015, p.4.

¹⁰⁰ 'Making Life Better: Monitoring the Wider Social Determinants of Health & Wellbeing - Key Indicators & Baselines 2014', DHSSPS, June 2014, p.20.

¹⁰¹ 'Making Life Better: Monitoring the Wider Social Determinants of Health & Wellbeing - Key Indicators & Baselines 2015', DHSSPS, May 2015, p.22 - 23.

¹⁰² Public Health Agency Response to Freedom of Information request, 22nd May 2015.

¹⁰³ 'Report of the Evaluation of Relationships and Sexuality Education in Post-Primary Schools' ETI, January 2011, p.5 & 7.

8. In NI, initial breastfeeding rates in 2010 were 64%, compared with 83% in England, 74% in Scotland, and 71% in Wales. This figure was lower for young mothers and mothers living in areas of deprivation.¹⁰⁴ The proportion of mothers in NI breastfeeding at the point of discharge from hospital fell to 42.3% in 2012. In the 20% most deprived areas the proportion decreased from 32.5% in 2010 to 27.6% in 2012.¹⁰⁵ However, the rate of mothers' breastfeeding at the point of discharge from hospital increased to 45.6% in 2013, with the proportion of mothers' breastfeeding within the 20% most deprived areas increasing from 27.6% in 2012 to 29.6% in 2013. The gap between the most deprived areas and the Northern Ireland average in 2013 was 54%.¹⁰⁶
9. CJINI has reported that between 2007 and 2013, self-harm incidents rose from 57 incidents in 2007 to 146 incidents in 2013. Self-harm has been found to disproportionately occur amongst girls detained in the JJC.¹⁰⁷
10. In 2012/2013, 9 children were the subject of an extra contractual referral (outside of Northern Ireland) for specialist treatment of a mental health condition at a cost of £2,241,424.¹⁰⁸ In 2013/14, the total cost of sending children outside of Northern Ireland for treatment of a mental health condition was £1,589,749.05.¹⁰⁹
11. Almost 200 children were admitted to adult psychiatric wards between April 2007 and September 2009.¹¹⁰ Between January 2012 and December 2012 there were 91 admissions of children to adult psychiatric wards¹¹¹ and in 2014 19 children were admitted to adult psychiatric wards.¹¹²
12. From October - December 2014, there were 37,000 young people (aged 16 to 24) Not in Education, Employment or Training (NEET).¹¹³ From January – March 2015, this rose to 39,000 young people.¹¹⁴
13. In December 2014, NI's employment rate (67.8%) was 5.4 percentage points below the UK average (73.2%) and was the lowest rate among the twelve UK regions.

¹⁰⁴ 'Why children die: death in infants, children and young people in the UK Part E', Royal College of Paediatrics and Child Health and the National Children's Bureau Northern Ireland, February 2015, p.7.

¹⁰⁵ 'Making Life Better: Monitoring the Wider Social Determinants of Health & Wellbeing - Key Indicators & Baselines 2014', DHSSPS, June 2014, p.13.

¹⁰⁶ 'Making Life Better: Monitoring the Wider Social Determinants of Health & Wellbeing - Key Indicators & Baselines 2015', DHSSPS, May 2015, p.13.

¹⁰⁷ 'An Announced Inspection of Woodlands Juvenile Justice Centre' Criminal Justice Inspection Northern Ireland, May 2015, p.26 – 27.

¹⁰⁸ Response to Freedom of Information Request from the Health and Social Care Board, 29th May 2013.

¹⁰⁹ Response to Freedom of Information Request from the Health and Social Care Board, 27th May 2015.

¹¹⁰ 'Independent Review of Child and Adolescent Mental Health Services (CAMHS) in Northern Ireland' RQIA, Updated 23 February 2011.

¹¹¹ Response to CLC Freedom of Information Requests to the five Health and Social Care Trusts.

¹¹² Information obtained by CLC through response to freedom of information request to the DHSSPS, 11th March 2015.

¹¹³ 'Northern Ireland Labour Force Survey' October – December 2014, p.17

http://www.detini.gov.uk/lfs_quarterly_supplement_-_october_-_december_2014-3.pdf?rev=0

¹¹⁴ 'Northern Ireland Labour Force Survey' January – March 2015, p.18

http://www.detini.gov.uk/lfs_quarterly_supplement_january_-_march_2015_new.pdf?rev=0

However from January – March 2015, the level of young people who were NEET in NI was considerably higher (18.1% of 16 – 24 year olds) than the UK average (12.0%).¹¹⁵ A recent study found that a third of long term unemployed young people had contemplated taking their own lives. Long term unemployed young people were more than twice as likely as their peers to have been prescribed anti-depressants. One in three (32%) had contemplated suicide, while one in four (24%) had self-harmed. The report found 40% of jobless young people had faced symptoms of mental illness, including suicidal thoughts, feelings of self-loathing and panic attacks, as a direct result of unemployment.¹¹⁶

14. Since 1998, the suicide rate in Northern Ireland has almost doubled, following a decade during which the rate declined from a low level of 10 per 100,000 of the population to 8.6. The overall rate is now 16.25. For men the rate is 25.24 per 100,000 and for women 7.58 (2012 figures based on three-year rolling averages). In global terms, this places Northern Ireland in the top quarter of the national league table of suicide rates.¹¹⁷
15. In 2013, a school-based survey found that 38% of respondents aged 11 – 16 had taken an alcoholic drink. Of those who had ever had an alcoholic drink, over half (56%) were aged 13 or under when they had their first drink. Of the pupils who had ever had an alcoholic drink, over a fifth (21%) drank alcohol at least a few times a month. Almost a fifth (17%) of respondents had been offered drugs (not counting solvents) on at least one occasion and 8% had used or tried drugs (not counting solvents) at some time. Nine percent had been offered solvents on at least one occasion and 5% had inhaled them. The most common drugs that young people had tried were cannabis (5%) and legal highs (2%). Of the pupils that had used or tried cannabis, over a quarter (27%) used cannabis at least a few times a month. Thirteen percent of pupils surveyed in 2013 had smoked tobacco, a decrease of 6% from 2010, with 62% having smoked aged 13 or under. A fifth of pupils surveyed smoked every day.¹¹⁸ There were 862 young people under the age of 18 in treatment for misuse of alcohol and/or drugs on 1st September 2014.¹¹⁹ This represented an increase from 398 young people on 1st March 2012.¹²⁰
16. A report on early intervention by CJINI examined population snapshots for 50 young people in the Juvenile Justice Centre (JJC) on 1st April and 1st September 2011. The vast majority of these young people (92%) had misused drugs or alcohol.¹²¹ CJINI found an increase in 2010 of self-harm levels within the JJC (from 31 incidents of self-harm in 2009 to 78 in 2010). This was considered to be a result of increased

¹¹⁵ 'Northern Ireland Labour Force Survey' January – March 2015, p.18

http://www.detini.gov.uk/lfs_quarterly_supplement_january_-_march_2015_new.pdf?rev=0

¹¹⁶ 'Macquarie Youth Index', The Prince's Trust, January 2014.

¹¹⁷ 'Dealing with suicide: How does research help?' Prof. Mike Tomlinson, Knowledge Exchange Seminar Series, NI Assembly, 11th April 2013, p.4.

¹¹⁸ 'Young Persons Behaviour and Attitudes Survey Bulletin', Northern Ireland Statistics and Research Agency, December 2014 & 'Young Persons Behaviour and Attitudes Survey Bulletin', Northern Ireland Statistics and Research Agency, June 2011.

¹¹⁹ 'Census of Drug and Alcohol Treatment Services in Northern Ireland – 1st September 2014' DHSSPS, Table 1.

¹²⁰ 'Census of Drug and Alcohol Treatment Services in Northern Ireland – 1st September 2014' DHSSPS, Table 5.

¹²¹ 'Early Youth Interventions: An inspection of the contribution the criminal justice agencies in Northern Ireland make to preventing children and young people from entering the criminal justice system', CJINI, July 2012, p.9 – 11.

numbers of children being sent to the JJC, with more arriving under the influence of substances such as methadone.¹²²

17. Research has highlighted that amongst young mental health patients who died, high rates of drug (70%) and alcohol (70%) misuse were identified.¹²³

CHILD POVERTY (CP)

1. The Child Poverty Act 2010 uses four measures: relative,¹²⁴ absolute¹²⁵ and persistent¹²⁶ poverty and combined low income and material deprivation. The targets are to reduce relative child poverty to less than 10% by 2020 and to reduce absolute and combined child poverty to less than 5%. A target for persistent poverty was set in late 2014 at less than 7% by 2020.¹²⁷
2. From 2007 to 2013, housing and household services costs (which includes utility bills), climbed by 30%, transport costs climbed by 23% and food and drink costs climbed by 34%.¹²⁸
3. Eleven food banks opened in Northern Ireland in the 12 months prior to December 2013.¹²⁹ In the 12 months prior to April 2014, 5,224 children in Northern Ireland received three days' emergency food from Trussell Trust food banks alone, a steep rise from 884 children the year before.¹³⁰
4. Research published in 2013 found that in Northern Ireland, an estimated 42% of households were affected by fuel poverty. In comparison, fuel poverty affected 15% of households in England, 25% in Scotland and 29% in Wales.¹³¹ Research published in 2014 stated that approximately 130,000 children were living in households in which heating was turned down or off, even though it was too cold in the house/flat.¹³²
5. Oxfam¹³³ reported in 2014 that 25% of those working in Northern Ireland did not make a living wage, while the lowest earners overall had lost 38% of their disposable net income as a direct result of austerity policies. Over the course of five years, £4

¹²² 'An announced inspection of Woodlands Juvenile Justice Centre', CJINI/RQIA/ETI, November 2011, para.4.4 and Table 3.

¹²³ 'Why children die: death in infants, children and young people in the UK Part E, Royal College of Paediatrics and Child Health and the National Children's Bureau Northern Ireland, February 2015, p.13.

¹²⁴ Relative poverty refers to household income below 60% of the median income.

¹²⁵ Absolute poverty refers to household income below 60% of the 2010/11 median adjusted for inflation.

¹²⁶ Persistent poverty refers to children living in a household in relative poverty for at least three out of the previous four years.

¹²⁷ The Child Poverty Act 2010 (Persistent Poverty Target) Regulations 2014

¹²⁸ Belfast Telegraph, "High cost of living in Northern Ireland," (18th February 2013)

¹²⁹ 'Turning the Tide: The Growth of Food Banks in Northern Ireland' Advice NI, 2013.

¹³⁰ Statistics obtained from the Trussell Trust website.

¹³¹ Department for Energy and Climate Change (2013) Annual Report on Fuel Poverty Statistics, cited in Liddel, C. and Lagdon, S., 'Tackling Fuel Poverty in Northern Ireland An Area-Based Approach to Finding Households Most in Need', OFMDFM, 2013.

¹³² Tomlinson, Hillyard and Kelly, Child Poverty In Northern Ireland: Results From The Poverty And Social Exclusion Study, 'Beneath the Surface: Child Poverty In Northern Ireland', Child Poverty Alliance, 2014, p.29.

¹³³ 'A Cautionary Tale: The true cost of austerity and inequality in Europe', 14th January 2014.

billion in cuts will have been delivered in Northern Ireland – the biggest since World War II. The report stated that austerity measures, which are hitting women and young people particularly hard, are making Northern Ireland even more of an unequal society and the UK government's proposed welfare reforms will particularly disadvantage already vulnerable sectors of our community, such as those with disabilities and mental illness.

6. In relation to proposed welfare reforms, it has been highlighted that the high proportion of people with disabilities in Northern Ireland means the changes from Disability Living Allowance to the Personal Independence Payment and increased requirements on people with disabilities to look for work will have as yet untold consequences.¹³⁴
7. The age profile of the Traveller community in Northern Ireland is markedly different from that of the general population with 70% of the Traveller population aged under 30 and only 1% over 65. This reflects in part a higher birth rate, higher mortality rates and inward migration from the Republic of Ireland.¹³⁵
8. From a total of 1,262 Traveller individuals identified in 384 households across Northern Ireland in 2014, 29% were aged between 6 and 15, and 17% were aged 5 and under.¹³⁶ Almost half (49%) of respondents were living in social housing, compared with 42% in 2008. 7% of respondents were living on a serviced site and 5% were living on a transit or co-operated site. 14% did not have access to refuse collection, 16% did not have access to mains water, 29% did not have access to electricity, and 30% did not have access to toilet facilities.¹³⁷ Almost one-third (30%) of respondents to this research thought discrimination/racism and 21% thought accommodation were the most important issues facing the Traveller community today. Other responses included access to education (11%) and access to healthcare (7%).¹³⁸
9. Major concerns identified in relation to Traveller accommodation include water supply and drainage, refuse collection, living on dangerous sites (e.g. nearby power lines, embankments), which pose a health threat, safety at night and the widespread lack of footpath and safe play areas. Settled accommodation/standard housing is seen as isolating Travellers from their family and friends and negatively impacts on their mental wellbeing.¹³⁹ Economic activity rates within the Traveller community have declined from 35% in 2001 to 31% in 2011. This is the lowest rate among all minority ethnic groups with the most common reason for economic inactivity cited as long-term sickness or disability.¹⁴⁰ The economic activity rate among all other ethnic groups has risen. Census data shows that the proportion of Travellers in the over 16 age group with no qualifications decreased slightly from 71.5% to 67.8% between

¹³⁴ H Aldridge et al, *Monitoring Poverty and Social Exclusion in Northern Ireland*, Joseph Rowntree Foundation, 2012

¹³⁵ All Ireland Traveller Health Study Team. All Ireland Traveller Health Study. Our Geels. Summary of findings. Dublin: UCD. 2010.

¹³⁶ 'Traveller Accommodation Needs Assessment 2014' NIHE, p.9.

¹³⁷ 'Traveller Accommodation Needs Assessment 2014' NIHE, p.10.

¹³⁸ 'Traveller Accommodation Needs Assessment 2014' NIHE, p.27.

¹³⁹ All Ireland Traveller Health Study Team. All Ireland Traveller Health Study. Our Geels. Summary of findings. Dublin: UCD. 2010.

¹⁴⁰ Irwin, J. et al, *The Economic And Social Mobility Of Ethnic Minority Communities In Northern Ireland*, Joseph Rowntree Foundation, May 2014.

2001 and 2011. Despite this, Travellers still have the lowest level of education of all the ethnic groups including the majority population. Census data shows a decrease in the number of Travellers citing their health as being poor. In 2011, 20.6% of Travellers between the ages of 16 and 64 stated they were not in good health, compared with 26.7% in 2001. However, this is still a significantly larger proportion citing poor health than in the White ethnic group, only 5.4% of whom cite their health as being poor. This higher proportion of ill health is prevalent across all age groups in the Traveller community.¹⁴¹

10. A Save the Children report in 2011 found that 12% of children living with a disabled adult are in severe poverty compared to 8% of those children who aren't living with a disabled adult.¹⁴²

EDUCATION, LEISURE AND CULTURAL ACTIVITIES (ELC)

1. The DE School Census 2014/15 found that there are 165,548 pupils in primary schools (Year 1–7, aged 4 - 11), the highest level since 2002/03. There are 142,553 pupils in post-primary schools (Years 8–14, aged 11 - 18), showing a decline for the fourth year in a row. There are almost 24,000 children in funded pre-school education, which equates to 91% of all three year olds.¹⁴³ A total of 5,256 pupils participate in Irish-medium education, which has increased yearly since 2007/8. 29.7% of pupils in primary and post-primary schools are entitled to free school meals, compared to 25.8% in 2013/14.¹⁴⁴
2. In 2013/14, the percentage of school leavers achieving at least 5 GCSEs¹⁴⁵ at Grades A* - C, including GCSEs in Mathematics and English was 65.2%. In 2013/14 the percentage of school leavers entitled to free school meals achieving at least 5 GCSEs A* - C, including GCSEs in Mathematics and English, was 38.7%.¹⁴⁶ Figures indicate that, for the most part, absence rates increase in line with the percentage of pupils enrolled who are eligible for free school meals. In schools where less than 10% of pupils enrolled were eligible for free school meals, the overall absence rate was 4.0% of the total half days.¹⁴⁷ This compares with 11.6% of the total half days for schools with more than 50% of pupils enrolled eligible for free school meals. Unauthorised absences are notably higher for schools with high levels of free school meal entitlement. Since the level of free school meal entitlement is indicative of levels

¹⁴¹ Irwin, J. et al, The Economic And Social Mobility Of Ethnic Minority Communities In Northern Ireland, Joseph Rowntree Foundation, May 2014.

¹⁴² Severe Child Poverty in Northern Ireland, Save the Children, February 2011.

¹⁴³ Enrolments at Schools and in Funded Pre-school Education in the North of Ireland 2014/15, Department of Education, February 2015.

¹⁴⁴ http://www.deni.gov.uk/index/32-statisticsandresearch_pg/32-statistics_and_research_statistics_on_education_pg/32_statistics_and_research-numbersofschoolsandpupils_pg/32_statistics_and_research-northernirelandsummarydata_pg.htm

¹⁴⁵ GCSE stands for General Certificate of Secondary Education and is an academic qualification awarded for specified subjects. GCSE exams are generally taken by children in Northern Ireland across a range of subjects at age 16.

¹⁴⁶ Statistical Bulletin Year 12 and Year 14 Examination Performance at Post-Primary Schools in Northern Ireland 2013-14, Department of Education, 11th December 2014.

¹⁴⁷ Attendance or absence for pupils is measured in half day sessions, (am or pm), with absences from school either being 'authorised' (permitted by the school), or 'unauthorised' (not permitted by the school).

of deprivation, the data suggests that absence tends to be higher in more disadvantaged areas.¹⁴⁸

3. In 2013/14, two thirds (69.3%) of girls achieved at least five GCSEs at grades A* - C or equivalent, including GCSE English and Mathematics, compared with 60.9% of boys, a difference of 8.4%. In 2013/14, 94.5% of grammar school leavers left with at least five GCSEs at grades A* - C or equivalent, including GCSE English and Mathematics. This figure was 44% for non-grammar school leavers.¹⁴⁹
4. A Report by the Northern Ireland Audit Office¹⁵⁰ found that at the end of primary school (year 7, age 11) in 2010/11, more than one in six pupils did not achieve the expected standard in literacy (3,876 pupils) and numeracy (3,754 pupils). By Key Stage 3 (year 10, ages 13 - 14), more than one in five pupils did not achieve the expected standard in literacy (5,000 pupils) and numeracy (5,500 pupils). By GCSE stage (age 16), two in five (9,000 pupils) leave full-time education not having achieved the required standard in literacy and numeracy.¹⁵¹
5. In 2009/10 it was found that a socially disadvantaged pupil in a Catholic managed school will have a 1 in 4 chance of going to University, while for socially disadvantaged children in controlled or non-denominational schools, attended mainly by Protestant children, this ratio is 1 in 9.¹⁵²
6. Statistics on educational achievement in NI have indicated concerns about underachievement among working class pupils, and in particular working class Protestant boys.¹⁵³ In 2014, it was reported that 19.7% of Protestant boys who were entitled to FSM achieved at least 5+ GCSEs A*-C or higher (or equivalent) compared with 32.4% of Protestant girls with FSM, 33.2% of Roman Catholic boys with FSM and 43.8% of Roman Catholic girls with FSM.¹⁵⁴
7. With regard to the education of Traveller children, in 2011 it was reported that around 90% of the children attending St Mary's Primary School in inner city Belfast come from the Traveller Community; the remaining children are newcomer children whose first language is not English and a small number of children from the local community. Around 65% of the children had FSM and approximately 39% of the children required additional support with aspects of their learning, including 8.8% who had statements of SEN.¹⁵⁵ In 2010/11 only 37 Traveller pupils were enrolled in Year 12, the fifth and final year of compulsory post-primary education in NI, compared with 86 in Year 1.

¹⁴⁸ 'Attendance at grant-aided primary, post-primary and special schools in Northern Ireland - 2013/14: Detailed statistics', Department of Education, 19th February 2015.

¹⁴⁹ 'Statistical Bulletin Year 12 and Year 14 Examination Performance at Post-Primary Schools in Northern Ireland 2013-14', Department of Education, 11th December 2014, p.8 - 10.

¹⁵⁰ 'Improving Literacy and Numeracy Achievement in Schools', Northern Ireland Audit Office, 19th February 2013.

¹⁵¹ 'Improving Literacy and Numeracy Achievement in Schools', Northern Ireland Audit Office, 19th February 2013..

¹⁵² 'Northern Ireland School Leavers Survey 2009/10' – Department of Education Northern Ireland.

¹⁵³ Free School Meal entitlement is used as a proxy indicator of deprivation as specific data on pupil's class background are not recorded in official Department of Education databases.

¹⁵⁴ 'Northern Ireland Peace Monitoring Report Number 3', P. Nolan, March 2014, p.97.

¹⁵⁵ ETI, St Mary's Primary School, Belfast Report of an Inspection in October 2011.

The average attendance of those 37 pupils was less than 51%.¹⁵⁶ 4.7% of the general population have a statement of SEN, compared to 23% of Traveller children.¹⁵⁷

8. In 2004/5, there were 2,056 newcomer pupils at schools across Northern Ireland. By 2014/15, this figure had risen to 11,565.¹⁵⁸ This has been accompanied by an increase in the range of languages spoken and the range of prior educational experiences of these children. Primary schools in 2012 recorded a total of 50 languages being spoken by more than 5 children in the school, 22 languages more than in 2007. For post-primary schools, 36 languages were spoken in 2012, an increase of 15 languages since 2007.¹⁵⁹
9. The first record of Somali speakers in the primary sector was in 2008, with 7 Somali pupils registered at schools. This had increased to 42 in 2012 and has continued to rise steeply, with one primary school reporting 50 Somali children on its register in 2014. Fewer than 5 Somali speakers were registered in the post-primary sector prior to 2012, rising to 16 in the 2012 school census count. Again this number has increased significantly, with 19 Somali children recorded on the register for a single post-primary school in 2014. The first record of Romany speakers in the primary sector was also in 2008 when 11 Roma children were registered in primary schools. In the post-primary sector the first recorded Romany speakers were 8 pupils in 2013. In 2014 however, in just one primary school, approximately 70 Roma children were on the register, with 30 registered in another and 12 Roma children attending just one post primary school.¹⁶⁰
10. CJINI has found in 2015 that, since last inspecting the JJC in 2011, there had been a 50% reduction in the number of permanent education staff, due to illness, stress, relocation of staff and retirement. The quality of the education provision in the JJC was considered merely 'satisfactory', rather than 'good' as had been the case in 2011. At the time of the inspection, 41% of the children in the JJC had statements of SEN and only one child had attended post-primary education for substantive periods of time. In addition, all the children of compulsory school age attended education other than at school provision when not in the JJC. All had histories of non-attendance or disrupted schooling, and most had complex educational needs, with low levels of attainment, in comparison to most children of similar ages.¹⁶¹
11. A report published by DE in 2011¹⁶² found that 39% of year 6 pupils (aged 9 and 10) and 29% of year 9 pupils (aged 13 and 14) surveyed had been the victim of some form of bullying within the preceding 2 months.

¹⁵⁶ Draft Traveller Child in Education Action Framework Department of Education Consultation document, consultation closed 31st December 2012.

¹⁵⁷ Department of Education Equality and Human Rights Screening Special Educational Needs (SEN) and Inclusion Policy, 12th February 2015.

¹⁵⁸ http://www.deni.gov.uk/index/32_statisticsandresearch_pg/32-statistics_and_research_statistics_on_education_pg/32_statistics_and_research-numbersofschoolsandpupils_pg/32_statistics_and_research-northernirelandsummarydata_pg.htm

¹⁶⁰ 'The integration of newcomer children with interrupted education into Northern Ireland schools – A Belfast based case study' Northern Ireland Strategic Migration Partnership, September 2014, p.12.)

¹⁶⁰ 'The integration of newcomer children with interrupted education into Northern Ireland schools – A Belfast based case study' Northern Ireland Strategic Migration Partnership, September 2014, p.12.)

¹⁶¹ 'An Announced Inspection of Woodlands Juvenile Justice Centre' Criminal Justice Inspection Northern Ireland, May 2015, p.36 – 37.

¹⁶² 'The Nature and Extent of Pupil Bullying in the North of Ireland', Department of Education, October 2011.

12. Research from the DE in 2011¹⁶³ found that more Year 6 pupils (aged 9 and 10) and Year 9 pupils (aged 13 and 14) from 'Neither' Protestant or Roman Catholic communities and 'Other' religious communities reported they had 'been bullied at school in the past couple of months' compared with pupils from the Roman Catholic and Protestant communities. The research also reported that 6.9% of Year 6 pupils and 4.1% of Year 9 pupils admitted bullying other pupils 'with mean names or comments about his or her race or colour', with 14.0% of Year 6 and 7.6% of Year 9 pupils indicating that they had been bullied with such comments. Year 6 and Year 9 pupils with a disability were more likely to report that they had been recipients of bullying behaviour at least 'once or twice' and many had some experience of being bullied verbally regarding their disability at least 'once or twice'. Many Year 6 pupils (40.1%) felt that a pupil's disability could make them '*more likely*' to be bullied. A greater proportion of Year 9 pupils (59.8%) felt that a pupil's disability could make them '*more likely*' to be bullied.
13. Over 85% of Year 6 pupils and over 82% of Year 9 pupils thought it was '*always wrong*' to bully other pupils because of either race or skin colour, disability or religion; the proportion of girls who held this view was higher than the proportion of boys. In both Year 6 and Year 9, boys were more likely to say it was '*sometimes wrong*' or that they were '*unsure*' if it was wrong to bully other pupils because of either race or skin colour, disability or religion.
14. The Schools Omnibus Survey of 2014 highlighted that, of those surveyed, 39.3% had seen or heard derogatory references to same sex relationships in the classroom or school grounds once or twice per year, 17.3% had seen or heard derogatory references to same sex relationships in the classroom or school grounds once or twice per term, 5.1% had seen or heard derogatory references to same sex relationships in the classroom or school grounds once or twice per week and 1.4% had seen or heard derogatory references to same sex relationships in the classroom or school grounds nearly every day.¹⁶⁴ Research by the Institute for Conflict Research also found that 75% of LGB young people did not report incidents of bullying and harassment to school authorities. The most frequently cited reason for not reporting incidents was that young people thought the school would not take it seriously (43%). Of those who reported incidents to school authorities, 22% believed that the school did not take their claim seriously and 40% believed that the school took no action. When asked if, to their knowledge, their school made any efforts to tackle homophobic bullying, 87% of LGB young people said that their school made no efforts.¹⁶⁵
15. Research by the Institute for Conflict Research published in 2013¹⁶⁶ found that transgender young people face numerous educational inequalities which act as barriers to them fulfilling their full potential. However, in comparison with other minority groups, the experiences of transgender pupils are least likely to be reflected in data and research.

¹⁶³ 'The Nature and Extent of Pupil Bullying in the North of Ireland', Department of Education, October 2011.

¹⁶⁴ 'Schools Omnibus Survey 2014', Department of Education, 2014.

¹⁶⁵ 'Left Out of the Equation', Education Equality Project, 2011

¹⁶⁶ 'Grasping the Nettle', Institute for Conflict Research, February 2013.¹⁶⁷ 'Young Life and Times Survey 2014' ARK.

16. From a survey of 16 year olds conducted in 2014, 39% had witnessed racist bullying or harassment in school.¹⁶⁷
17. A study carried out by the DE in 2011 showed that 15.5% of pupils in Year 6 (9 - 10 years old) and 17% of pupils in Year 9 (12 - 13 years old) had experienced cyberbullying. For both sets of children most of the bullying took place through text messaging and social networking websites.¹⁶⁸ In 2012/13 NSPCC noted that 4,500 children contacted Childline across the UK about online bullying, an increase of 87%.¹⁶⁹
18. The Community Relations, Equality and Diversity (CRED) policy aims to contribute to improving relations between communities by educating children and young people to develop self-respect and respect for others, by providing children and young people, in formal and non-formal education settings with opportunities to build relationships with those of different backgrounds and traditions.¹⁷⁰ Funding for this policy has now been withdrawn. The 2012 Young Life and Times Survey examined CRED and found high levels of young people reporting more positive attitudes towards those of different religious belief and political opinion, persons from different ethnic groups, those of a different age, different sexual orientation, different gender, or persons with disabilities. In 2014, the same survey reported similarly high results in relation to young people's experience of CRED.¹⁷¹
19. An evaluation of Include Youth's Pilot Project into Transitional Support found that the provision of transitional support to young people transitioning from supported employability programmes into mainstream education, training or employment placements led to a 35% increase in retention rate after 3 months (from 65% to 100%) and a 35% increase in retention rates after 6 months (from 60% to 95%). It has recommended that the provision of transitional support be mainstreamed into employability programmes for young people who are NEET.¹⁷²
20. Contact a Family reported in 2010 that 73% of families surveyed across the UK indicated they were going without leisure/days out due to a lack of money. For families with disabled children, leisure/days out can result in additional cost, for example they may require a care worker or may need to drive everywhere to transport their child's equipment, so incur care or petrol costs when they go out.¹⁷³

ASYLUM SEEKING AND MIGRANT CHILDREN (ASM)

1. In 2011, 2.51% of Northern Ireland's usually resident population had been born outside of the UK or Republic of Ireland, with 1.99% having been born outside of the EU.¹⁷⁴ In 2001, only 1.6% of the population were born outside of the UK or Republic

¹⁶⁷ 'Young Life and Times Survey 2014' ARK.

¹⁶⁸ Research into the Nature and Extent of Pupil Bullying in Schools in the North of Ireland, Department of Education, October 2011.

¹⁶⁹ Can I Tell You Something: Childline Review 2012/13, NSPCC

¹⁷⁰ Department of Education (2011) *Community Relations, Equality and Diversity in Education*. Bangor: HMSO, Para 6.1.

¹⁷¹ 'Young Life and Times Survey 2014' ARK.

¹⁷² Information supplied by Include Youth, 9th June 2015.

¹⁷³ 'Children with Disabilities Strategic Alliance' Manifesto (Review and Update 2012), p.44.

¹⁷⁴ 'Census 2011 – Key Statistics for Northern Ireland', Northern Ireland Statistics and Research Agency, December 2012, p.16.

of Ireland.¹⁷⁵ 96.86% of the population aged 3 or over reported English as their first language, with Polish the next most common language spoken. 98.21% of the usually resident population were recorded as being white.¹⁷⁶ Census figures may not exactly reflect the situation within Northern Ireland however due to the numbers entering and leaving Northern Ireland being in constant flux. In addition, not all migrants complete census forms due to a lack of language support, not receiving the forms, or out of fear of reporting to the authorities.¹⁷⁷

2. UK Visas and Immigration (UKVI), previously known as the UK Borders Agency (UKBA) is an agency of the Home Office which administers immigration and asylum law in the UK. Immigration is controlled via a set of Immigration Rules made by the UK Government's Home Secretary under the Immigration Act 1971.¹⁷⁸ The UK is a member of the European Union (EU) and as such European Economic Area (EEA) nationals and their family members are not subject to the requirements of the Immigration Rules, but instead must comply with relevant EU law in this area as implemented into domestic law. EU law allows free movement for citizens of the EEA and some of their family members. People from outside the EEA who wish to work or study in the UK must usually apply for permission through the Points-Based System. Asylum is granted in the UK to those persons who can show that they have a well-founded fear of being persecuted for reasons of race, religion, nationality or membership of a particular social group or political opinion and that they therefore are unable or unwilling to return to their country of origin, as set out in UN Convention and Protocol relating to the status of refugees (1951 and 1967). Asylum claims are considered by the UKVI and anyone who makes such a claim is entitled to remain in the UK pending a decision in their case, although EU Regulation No 604/2013 or 'Dublin III' highlights that the EU member state responsible for determining asylum applications will be the State through which the person first entered the EU. In Northern Ireland, it is not unusual for people to try to apply for asylum only to be returned to the Republic of Ireland if they had been there previously.¹⁷⁹
3. Financial support under section 95 of the Immigration and Asylum Act 1999 for those who have applied for asylum provides a lone parent aged 18 or over with £43.94 per week. Extra money is granted to pregnant woman or mothers of children aged under 3, but this extra payment is only between £3 – 5 per week.¹⁸⁰
4. Support under section 4 of the Immigration and Asylum Act 1999 for failed asylum seekers can include emergency accommodation and a contribution towards food and other purchases through pre-paid cards (£35 per person per week) which can only be used in certain shops to purchase items such as groceries, toiletries or household goods.¹⁸¹
5. The Belfast-based Bryson One Stop Service for Asylum Seekers processed applications for asylum from 232 main applicants and 68 dependents in 2013.¹⁸²

¹⁷⁵ 'Feels Like Home: Exploring the experiences of newcomer pupils in Northern Ireland' Barnardo's Northern Ireland, January 2015, p.4.

¹⁷⁶ 'Census 2011 – Key Statistics for Northern Ireland', Northern Ireland Statistics and Research Agency, December 2012, p. 15 & 17.

¹⁷⁷ 'Embracing Diversity – Information Update 2014', Embrace NI, p.2.

¹⁷⁸ <https://www.gov.uk/government/collections/immigration-rules>

¹⁷⁹ 'Embracing Diversity – Information Update 2014', Embrace NI, p.44.

¹⁸⁰ <https://www.gov.uk/asylum-support/what-youll-get>

¹⁸¹ 'Embracing Diversity – Information Update 2014', Embrace NI, p.132, 47.

¹⁸² 'Embracing Diversity – Information Update 2014', Embrace NI, p.43.

6. At March 2013 the NIHE were housing 416 people who were in the asylum system and entitled to accommodation and cash support. This included 110 single people and 105 families, from 26 countries.¹⁸³
7. Barnardo's Tuar Ceatha Black, Minority Ethnic and Refugee project worked with 480 people, both adults and children, in 2013–14 and 40% of those were seeking asylum or were refugees.¹⁸⁴
8. Data in relation to the number of unaccompanied children entering Northern Ireland has historically been anecdotal.¹⁸⁵ According to one report, 3 unaccompanied asylum seeking children lodged applications in Northern Ireland during 2012. Home Office statistics on unaccompanied asylum seeking children indicate a total of 17 claims in Northern Ireland between 2009 and 2012. In the same period Scotland received 125 claims, Wales received 253, and England 7,062. There was a total of 12 referrals to social services for separated children between 1st April 2012 and 31st March 2013.¹⁸⁶ At 31st March 2014, there were 6 Looked After separated children in Northern Ireland.¹⁸⁷
9. In March 2015, the Police Ombudsman had its powers extended to include the ability to investigate complaints against immigration officials and contractors carrying out immigration and asylum duties.¹⁸⁸

SALE, TRAFFICKING AND ABDUCTION OF CHILDREN (STAC)

1. According to the Home Office, 8 children were referred to the NRM by first responders in Northern Ireland between 1st April 2009 (when the NRM was established) and 28th March 2011.¹⁸⁹ In 2014, Northern Ireland referred 45 cases, the lowest number within the UK, representing 2% of the overall total of cases. This was however a 10% increase on 2013 referral totals. Eight (18%) were referred for exploitation as a minor.¹⁹⁰
2. A determination in relation to whether a person has been a victim of human trafficking is a two stage process. At stage 1, a decision is made as to whether there are reasonable grounds to believe the individual is a potential victim of human trafficking. The threshold at the 'Reasonable Grounds' stage for the case manager is "From the information available so far I believe but cannot prove" that the individual is a potential victim of trafficking. If the decision is affirmative, at stage two the competent authority gathers further information relating to the referral from the first responder and other agencies. This additional information is used to make a

¹⁸³ 'Embracing Diversity – Information Update 2014', Embrace NI, p.43.

¹⁸⁴ 'Embracing Diversity – Information Update 2014', Embrace NI, p.53.

¹⁸⁵ 'By their side and on their side: Reviewing the evidence for guardianship for separated children in Northern Ireland' Ravi KS Kohli, Helen Connolly, Helen Beckett, University of Bedfordshire and NICCY, February 2014, p.49.

¹⁸⁶ 'By their side and on their side: Reviewing the evidence for guardianship for separated children in Northern Ireland' Ravi KS Kohli, Helen Connolly, Helen Beckett, University of Bedfordshire and NICCY, February 2014, p.49 - 51.

¹⁸⁷ 'Overview Delegated Statutory Functions Report – April 2013 – March 2014' Health and Social Care Board, p.21.

¹⁸⁸ <http://www.u.tv/News/2015/03/16/Ombudsman-to-investigate-customs-complaints-33674>

¹⁸⁹ Hansard (2011), HC Deb, 28 March 2011, c83W,

<http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110328/text/110328w0004.htm#1103296000038>.

¹⁹⁰ 'National Referral Mechanism Statistics – End of Year Summary 2014' National Crime Agency, 19th January 2015.

conclusive decision on whether the referred person is a victim of human trafficking. The case manager's threshold for a 'Conclusive Decision' is that, on the balance of probability, "it is more likely than not" that the individual is a victim of human trafficking.¹⁹¹

SEXUAL EXPLOITATION AND ABUSE (SEA)

1. Operation Owl found that 13 children accounted for 10% of all 'missing persons' reports, while 40 children had been reported missing more than 25 times in 16 months. The risk of CSE was identified as a key issue for most of the young people involved in Operation Owl. A PSNI investigation into 22 young people's cases was initiated and it was reported that the 22 children concerned had been reported missing 437 times.¹⁹²
2. From a sample of 1,102 cases examined by Barnardo's in 2011 (all of which were known to social services, with around 70% being looked after children), CSE was identified as an issue of concern for almost one in seven young people.¹⁹³ Almost one in five of the young people were assessed to be at significant risk of sexual exploitation.¹⁹⁴
3. In 2010, the YLT survey of 16 year olds found that 11% of those surveyed thought that an adult had tried to groom them. 27% of those who reported that an adult had tried to groom them stated that this person had first attempted to make contact with them online.¹⁹⁵
4. It was reported in November 2014, that since its establishment in 2004, Barnardo's Safe Choices, a regional service which aims to reduce the risk of children and young people being sexually exploited, has completed its work with more than 250 children and young people. In October 2014, there were 99 open cases with a further 46 referrals being processed. Staffing for the Safe Choices service had increased from two to seven in the previous 18 months and the case total at that time was 145.¹⁹⁶
5. The Northern Ireland Sexual Assault Referral Centre (SARC), which opened in May 2013, had received 502 referrals by June 2014, 42% of which concerned under 18s.¹⁹⁷
6. In 2011, Barnardo's found that one in five of an overall sample of 1,102 cases (all of which were known to social services, with around 70% being looked after children), had been missing overnight or longer within the previous year. This rose to three out

¹⁹¹ <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

¹⁹² 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.9, 23 – 24, 66.

¹⁹³ 'Not a world away – the sexual exploitation of children and young people in Northern Ireland' Dr Helen Beckett, Barnardo's, October 2011, p.22.

¹⁹⁴ 'Not a world away – the sexual exploitation of children and young people in Northern Ireland' Dr Helen Beckett, Barnardo's, October 2011, p.32.

¹⁹⁵ <http://www.ark.ac.uk/ylt/results/yltsexualrisks.html>

¹⁹⁶ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.78, 136.

¹⁹⁷ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.53.

of five for the residential care population and an even higher percentage (67.1%) amongst the 147 cases of known or suspected CSE.¹⁹⁸

7. The Inquiry into CSE received figures from a number of sources relating to children missing from family homes and from care, but the figures have different criteria and the Inquiry found that it was difficult to reconcile them to obtain a clear picture. The HSCB collects information on children missing from care in two forms. The first process gathers figures from notifications of 'untoward events' relating to children missing from care for more than 24 hours. These can be broken down into Trust areas. Figures for a 3 year period across Northern Ireland show a significant increase in the most recent year, with the number of children missing from care in 2012 - 13 being 100 and in 2013 - 14 being recorded as 132. However, the Health and Social Care Board also produces six-monthly reports from Health and Social Care Trusts known as the Delegated Statutory Function Reports, which provide different figures. The Health and Social Care Board informed the Inquiry into CSE that the discrepancy in these two sets of figures was as a result of their sourcing from different processes and because they did not cover identical categories of children. The PSNI Operation Owl also collected figures on missing children and undertook analysis to identify those going missing more than three times over a six month period. Across Northern Ireland, in the period April to November 2013, 147 young people fell into this category, and 108 fell into this category in the period from November 2013 to April 2014. One-third of these young people were not looked after children. PSNI figures for all children missing from home or care indicated that, for the year from March 2013 to April 2014, there were 2,517 reports of children missing from looked after settings (including foster care), representing 48% of the total of 5,222 reports of missing children. These figures are significantly greater than what appears in the other data sets. It is also notable that almost half of the missing children were looked after children and the other half were from family settings.¹⁹⁹
8. In 2011, from an overall sample of 1,102 cases, Barnardo's identified CSE as an issue of concern for 33.1% of those involved in the youth justice system, compared with 10.2% of those with no involvement. In terms of assessed levels of risk, the report estimated that 54.5% of young people involved in the youth justice system were at significant risk of CSE compared with 12% of those not involved.²⁰⁰

ADMINISTRATION OF JUVENILE JUSTICE (AJJ)

1. Ten percent of looked after children had been cautioned or convicted of an offence whilst in care during the year ending 30th September 2013.²⁰¹ In 2013-14, 36% of children sent to the JJC were in care - 19% were subject to a care order and 17% were voluntarily accommodated.²⁰²
2. The number of initial admissions to the JJC has risen significantly since 2008 – 9. In 2008 – 9, there were 268 initial admissions to the JJC, with 153 individual children

¹⁹⁸ 'Not a world away – the sexual exploitation of children and young people in Northern Ireland' Dr Helen Beckett, Barnardo's, October 2011, p.39.

¹⁹⁹ 'Child Sexual Exploitation in Northern Ireland – Report of the Independent Inquiry' Kathleen Marshall, November 2014, p.71 – 72.

²⁰⁰ 'Not a world away – the sexual exploitation of children and young people in Northern Ireland' Dr Helen Beckett, Barnardo's, October 2011, p.26 & 34..

²⁰¹ 'Children in Care in Northern Ireland 2012/13 Statistical Bulletin' Department of Health, Social Services and Public Safety, 31st July 2014, p.35.

²⁰² 'An Announced Inspection of Woodlands Juvenile Justice Centre' Criminal Justice Inspection Northern Ireland, May 2015, p.19.

admitted. By 2013 – 14, this had risen to 528 initial admissions, with 196 individual children admitted.²⁰³ Admissions to the JJC under the PACE represent a consistently high proportion of admissions to the Juvenile Justice Centre. In 2013/14 there were 741 transactions in the JJC. Of these transactions, 326 (44%) related to PACE, 347 (47%) to remand and the remaining 68 (9%) were sentence transactions. These proportions have been consistent over the last five years. Whilst the proportions have been consistent there has been a 39% increase in the number of PACE transactions between 2012/13 and 2013/14 and a 36% increase in remand transactions over the same period. The number of sentence transactions has increased by 13%.²⁰⁴

3. Between April 2010 and March 2011, only 45% of children admitted to the Juvenile Justice Centre under PACE were then refused bail by the courts.²⁰⁵ The Youth Justice Agency estimates that over the last five years, the PACE conversion rate (i.e. whether the young person detained under PACE will be released or will be further detained on remand or sentence) has remained largely consistent at around 50% each year i.e. half of the young people admitted to the JJC on PACE are released. This is despite the number of PACE admissions and PACE to remand/sentence transactions having both increased significantly in the last year for which figures are available.²⁰⁶ CJINI has also reported that between April 2010 and March 2011 only 9% of children detained under the Police and Criminal Evidence (Northern Ireland) Order 1989 ultimately received custodial sentences.²⁰⁷
4. In 2011, 227 children were detained in the JJC under PACE, with 77 of these children being from care homes. In 2012, this figure rose to 229 children, with 76 children from care homes. 112 of these children were then released at court the next day. In 2013, 315 children were detained in the JJC under PACE, with 139 children from care homes. 160 children were released at court the next day. 52% of these children had been initially detained for breach of bail conditions. In 2014, 245 children were detained the JJC under PACE, with 95 children coming from care homes. 110 children were released at court the next day.²⁰⁸
5. The Youth Justice Review recommended that an appropriate range of accommodation be developed for children currently being detained under PACE, that the use of PACE be reduced to an absolute minimum and that looked after children should no longer be placed in custody where this would not have been the outcome for children in the general population. It also recommended a strict adherence to the statutory presumption of bail, supported by bail information; support and supervision; realistic, relevant and proportionate bail conditions where necessary; the participation of children and their parents in the setting of bail conditions and the need for the young person to understand the conditions and the implications of complying with them.²⁰⁹ In 2012, the Northern Ireland Law Commission (NILC) recommended that Article 39(1)(b) of PACE be replaced and that new bail legislation include a

²⁰³ 'An Announced Inspection of Woodlands Juvenile Justice Centre' Criminal Justice Inspection Northern Ireland, May 2015, p.15.

²⁰⁴ 'Youth Justice Agency Annual Workload Statistics 2013/14' 8th August 2014, p.5.

²⁰⁵ 'An announced inspection of Woodlands Juvenile Justice Centre', Criminal Justice Inspection Northern Ireland, November 2011, p. 4.

²⁰⁶ 'Youth Justice Agency Annual Workload Statistics 2013/14' 8th August 2014, p.13.

²⁰⁷ 'An announced inspection of Woodlands Juvenile Justice Centre', Criminal Justice Inspection Northern Ireland, November 2011, p. 4.

²⁰⁸ Information obtained from Department of Justice, January 2015.

²⁰⁹ 'A Review of the Youth Justice System in Northern Ireland' September 2011, recommendations 8,9,18 and 19.

requirement that bail must not be refused on the sole ground that the child does not have any, or any adequate, accommodation. The NILC also recommended that a range of accommodation options for children and young persons on bail be made available. In relation to bail conditions, the NILC recommended that specific consideration be given to the age, maturity, needs and understanding of the child, and that the best interests of the child must be a primary consideration when imposing or varying conditions. It also recommended that bail decision makers must ensure that young people understand bail decisions and conditions.²¹⁰

6. The JJC is located in Bangor, Co. Down. PACE detentions to the JJC are generally much higher in areas which are geographically closer to the Centre than they are in areas further away. The highest number of PACE detentions from 2011 – 2014 came from Musgrave PSNI station in Belfast, approximately 12 miles from Bangor. Bangor PSNI station also had a consistently high proportion of PACE detentions over this period. By contrast, Strand Road PSNI station in Derry/Londonderry, over 80 miles away from the JJC, had a maximum of 6 detentions per year over this period.²¹¹
7. In 2013, in relation to child defendants in criminal proceedings in the Youth Court, there were a total of 3,320 orders made that were not custodial orders, compared to 530 custodial orders.²¹²
8. Between December 2013 and July 2014, 1,808 juveniles were in police custody. Of these, 1,215 requested legal advice.²¹³
9. In 2014/15, 441 young people were referred to Youth Engagement Clinics. 85 cases were removed by the Public Prosecution Service (PPS) before the clinic took place, with the PPS directing no prosecution in 26 of these. Of 295 clinics which subsequently took place, diversion was accepted in 281 of them.²¹⁴
10. An Equality Impact Assessment of Youth Engagement Clinics conducted by the DoJ in November 2013 assessed information from 93 clinics. Based on this information, legal representatives only appeared to be present at 7 clinics.²¹⁵ A summary of all referrals made to Youth Engagement Clinics up to 2nd May 2014 stated that, of 310 clinic cases, solicitors were present at 25.²¹⁶
11. In relation to criminal records, the Youth Justice Review recommended that policy and legislation relating to the rehabilitation of offenders should be overhauled and reflect the principles of proportionality, transparency and fairness. Specific actions should include that diversionary disposals should not attract a criminal record or be subject to employer disclosure, that young offenders should be allowed to apply for a clean slate at age 18 and that for those very few young people about whom there are real concerns and where information should be made available for pre-employment checks in the future, a transparent process for disclosure of information, based on a

²¹⁰ 'Bail in Criminal Proceedings' Northern Ireland Law Commission Report, September 2012, NILC 14 (2012), Chapter 6.

²¹¹ Information obtained from Department of Justice, January 2015.

²¹² 'Judicial Statistics 2013', Northern Ireland Courts and Tribunals Service, Table E.10.

²¹³ Information supplied by Police Service of Northern Ireland, 17th September 2014.

²¹⁴ Information supplied by Department of Justice, 13th May 2015.

²¹⁵ 'Equality Impact Assessment: Youth Engagement Clinics' Department of Justice, November 2013, Appendix 5.

²¹⁶ Information obtained from Department of Justice, 6th June 2014. This is provisional data and may be potentially subject to change.

risk assessment and open to challenge, should be established. The decision to disclose and the assessment on which it is based should be regularly reviewed.²¹⁷

12. Under the 'Filtering' system, any conviction or caution, diversionary youth conference or informed warning for 'specified offences' will not be filtered. Any conviction resulting in a custodial sentence (including suspended sentences), regardless of offence, will not be filtered. A conviction will only be filtered if there is no other conviction on the individual's record. In those circumstances a conviction for a non-specified offence will be filtered after a period of 5½ years for those under 18 at the time of the conviction. Cautions and diversionary youth conferences will be filtered after 2 years for those under 18 at the date of the caution, with informed warnings being filtered after 1 year. However, if the caution, diversionary youth conference or informed warning was for a 'specified offence', then these will not be filtered at all. This list of 'specified offences' contains almost 1200 offences, with the majority relating to sexual and violent offending.²¹⁸
13. From October - December 2014, there were 37,000 young people (aged from 16 - 24) in Northern Ireland who were NEET. The percentage of all young people (aged 16 - 24) in Northern Ireland who were NEET was 17.1%, up 3.9 percentage points on the previous year.²¹⁹ 18.1% of 16 - 24 year olds were classified as NEET in NI during January – March 2015, an increase of 0.9% since the previous quarter and up 3.4 percentage points on the previous year. This is much higher than the rate of 16 – 24 year olds that were NEET within the UK as a whole during the same period, which was 12%.²²⁰
14. In 2012/13, it took an average of 109 days to complete a youth charge²²¹ case. This is measured from the point that the young person is charged by police to the point that the case is completed in the Youth Court, and so would not account for delay that can occur in the case prior to being charged. On average, youth summons²²² cases took 247 days to complete. This was also measured from the point the young person was informed that they were being reported to the Public Prosecution Service to the point that the case is completed in the Youth Court and so again would not account for delay that can occur prior to being reported. On averages, cases involving children and young people took longer to resolve than cases involving adults.²²³ In 2012/13, just over one third of cases taken against children and young people were charge cases, with the vast majority initiated using a summons.²²⁴
15. In 2013/14, it took an average of 149 days to complete a case in the Youth Court from the point a youth was charged or informed that they would be reported to the

²¹⁷ 'A Review of the Youth Justice System in Northern Ireland' September 2011, Recommendation 21.

²¹⁸ <http://www.dojni.gov.uk/index/accessni/disclosures/filtering.htm>

²¹⁹ 'Northern Ireland Labour Force Survey' October – December 2014, p.17

http://www.detini.gov.uk/lfs_quarterly_supplement_-_october_-_december_2014-3.pdf?rev=0

²²⁰ 'Northern Ireland Labour Force Survey' January – March 2015, p.17 – 18.

http://www.detini.gov.uk/lfs_quarterly_supplement_january_-_march_2015_new.pdf?rev=0

²²¹ A charge case is one in which the young person is charged with an offence by the police.

²²² A summons case is one in which the police submit evidence to the PPS for the PPS to make a decision as to whether the young person should be prosecuted for an offence. If the decision is made to prosecute the young person, a summons is then issued requiring them to attend court.

²²³ 'Time Limits in the Youth Court – A Department of Justice Consultation', Department of Justice, December 2013, para.1.14.

²²⁴ 'Time Limits in the Youth Court – A Department of Justice Consultation', Department of Justice, December 2013, para.2.17 – 2.19.

PPS to the point the case was completed. Sixty-two percent of cases were completed within this timeframe. In 2014/15, this figure fell to 140 days, with 60% of cases completed within this timeframe. In 2013/14, it took an average of 96 days to complete cases from the point the youth was charged to the point the case was completed. This rose to 100 days in 2014/15. Summons cases continued to take longer to complete, with an average length of 179 days in 2013/14 from the point the young person was informed they would be reported to the PPS to the point the case was completed. This fell to 169 days in 2014/15.²²⁵

²²⁵ Information supplied by Department of Justice, 18th May 2015. This information is provisional and may be subject to change.

ANNEX 2

GENERAL MEASURES OF IMPLEMENTATION

The UK Government should:

- **Sign and ratify the Optional Protocol on a Communication Procedure;**
- **Incorporate the CRC into domestic law and develop a statutory child rights impact assessment process to ensure that legislation and policy affecting children is CRC compliant;**
- **Desist from repealing the Human Rights Act 1998;**
- **Introduce a NI Bill of Rights ensuring that it affords maximum protections to all NI children;**
- **Ensure that resources are allocated to the maximum extent possible and analyse spending on children across each jurisdiction of the State party.**

The NIA and Executive should:

- **Incorporate the CRC into domestic law and develop a statutory child rights impact assessment process to ensure that legislation and policy affecting children is CRC compliant;**
- **Ensure that the CYPU is given an adequate mandate to ensure implementation of the CRC across Government;**
- **Introduce a legislative statutory duty requiring Government to cooperate and pool resources to meet the needs of children with their best interests as a primary consideration;**
- **Implement a comprehensive, national strategy for the implementation of the CRC, supported by adequate budgets, action plans, targets and measures which chart progress;**
- **Amend the Commissioner for Children and Young People (Northern Ireland) Order 2003 to ensure Paris Principles compliance;**
- **Allocate resources to the maximum extent possible for the implementation of children's rights, establish mechanisms to enable disaggregated analysis of spending on children and ensure child rights impact assessments are conducted;**
- **Ensure that training on children's rights is mandatory across Government;**
- **Urgently implement an adequately resourced strategy for raising awareness of children's rights;**
- **Ensure that education on children's rights is central to the statutory curriculum in education;**
- **Strengthen cooperation between civil society and Government in the implementation of children's rights. Direct engagement between Government and children should be facilitated through the proper implementation of Section 75 of the Northern Ireland Act 1998;**
- **Establish systems for the collection of disaggregated data on children across Government;**
- **Produce annual reports on the state of children's rights and CRC implementation which are the subject of debate by the NIA.**

GENERAL PRINCIPLES

The NIA and Executive should:

- Urgently address the Committee's recommendation from 2008 on the demonisation of children, including in the media;
- Take measures to address discrimination against all groups of children, in schools and the community;
- Extend section 75 Northern Ireland Act 1998 to schools;
- Ensure children are treated as rights holders and included in legislation which implements their rights;
- Ensure all existing and future legislation, policy and practice incorporates the best interests principle;
- Prohibit the use of Tasers and AEPs against children and in all circumstances where children are present and at risk of being harmed;
- Intensify efforts to address paramilitary attacks against children, ensuring that children feel confident enough to report such attacks to the police;
- Ensure children have a statutory right to have their voices heard and their views given due weight in all court/tribunal/administrative proceedings;
- Introduce legal aid for education tribunals and separate rights of appeal for children in expulsion and SENDIST cases and a right to appeal suspensions from school;
- Introduce a statutory right to independent advocacy for children in care and those with mental health needs and/or learning disabilities;
- Ensure that children have access to child-friendly complaints mechanisms, and are encouraged and assisted to take complaints.

CIVIL RIGHTS AND FREEDOMS

The NIA and Executive should:

- Legislate to prohibit the use of ASBOs against children;
- Ensure equal protection for children from assault by prohibiting the use of mosquito devices;
- Repeal legislation allowing the retention of fingerprints and DNA profiles from children in relation to an offence for which they have not been convicted, cautioned or had the matter dealt with through diversion; repeal legislation allowing the retention of fingerprints and DNA profiles from children following conviction, caution or diversion for minor offences; prohibit indefinite retention of fingerprints and DNA profiles taken from children following conviction for serious offences;
- Review of the use of restraint in all settings and ensure that restraint against children is only used as a measure of last resort, to prevent harm to the child or others;
- Prohibit all corporal punishment of children.

The PSNI should:

- Respect the rights of children to use public spaces and to peaceful assembly and not interfere where no criminal offence is being committed;
- Never release images of children suspected of being involved in crime or anti-social behaviour;

- Ensure that children under the age of 10 are never subject to ‘stop and search’ and fully investigate the reasons why children are disproportionately subject to ‘stop and search’.

FAMILY ENVIRONMENT AND ALTERNATIVE CARE/VIOLENCE ABUSE AND NEGLECT

The NIA and Executive should:

- Ensure sufficient provision of childcare including support for families with childcare costs;
- Invest in effective early interventions to prevent children being taken into care and secure accommodation;
- Investigate the correlation between child poverty and children going into care;
- Collect information on the number of children affected by parental imprisonment and provide them with appropriate support;
- Take actions to reduce the number of placement changes experienced by children in care, ensuring that children enjoy safe, stable placements;
- Ensure children enjoy safe, beneficial contact with parents, relatives and carers;
- Introduce a statutory right to independent advocacy for children in care;
- Ensure that all children in care have their Article 12 rights upheld in all aspects of their lives;
- Extend support to care leavers up to the age of 25;
- Ensure that secure accommodation is used as a measure of last resort, for the shortest appropriate period of time. Investigate the reasons why children are repeatedly admitted to secure accommodation, or spend lengthy periods in secure accommodation, and urgently address these issues;
- Encourage the recruitment of foster carers, particularly those that can care for siblings together;
- Bring forward an Adoption and Children Bill to update adoption laws, in line with the CRC;
- Ensure that HSC Trusts comply with their legal obligations with respect to homeless children;
- Reduce delay in criminal cases involving child victims and witnesses; take steps to ensure that cross examination of children takes account of their age and vulnerabilities; safeguard the rights of child defendants to a fair trial;
- Ensure one government department in NI co-ordinates the development of an FGM action plan;
- Ensure training is provided to develop the competence, knowledge and awareness of multi-disciplinary frontline staff from education, health, police and the voluntary sector to ensure all victims of FGM are identified and supported;
- Collect data on the level of FGM in NI and raise awareness of FGM in schools, health and social services and faith communities, encouraging reporting of FGM.

CHILDREN WITH DISABILITIES

The NIA and Executive should:

- Legislate to resolve the difficulties in proving disability related discrimination;

- Ensure adequately funded, targeted services are available for disabled children and intervene at the earliest possible stage;
- Provide rights-based training for all professional staff working with disabled children;
- Develop a comprehensive, fully resourced strategy for disabled children;
- Address negative attitudes and bullying of disabled children and develop a culture of respect for their rights;
- Collate and monitor disaggregated data on the lives of disabled children;
- Ensure that the right of disabled children to participate is realised, including through the provision of advocacy and support services;
- Take targeted actions, including providing financial support, for disabled children and their families living in poverty;
- Ensure that families of disabled children have equal access to affordable, flexible, quality childcare services.

BASIC HEALTH AND WELFARE

The NIA and Executive should:

- Take action to end inequalities in children's health and access to health services in NI, particularly through reducing child poverty;
- Take steps to improve RSE in schools and ensure that it is sensitive to the needs of all pupils, including LGB pupils;
- Investigate the reasons behind the increase in suicide amongst children in NI and put in place specific, fully resourced measures to prevent suicide amongst children;
- Cease the use of test purchase of alcohol operations involving children and ensure that measures aimed at combating alcohol and drug misuse have the best interests of the child as a primary consideration;
- Provide support for children on bail to desist from using drugs and alcohol;
- Fully investigate the relationship between substance misuse and children's mental ill-health and ensure adequate support services are in place across NI;
- Ensure that all children with mental ill-health and/or learning disabilities have equal access to robust, children's rights compliant legislative protections and safeguards which will meet their needs and realise their rights;
- Urgently address the underfunding of CAMHS, ensuring that adequate funding is allocated to CAMHS provision which will meet the needs of all children at all levels including in schools, in the community, in transitioning to adult services and through the provision of services not currently available to children in NI;
- Prioritise research to identify the causes of children's mental ill-health in NI, including the legacy of the conflict, the experiences of vulnerable groups and a lack of opportunities ; take proactive measures to address the causes of mental health conditions and meet the needs of children at the earliest possible opportunity;
- Put in place a comprehensive regional framework for CAMHS, including transition, which has the best interests of the child as the primary consideration and ensures all services are available to all children.

CHILD POVERTY

The NIA and Executive should:

- Immediately appoint a representative to the Social Mobility and Child Poverty Commission to garner expertise, share best practice and improve delivery on child poverty outcomes;
- Improve data collection and measure levels of persistent poverty;
- Assess the impact budget cuts and the proposed Welfare Reform Bill will have on children and low-income families, including disabled children and their families, and take proactive measures to protect children and families from poverty;
- Prioritise the implementation of the Child Poverty Act 2010, publish a comprehensive, costed and integrated Child Poverty Strategy that addresses all aspects of poverty including fuel and food poverty and take meaningful actions to eradicate child poverty in NI;
- Urgently address the poor living standards of Traveller children through immediate provision of sufficient, safe and culturally appropriate accommodation;
- Urgently address the multiple disadvantages suffered by Traveller children and put a strategy in place with targets and time bound actions to remove all obstacles to the enjoyment and realisation of rights by Traveller children;
- Urgently address the link between disability and poverty and the difficulties faced by families in sourcing care and support so that they can work and assist disabled young people to find and maintain employment.

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

The NIA and Executive should:

- Allocate additional resources to enable inclusion and access and reduce the effect of a child's social background and minimise the impact of disability on their achievement within school;
- Ensure that children detained within the JJC are educated in line with the NI curriculum;
- Review the Supporting Newcomer Pupils policy and the IDS; produce guidelines in relation to children with limited formal educational experience and adequately fund support for them;
- Provide support for Newcomer children to learn English before they start school and put in place measures for 16 – 18 year olds who are not in school to learn English;
- Produce guidance for schools in relation to transgender pupils;
- Ensure that children out of school receive timely, quality alternative education;, increase the level of provision and the breadth of courses available and provide education which takes account of a child's SEN;
- End 'informal' exclusions from school, which particularly affect children with disabilities and SEN, for whom additional support should be provided; introduce an appeals mechanism against formal suspensions and exclusions and monitor the number and groups of children who experience informal exclusions;
- Ensure consistency in anti-bullying policies and their application across all schools; introduce uniform mechanisms to record all forms of bullying; introduce a clear legal and policy framework for cyberbullying; put in place measures that require and support schools to teach children, particularly children with disabilities, consistent messages about online and offline safety and put in place mechanisms to provide similar messages to parents;

- Take measures to strengthen children’s participation in schools, including requiring schools to establish school councils and ensure that children’s views are given due weight in decisions making;
- Plan and adequately resource the development of integrated schools;
- Abolish the system of unregulated academic selection and legislate for a non-academic, CRC compliant transfer system from primary to post primary education;
- Ensure that health and education bodies cooperate in meeting the needs of children with SEN through the introduction of a robust enforceable statutory duty to cooperate;
- Fully implement and resource the play and leisure policy; ensure that the importance of play is recognised within education; ensure all children have their right to play realised and that the voice of the child is heard in community planning decisions;
- Ensure the inclusion and active participation of children with disabilities in the planning, design and enjoyment of play and leisure activities;
- Ensure that all ‘NEET’ children can access youth training and are sufficiently supported when transitioning to further education or training;
- Recognise younger children as rights holders and ensure that the curriculum for younger children and training for staff reflects the CRC and leads to its implementation in practice; publish and implement a childcare strategy for Northern Ireland; take legislative measures to introduce flexibility in the school starting age.

ASYLUM-SEEKING AND MIGRANT CHILDREN/ SALE, TRAFFICKING AND ABDUCTION OF CHILDREN

The UK Government and NIA and Executive should:

- Increase financial support for families and children seeking asylum and those who have failed in their asylum claims; ensure that refugees receive prompt access to adequate benefits and supports;
- Grant asylum seeking parents and refused asylum seekers who cannot return to their country of origin permission to work;
- Provide adequate benefits to all migrant families, to ensure that they are not vulnerable to poverty. The condition that a claimant must be living in the UK for three months before being eligible to access child benefit and child tax credit should be reversed and a crisis fund to assist destitute migrants and asylum seekers should be made permanent;
- Provide adequate housing to families and children seeking asylum, or those whose claims have been rejected, in order to protect the health and welfare of these children;
- Ensure that all children in Northern Ireland have free access to all healthcare, regardless of their or their parents’ status. Free maternity healthcare should be provided to all;
- Collate and publish disaggregated statistical data on the number of children seeking asylum in Northern Ireland and the number of children who are granted asylum, including those whose age is disputed;
- Ensure widespread and ongoing training for all public officials to ensure that all victims of child trafficking are identified. The threshold for confirming that a child has been a victim of trafficking should be reviewed and the reasons for the low number of referrals investigated.

SEXUAL EXPLOITATION AND ABUSE

The NIA and Executive should:

- **Collect comprehensive data on the extent of CSE in NI;**
- **Support existing and further develop, comprehensive services to support victims of CSE;**
- **Collect consistent and comparable data on children going missing from care;**
- **Put in place strategies and measures that require and support schools to teach children consistent messages about online safety and put in place mechanisms to provide similar messages to parents;**
- **Begin a public health campaign to raise awareness of CSE;**
- **Ensure restraint is only used as a measure of last resort, exclusively to prevent harm to the child and never as a response to CSE;**
- **Ensure secure accommodation is used as a measure of last resort and for the shortest appropriate period of time;**
- **Take measures to strengthen the rights of all children, but particularly children in care, to express their views in relation to how they should be protected from CSE.**

ADMINISTRATION OF JUVENILE JUSTICE

The NIA and Executive should:

- **Ensure that all relevant international standards are integrated into youth justice legislation, policy and practice, implementing commitments made under the Hillsborough Agreement;**
- **Substantially raise the minimum age of criminal responsibility;**
- **Legislate to ensure that custody is used as a measure of last resort;**
- **Provide a range of appropriate accommodation and support across NI to ensure that children, particularly children in the care, are not remanded in custody inappropriately;**
- **Ensure that children's bail conditions are proportionate, relevant, realistic and understood by the child;**
- **Bring forward legislation reforming the law relating to bail for children, as recommended by the NI Law Commission;**
- **Ensure that all children in contact with the criminal justice system receive independent legal advice;**
- **Prohibit through legislation the detention of children alongside adults in all circumstances;**
- **Ensure that arrangements for the retention and disclosure of criminal records of children are compliant with international standards;**
- **Reform legislation to ensure that no child under 18 is tried in an adult court;**
- **Address the issue of delay in children's cases through the introduction of end-to-end statutory time limits.**

ANNEX 3

LIST OF ABBREVIATIONS

AMHS - Adult Mental Health Services

ASBOs - Anti-Social Behavior Orders

BHC – Before Housing Costs

CAMHS - Child and Adolescent Mental Health Services

CCEA – Council for Curriculum, Examinations and Assessment

CDSA – Children with Disabilities Strategic Alliance

CJINI – Criminal Justice Inspection Northern Ireland

CLC – Children’s Law Centre

CPSSS - Child Protection Support Service for Schools

CRC – Convention on the Rights of the Child

CRED - Community Relations, Equality and Diversity

CSE – Child Sexual Exploitation

CYPU – Children and Young People’s Unit

DE – Department of Education

DHSSPS – Department of Health, Social Services and Public Safety

DoJ – Department of Justice

EAT – Expulsion Appeals Tribunal

ECHR – European Convention on Human Rights

ECNI – Equality Commission for Northern Ireland

EEA – European Economic Area

EOTAS - Education Other than at School

ETI - Education and Training Inspectorate

EU – European Union

EWS – Education Welfare Service

FGM – Female Genital Mutilation

FSM – Free School Meals entitlement

GCSE – General Certificate in Secondary Education

GEM – ‘Going the Extra Mile’ scheme

IDS – Inclusion and Diversity Service

IFS – Institute for Fiscal Studies

JJC – Woodlands Juvenile Justice Centre

LAC – Looked After Children

MACR - Minimum age of criminal responsibility

MARAC - Multi-Agency Risk Assessment Conferences

NEET - Not in Education, Employment or Training

NI – Northern Ireland

NIA – Northern Ireland Assembly

NIABF - NI Anti-Bullying Forum

NICCY – Northern Ireland Commissioner for Children and Young People

NICEM – Northern Ireland Council for Ethnic Minorities

NIHE – Northern Ireland Housing Executive

NIHRC – Northern Ireland Human Rights Commission

NILC – Northern Ireland Law Commission

NRM - National Referral Mechanism

NSPCC – National Society for the Prevention of Cruelty to Children

OFMDFM - Office of the First and Deputy First Minister

OPONI – Office of Police Ombudsman for Northern Ireland

PA – Personal Advisor

PACE - Police and Criminal Evidence (Northern Ireland) Order 1989

PDMU – Personal Development and Mutual Understanding

PEP – Personal Education Plan

PPS – Public Prosecution Service

PSNI – Police Service of Northern Ireland

QUB – Queen’s University Belfast

RQIA – Regulation and Quality Improvement Authority

RSE - Relationship and Sexuality Education

SBNI – Safeguarding Board for Northern Ireland

SC – Save the Children

SEN - Special educational needs

SENDIST – Special Educational Needs and Disability Tribunal

UKBA – UK Borders Agency

UKVI - UK Visas and Immigration

VOYPIC - Voice of Young People in Care

YOC - Hydebank Wood Young Offenders Centre