

## **UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD: NORTHERN IRELAND'S REPORT ON THE IMPLEMENTATION OF THE UNCRC**

### **INTRODUCTION**

This paper summarises Northern Ireland's report on implementation of the United Nations Convention on the Rights of the Child (UNCRC), compiled by the Office of the First Minister and deputy First Minister (OFMDFM) and offers key issues for consideration.

### **What is the UNCRC?**

The United Nations Convention on the Rights of the Child<sup>1</sup> is an international treaty that recognises the rights of the child (defined as persons up to the age of 18). The UNCRC encompasses rights relating to every aspect of children's lives. It is the most widely ratified international human rights instrument. The Convention operates on 4 core principles, these are:

- Non-discrimination
- Devotion to the best interests of the child
- The right to life, survival and development; and
- Respect for the views of the child

The Convention commits National Governments to protecting and ensuring the rights of children. In addition, National Governments are made accountable before the international community for this commitment. Implementation of the Convention is monitored by the United Nations Committee on the Rights of the Child<sup>2</sup> (hereafter, the "UN Committee").

### **Reporting on progress**

National Governments that have ratified the Convention must provide regular reports to the UN Committee on the status of children's rights in their countries. These periodic reports are reviewed and commented on by the Committee and its concerns and recommendations are addressed in the form of 'concluding observations'.

The Convention was ratified by the UK in 1991 and came into force in 1992. The UK government agreed to report back to the UN Committee on its implementation of the Convention after the first two years and subsequently every five years. To date, the UK has reported on three occasions over the period, the most recent in July 2007. The UK's most recent report has, for the first time, been informed by specific reports relating to the particular circumstances of Northern Ireland, Scotland and Wales. This

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<sup>1</sup> <http://www.everychildmatters.gov.uk/files/589DD6D3A29C929ACB148DB3F13B01E7.pdf>

<sup>2</sup> <http://www.ohchr.org/english/bodies/crc/index.htm>

paper comments on Northern Ireland's report, compiled by the Office of the First Minister and deputy First Minister (OFMDFM) and offers key issues for consideration.

Children and young people's views were taken into account in the compilation of the report for Northern Ireland. A consultation with children and young people was carried out by the Children and Young People's Unit of OFMDFM in 2007. The purpose was to ascertain children and young people's knowledge of and opinions about their rights and allow them to comment to government<sup>3</sup>.

The UNCRC has 54 Articles. For the purposes of periodic reports the articles are combined under clusters of rights as follows:

- General Measures of Implementation
- Definition of a Child
- General Principles
- Civil Rights and Freedoms
- Education, Leisure and Cultural Activities
- Family Environment and Alternative Care
- Basic Health and Welfare
- Special Protection Measures, including the administration of youth justice

Guidance from the UN Committee on the content of periodic reports emphasises that state parties who have made a comprehensive initial report to the Committee need not repeat information, particularly basic information in its subsequent reports.<sup>4</sup>

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<sup>3</sup> The 132 children who took part included those with special educational needs, young people in trouble with the law, children/young people with disabilities, lesbian, gay, bi-sexual or transsexual young people, children/young people from ethnic minority communities, Travellers, care leavers, young parents and young people in an alternative education project.

<sup>4</sup> [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/af20808817648df4c12570fa002ba893/\\$FILE/G0545289.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/af20808817648df4c12570fa002ba893/$FILE/G0545289.pdf)

## **“Northern Ireland Report to the United Nations Committee on the Rights of the Child”**

Published by the Children and Young People's Unit, OFMDFM.  
September 2007

This is a report on Northern Ireland's progress on the implementation of the UN Convention on the Rights of the Child. The report was prepared by OFMDFM who have lead responsibility for compiling Northern Ireland's contribution to the overall UK report. Readers should note that the report reflects decisions taken prior to the restoration of devolution in May 2007.

### **Introduction : ‘Concluding Observations’**

The UK's last periodic report and its examination by the United Nations Committee in 2002, resulted in 84 ‘concluding observations’. In this introductory section of the report OFMDFM relate how government has responded to four concluding observations which pertain to the particular situation of children in Northern Ireland.

### **What is NI's progress in relation to the UN Committee's Concluding Observations?**

OFMDFM state that Northern Ireland has now met all of the Committee's recommendations or made significant progress:

- In relation to a concluding observation concerning the use of **baton rounds**, the report states that the L21A1 baton round is no longer used operationally by police or military. Progress to develop less lethal technologies to replace baton rounds has been achieved. The new methods will not be used for the purpose of public order/crowd control but only in response to an individual or individuals threatening violence where the only alternative would be the use of live rounds.
- Regarding a concluding observation on the abolition of **corporal punishment in private schools** the report states that Northern Ireland now meets this requirement as the prohibition on the use of corporal punishment was extended to independent schools in 2003. In relation to **corporal punishment in day care including childminding** the report stated that the Department of Education is planning a consultation with key stakeholders on the introduction of legislation that will prohibit the use of physical punishment by childminders.
- A concluding observation had recommended the **expansion of integrated schooling** in Northern Ireland. The report indicates that the integrated schools sector has received increased investment and has experienced expansion since 1999. The number of schools has increased from 41 to 56 and considerable capital investment has been allocated. A Ministerial Working group has been developing a strategy in relation to Integrated Education<sup>5</sup>.

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<sup>5</sup> “Towards a Culture of Tolerance: Integrating Education” (TACOT:IE) Ministerial Working Group

- **A Review of emergency legislation and juvenile justice system** was recommended by the Committee in a concluding observation. A review took place in 2002 and made a number of recommendations in relation to Youth Justice; most of these have been taken forward according to OFMDFM. The Youth Justice Agency, established in 2003, custodial facilities for children, youth conferencing, and new community orders are examples of the reforms and improvements.

### **Section 1: General measures of implementation**

The UN Committee specify that General Measures of implementation and other major developments in relation to the UNCRC should be outlined in this section of the report. In addition, States parties are expected to comment on the establishment and role of independent national human rights institutions in their country. Evidence of progress made in relation to responsibilities such as advocacy, training, data collection and budget analysis is also sought.

### **What is Northern Ireland's progress in relation to General Measures of Implementation of the UNCRC?**

#### **Human Rights Institutions**

OFMDFM reports on the setting up of and the role of three such institutions in Northern Ireland :

- The Commissioner for Children and Young People for NI
- The Equality Commission for Northern Ireland
- The Northern Ireland Human Rights Commission

#### **Ten Year strategy**

OFMDFM consider a significant achievement in relation to implementation of the Convention is the development of a cross-departmental ten year Strategy for Children and Young People.<sup>6</sup> A set of indicators, actions plans and targets linked to indicators have been designed to measure progress on its implementation. Responsibility for cross cutting issues in relation to children and young people belongs to two Junior OFMDFM Ministers. In addition, individual departmental Ministers have responsibility for their respective policy areas. A Review Group<sup>7</sup>, representative of all departments and statutory, community and voluntary sectors is established to advise and guide the implementation of the strategy. Other groups which advise on the impacts of the strategy include a Practitioners Group, a Research and Information Group and A Parents Advisory Group. Resources in the region of £107million between 2006 and 2008 were allocated for the Children and Young People's Package in addition to resources for services for children and young people.

### **What is NI's progress in relation to Remedies, Complaints and Advocacy for children?**

#### **Advocacy**

A consultation paper called "*Care Matters in Northern Ireland – A Bridge to a Better Future*" was launched by the Department of Health, Social Services and Public Safety (DHSSPS) in March 2007. Government is developing a strategy for improving

<sup>6</sup> "Our Children and Young People – Or Pledge: A Ten Year Strategy for Children and Young People in Northern Ireland 2006-2016". June 2006.

<sup>7</sup> The Strategy, Planning and Review Group (SPRG).

services and outcomes for children and young people in and on the edge of care - and aims to achieve this through improved cross-departmental, inter-agency and multi-disciplinary working.

OFMDFM's statement on progress in relation to advocacy is a positive one in that advocacy services are now receiving extra finance through the Children and Young Peoples Funding Package. The "Care Matters" consultation is taking views on legislating for advocacy for all children and young people in care. *Care Matters* also proposes to strengthen and extend the role of independent visitors (into that of independent *advisors*) to children in care. A voluntary sector organisation which provides advocacy for children in care, Voice of Young People in Care (VOYPIC) has been allocated additional funding of "1.32 million from 2007-2009.

Other arrangements have been put in place in relation to advocacy such as the provision of personal advisors for on-going care for children and young people after leaving care. OFMDFM refers to the statutory right<sup>8</sup> for all juvenile detainees in police custody to have an appropriate adult present and reports that an Independent Representation Scheme<sup>9</sup> is in operation with plans in place, to develop the service further.

### Complaints

Following public consultation, Government has published a complaints charter. All children and young people in custody may complain to a Prisoner Ombudsman – but only if the internal complaints system is exhausted. Other advocates available to children and young people in custody are through Opportunity Youth, the Social Services Inspectorate, the Chief Inspector of Criminal justice for NI, the NI Human Rights Commissioner and the Commissioner for Children and Young People for NI. The Guardians Ad Litem<sup>10</sup> services' role is in safeguarding the best interest of the child and in representing the child's feelings in court. The Children's Law Centre offers an advice service in relation to children's rights and the law.

### **What training has OFMDFM carried out in relation to the UNCRC?**

Training relating directly to the UNCRC was provided for personnel involved in the development of OFMDFM's 10 year Strategy for Children and Young People. Those in receipt were 127 civil servants, NGO personnel, the Young People's Advisory Forum and some Health and Social Services staff.

Policy development staff in the Department of Education received training on the UNCRC. The remainder of training cited in the report has included elements of training on children's rights within general human rights training programmes for Professional groups such as Youth Justice Agency personnel, Head teachers, principals, School governors and some teaching staff, Police Service of NI, Judiciary, Lay magistrates and NI Court Service personnel.

### **How has OFMDFM made the Convention / Reports widely known ?**

NICCY has a responsibility in respect to promotion of the Convention and the report gives examples of how NICCY has accomplished this. The Children's Law Centre

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<sup>8</sup> Under the *Police and Criminal Evidence (Northern Ireland) Order 1989* and associated Codes of Practice.

<sup>9</sup> Provided by the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO)

<sup>10</sup> <http://www.nigala.hscni.net/>

has produced a range of materials plus training courses aimed at informing children of their rights. Other approaches to developing children's awareness are, for example, through the school curriculum which covers citizenship and human rights awareness.

Guidance from the UN Committee states that periodic reports on implementation of the Convention should be made widely available to "the public at large". In the introduction to the report, OFMDFM's state that a range of organisations in the NGO sector which are concerned with children's rights received draft copies of the NI report as part of a consultation process in early 2007. No further information is given in relation to informing the wider public.

### **Has OFMDFM collected nationwide data and carried out a Budget Analysis?**

The UN Committee requires States parties to collect and publish a range of statistical information as evidence of their compliance with the Convention. This data should be annual statistical data disaggregated by age/age group, gender, urban/rural area, membership of a minority and/or indigenous group, ethnicity, disability, religion, or other category as appropriate. OFMDFM state that there are gaps in this information for Northern Ireland and that:

*"..some important data is not collected in a way that supports full disaggregation"<sup>11</sup>*

Other data is not collected or monitored by central government at all - such as contributions to children's services from private, voluntary or commercial sources. OFMDFM assert that work to address the gaps in information is underway and that strategic indicators are now defined as well as a plan to develop a children's research database. A methodology for measuring children's enjoyment of their rights is also in development by OFMDFM, in consultation with relevant bodies and groups.

The UN Committee requires that information on the allocation of budgetary and other resources should also be enclosed in periodic reports. OFMDFM report significant progress in relation to sectoral budget analysis. It states that information on the amount of child-contingent support that families receive in Northern Ireland in relation to the rest of the UK has been published<sup>12</sup>.

## **Section 2: Definition of the child**

### **Changes to the definition of the child**

This section of the report is for States parties to provide updated information with respect to Article 1 of the Convention, concerning the definition of a child under domestic laws and regulations and specifying any differences between boys and girls.

OFMDFM report there is no significant change in the definition since the last periodic report to the UN Committee. Minor changes relate to the extension of the youth justice system to 17 year olds from August 2005 and that for the purposes of OFMDFM's 10 year Strategy for Children and Young people, a child/young person is now defined as someone up to 18 years of age. It applies to someone up to the age of 21 for children who are or have been in care or children with a disability. An

<sup>11</sup> Section 1.6 Nationwide Data and Budget analysis, para 57.

<sup>12</sup> [www.niccy.org](http://www.niccy.org)

amendment had been made to the definition of an "arrested juvenile" to align Northern Ireland's legislation with other national and international legislation.

### **Section 3: General Principles**

#### **What is NI's progress in relation to the UNCRC General Principle of non-discrimination?**

UN Committee guidance states that periodic reports should show if and how the principle of non-discrimination is a binding principle in domestic legislation, specifically for children and whether all the possible grounds for discrimination (in Article 2) are reflected in such legal provisions.

#### **Legislation**

OFMDFM report that the principle of non-discrimination is addressed in Northern Ireland through a number of pieces of legislation, for example:

- Section 75 of the *Northern Ireland Act 1998*,
- the *Race Relations Order 1997* and amendments,
- the *Criminal Justice Order 2004*,
- the *Employment Equality (Sexual Orientation) Regulations 2003*
- the *Employment Equality (Age) Regulations 2006*
- the *Disability Discrimination Order 2006*

The OFMDFM report refers also to the proposal to introduce a Single Equality Bill in Northern Ireland and states that this legislation will aim to harmonise existing anti-discrimination and equality legislation as far as is practicable.

#### **Monitoring and action**

OFMDFM point to a number of strategies which were designed to target and monitor the situation of affected groups, for instance:

- In relation to race and non-discrimination, a Racial Equality Strategy which has been in operation since 2005
- A Gender Equality Strategy which has been in operation since December 2006
- A Sexual Orientation Strategy, to be published in Autumn 2007
- A Working Group for promoting Social Inclusion for the Disabled was established in November 2004
- A Race Relations Policy was produced by the Northern Ireland Housing Executive Equality Unit in 2006

#### **What is NI's progress in relation to the UNCRC General Principle of the Best interests of the Child?**

The UN Committee advises that periodic reports should indicate whether the principle of the best interests of the child is reflected in relevant national legislation and regulations. In addition, this principle should be a primary consideration in all actions concerning children.

OFMDFM affirms that it is committed to upholding the General Principle of the welfare of the child<sup>13</sup> in the planning of all new policy and legislation in relation to

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<sup>13</sup> OFMDFM state "We prefer the term welfare of the child to the term best interests, as it is better defined and understood in law" Section 3 General Principles para 3.2.

children and young people. The report refers to the *Children (Northern Ireland) Order 1995* and associated regulations which are to be audited to examine compatibility with the UNCHR and the ECHR. New policy and legislation in relation to adoption, Leaving and Aftercare and residence orders has been introduced or extended which seeks to uphold the general principle of the welfare of the child in each situation.

### **What is NI's progress in relation to the UNCRC General Principle of the right to life, survival and development?**

The UN Committee requests that nation states describe specific measures taken to guarantee the child's right to life and to create an environment conducive to ensuring to the maximum extent possible the survival of the child. OFMDFM's report outlines a number of specific measures and programmes designed to uphold this principle, as follows:

#### Regional safeguarding board for NI (SBNI)

OFMDFM refers to ongoing work to reform and improve arrangements in relation to child protection services. A Regional Safeguarding Board is being proposed which will take a more comprehensive, coordinating and strategic view of safeguarding practice across the region, and be composed of representatives from a wide range of relevant organisations. The new Board will ensure a consistent approach to safeguarding practice in and between all the key organisations.

#### Child death review protocol

OFMDFM reports on progress made by the Department of Health in the drafting of a Child Death Review Protocol which outlines responsibilities for statutory and other agencies when dealing with the unexpected death of a child. The final document is to be published by the end of the year.

#### Suicide prevention strategy

OFMDFM reports that progress has been made in relation to the development of a Suicide Prevention Strategy in response to the increase in the number of suicides in Northern Ireland, particularly among young people. The strategy was published in October 2006. Recurrent funding for the implementation of the Strategy has been made available.

#### Road safety

OFMDFM report that a Road Safety Strategy 2002-2012 contains targets for road casualty reductions and measures for achieving them. The strategy contains measures aimed specifically at children, for example, in relation to safe behaviour on the road, safe travel from home to school and safety in cars and other vehicles.

### **What is NI's progress in relation to the UNCRC General Principle of participation?**

OFMDFM report significant progress in a number of areas to increase the participation of children and young people. Northern Ireland's youth work and youth service is regarded as an important means of delivering on the general principle of participation. OFMDFM assert that adequate resources and funding are in place to deliver its Strategy for the Delivery of Youth Work in NI and that accountability arrangements are also in place to ensure effective delivery from the organisations which are involved. The report highlights a number of ways in which government engages with the youth sector, for example through the Northern Ireland Youth Forum which is managed by an executive committee of young people. As part of its

ten year Strategy for Children and Young People, government has allocated funding of £150,000 per annum to establish a Participation Network.

In addition, YouthNet and PlayBoard have been financed through Lottery funds to create a Participation Hub which targets children aged 1-10, 11-16 and 17-25 years. Shadow youth Councils have increased young peoples participation at a local level. OFMDFM also report that consultation with children and young people is becoming an integral aspect of policy development and point to a range of recent policy developments which included children and young people in the consultation process.

#### **Section 4: Civil Rights and Freedoms**

In this section, states parties are requested to provide information on the measures adopted to ensure that the civil rights and freedoms of children specified in the Convention are recognised by law and implemented in practice.

##### **What is NI's progress in relation to name and nationality?**

Periodic reports to the UN Committee should indicate the measures taken or planned to ensure that all children are registered immediately after birth. ODFDFM refer to the legislation pertaining to Northern Ireland, the *Births and Deaths Registration (Northern Ireland) Order (1976)*<sup>14</sup> which requires all births to be registered within 42 days. OFMDFM report that new proposals in relation to adoption legislation will strengthen post adoption support and tracing birth families processes. No further indication is given as to the timing and details of the changes.

##### **What is NI's progress in relation to corporal punishment, inhuman, degrading treatment?**

Article 37 of the Convention refers to the Child's right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. States parties are required to indicate whether this treatment of the child is punished by the criminal law, and whether complaint procedures have been established and remedies made available to the child.

Article 19 of the Convention states that the child must be protected from all forms of physical and mental violence while in the care of parents or legal guardians. In relation to physical punishment in the home, OFMDFM report that changes were made to the legislation in 2006. *Article 2 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006* restricts the defence of "reasonable chastisement" to the summary charge of common assault and prevent the use of the defence in civil proceedings where the harm amounts to actual bodily harm<sup>15</sup>. In effect, hitting children as a punishment is now outlawed – but in certain circumstances – it is not banned completely. In September 2006, the Northern Ireland Commissioner for Children and Young People (NICCY) applied for a judicial review of the decision<sup>16</sup>. All four UK Children's Commissioners called on government

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<sup>14</sup> <http://www.statutelaw.gov.uk/content.aspx?LegType=All+Primary&PageNumber=51&NavFrom=2&parentActiveTextDocId=2989901&activetextdocid=2989905>

<sup>15</sup> Under Article 2 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order (2006). <http://www.opsi.gov.uk/si/si2006/draft/20060039.htm>

<sup>16</sup> <http://www.niccy.org/article.aspx?menuId=465>

to remove completely, throughout the UK, any defence of reasonable punishment when children are hit by their parents. Government's view on the changes is at section 4.2 para. 9 of OFMDFM's report and states:

*The direct rule government under the Secretary of State considered that Article 2, coupled with the ongoing work on positive parenting, offers the best prospect of securing real and significant change on the ground in terms of the use of alternative means of discipline.*

### Restraint

Legislation<sup>17</sup> authorises school staff in the use of reasonable force to restrain or control pupils in certain circumstances. Guidance has been issued to schools since 1999 on this issue and, since 2003, guidance on formulating their own school policy on restraint and control. Training is also offered to school staff by the Education and Library Boards with help from Behaviour Support teams who offer advice on behavioural and disciplinary matters including the use of reasonable force.

### In custody

Custodial institutions are the responsibility of the Northern Ireland Office (NIO). The report states that:

*The Northern Ireland Office (NIO) does not sanction or tolerate institutional violence<sup>18</sup>*

OFMDFM report that staff working with children receive comprehensive training<sup>19</sup> to develop the skills to de-escalate volatile situations without resort to physical restraint. Refresher and 'break-away' training is also carried out. All NI Prison Service staff receive mandatory training in this area.

### In care

Guidance on restraint and seclusion in the Health and Personal Social Services – which includes children in care aims to ensure practices are consistent with the UNCRC. It was issued by DHSSPS in 2005.

## **What is NI's progress in relation to access to appropriate information?**

The UN Committee request information on the measures adopted to ensure that children have access from a diversity of sources to information and material aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health.

OFMDFM name a range of sources through which such information is made available to children and young people in Northern Ireland, these include:

- VOYPIC – Voice of Young People in Care
- The Children's Law Centre
- NICCY – web site

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<sup>17</sup> Article 4 of the Education (Northern Ireland) Order (1998)

<http://www.opsi.gov.uk/SI/si1998/19981759.htm>

<sup>18</sup> Section 4.2 para. 16

<sup>19</sup> Therapeutic Crisis Intervention (TCI) Training

- NIO's web site *Little book of Stuff*
- Northern Ireland Court Service Education online
- Libraries, including schools libraries service
- OFMDFM 10 year Strategy - children's version of strategy is in the form of a comic<sup>20</sup>

OFMDFM consider that such sources provide appropriate information for children and young people on the many services available to them, and where to go for help if they are worried or in trouble. Other sources provide information to support the lifelong learning and personal development of children.

### **Section 5: Family environment and alternative care**

#### **What is NI's progress in relation to child protection?**

Article 19 of the Convention refers to protection of the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. The UN Committee specify that reports should indicate whether legislation includes a prohibition of all forms of abuse and violence and should indicate other legal safeguards relevant to the protection of the child.

#### Legislation, regulation and policy

The OFMDFM report reveals a substantial level of activity in the field of child protection legislation and policy:

- As mentioned on page 9, a Child Death Protocol, due for publication soon, was developed for use by professionals who deal with child deaths.
- Child protection procedures were reviewed in several key areas within government. An NIO review identified training needs for staff in the Youth Justice Agency and OFMDFM say that this has now been addressed. A review of procedures within the Northern Ireland Prison Service has resulted in a revised child protection policy.
- New legislation, the *Protection of Children and Vulnerable Adults (Northern Ireland) Order (2003) (POCVA)*,<sup>21</sup> was introduced to strengthen safeguards for children and vulnerable adults by preventing unsuitable people working with them in paid or voluntary positions. From April 2005, the new legislation required organisations to refer individuals to DHSSPS for inclusion on Disqualification Lists which prevent the individual from working with children and/or vulnerable adults.
- OFMDFM report that a new UK wide vetting scheme is planned to come into operation from autumn 2008. Existing POCVA legislation will be replaced with the *Safeguarding Vulnerable Groups Act 2006* and the *Safeguarding Vulnerable Groups (NI) Order 2007*<sup>22</sup>. This is proposed to extend the requirement to vet to a much wider children and vulnerable adults workforce.

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<sup>20</sup> [www.allchildrenni.gov.uk](http://www.allchildrenni.gov.uk)

<sup>21</sup> <http://www.opsi.gov.uk/si/si2003/20030417.htm>

<sup>22</sup> <http://www.opsi.gov.uk/si/si2007/20071351.htm>

- A further aspect of government work in the area of child protection was the creation of the Child Protection Register, maintained by Health and Social Care Trusts. Children who have been abused or are at risk of abuse and the subject of a child protection plan are listed on the register. Categories of abuse are neglect, physical abuse, sexual abuse and emotional abuse.
- An inspection team was established to examine child protection arrangements in organisations which are providers of services to vulnerable children and young people. A fundamental reform of child protection services was consequently initiated by DHSSPS to implement recommendations from the inspection team's report which was published in December 2006. Government are proposing the establishment of a regional statutory Safeguarding Board for Northern Ireland (SBNI), see page 9.
- OFMDFM's report details new arrangements or improvements to existing arrangements in relation to child protection in a number of situations, for example, the care system, schools, sporting activities and victims and witnesses.

#### Action to address abuse

OFMDFM report that a number of significant pieces of work are underway to address the issues of abuse and neglect.

- A review of sexual offences legislation will lead to new legislation to strengthen and modernise the framework of sexual offences, in particular with regard to children
- Current sex offender assessment and risk managements arrangements will be placed on a statutory basis, and extended to include violent offenders
- Changes to current legislation will provide enhanced protection for victims of domestic violence and abuse
- Part V of the *Police Act 1997*<sup>23</sup> will be amended to establish new disclosure arrangements and provide more for extensive vetting of those working with the vulnerable.

#### **What is NI's progress in relation to support for parents?**

OFMDFM believe that support and guidance for parents is being provided in a number of ways:

- Government funds a range of statutory, voluntary and community groups such as the Parents Advice Centre, Gingerbread, Children in Northern Ireland, NSPCC, Area Child Protection Committees, and Children's Services Planning. Since 2006 Childcare Partnerships and the *SureStart* Programme have received funding from DE
- A Safe Parenting Handbook has been prepared and distributed
- A 'Home Childcarer' scheme has been introduced
- A family and parenting strategy "Families Matter" has been developed
- Additional funding has been made available for supporting parents and families through the Children and Young People's funding Package

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<sup>23</sup> [http://www.opsi.gov.uk/acts/acts1997/ukpga\\_19970050\\_en\\_1](http://www.opsi.gov.uk/acts/acts1997/ukpga_19970050_en_1)

### **What is NI's progress in relation to Parental responsibility?**

The UN Committee ask that reports provide information on the consideration given by law to parental responsibility. This includes the recognition of the common responsibilities of both parents in the upbringing and development of the child, and that the best interests of the child will be their basic concern.

OFMDFM report legislative change<sup>24</sup> which makes further provision for the acquisition of parental responsibility by the father or stepfather – a father who is not married to the child's mother at the time of the child's birth may now require parental responsibility if he and the mother have jointly registered the child's birth, enter into an agreement which provides for him to have parental responsibility, or, the court, on his application, orders that he shall have parental responsibility for the child. A step parent may acquire parental responsibility for his or her spouse by order of court.

### **What is NI's progress in relation to adoption?**

The UN Committee wish to know of measures adopted to ensure that when the State recognises and/or permits the system of adoption, the best interests of the child are of paramount consideration. They also wish to know of any existing safeguards to protect the child, include any monitoring mechanisms put in place.

OFMDFM acknowledge that changes to the current legislation on adoption are needed. OFMDFM's report states that DHSSPS is developing proposals for new legislation to address the findings of two recent Social Service Inspectorate reports such as "widespread perception of court delays", and the need to keep pace with provisions in related legislation in the UK and international context. Recent articles in the press reported that the Health Minister Michael McGimpsey has been "*urged to tackle delays in the adoption process*"<sup>25</sup>. The implications of a new strategy on adoption "Adopting the Future" are being considered by government in the wake of a public consultation.

### **What is NI's progress in relation to leaving care?**

According to OFMDFM, a new legal framework for leaving and aftercare services is provided by the *Children (Leaving Care) Act (Northern Ireland) 2000* and the *Children (Leaving Care) Regulations (Northern Ireland) (2005)*<sup>26</sup>. These placed new and enhanced duties on Health and Social Care Trusts to support young people leaving care.

### **What is NI's progress in relation to residential care?**

The UN Committee require information on the measures taken to recognise the rights of children in care to a periodic review of their treatment, services and facilities. Information about the competence of care authorities and any independent mechanisms which have been established should also be indicated.

OFMDFM report "significant changes" have been effected in the level and type of residential care provision. The Children Matter Task Force was created in 2000

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<sup>24</sup> The Children (Northern Ireland) Order (1995) amended by the Family Law Act (Northern Ireland) (2001)

<http://www.opsi.gov.uk/legislation/northernireland/acts/acts2001/20010012.htm>

<sup>25</sup> [http://news.bbc.co.uk/1/hi/northern\\_ireland/7078484.stm](http://news.bbc.co.uk/1/hi/northern_ireland/7078484.stm)

<sup>26</sup> <http://www.opsi.gov.uk/sr/sr2005/20050221.htm>

which established a set of principles which focus on the quality of care and the safeguarding of the child's wellbeing.

### **What is NI's progress in relation to custody / secure accommodation?**

Article 37 of the Convention specifies that children and young people in custody "shall be separated from adults". OFMDFM state that it is only in very exceptional circumstances that children in Northern Ireland are accommodated with adults. At present 17 year old girls may be in kept custody with female adult prisoners. OFMDFM emphasise however, that this occurs rarely and the numbers are low, often no more than one or two. OFMDFM stipulate that this situation is being kept under review.

## **Section 6 Basic health and welfare**

The UN Committee's guidelines state that in this section, states parties should provide relevant information on the survival and development of the child, children with disabilities, health and social services, social security and childcare services and facilities and standard of living. Measures and policies in relation to health and social services should be provided. In addition the Committee request that measures undertaken to promote and protect the rights of young people in the context of adolescent health should also be included.

### **What is NI's progress in relation to health policy and strategy?**

A Public Health Strategy, "Investing for Health"<sup>27</sup> was published in 2002 containing government's priorities for improving health and wellbeing and reducing inequalities. OFMDFM assert that supporting children and young people to protect and improve their health and wellbeing is central to many of these plans. A range of strategies have been drawn up to tackle key health priorities which include:

- A breastfeeding strategy<sup>28</sup> published in September 1999
- A teenage pregnancy and parenthood strategy 2002-2007<sup>29</sup>
- The Fit Futures strategy<sup>30</sup> to tackle obesity in children and young people, launched February 2007
- A smoking ban in all public places and workplaces, introduced in April 2007. In addition, the Assembly will be invited to consider raising the age to purchase tobacco from 16 to 18 years of age.

### **What is NI's progress in relation to adolescent mental health?**

- A key development was the Independent Review of Mental Health and Learning disability (the Bamford Review<sup>31</sup>) in 2002. This included a review of child and adolescent mental health services, and a report was issued in 2006. The review specified wide ranging reforms, which, according to OFMDFMs

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<sup>27</sup> <http://www.investingforhealthni.gov.uk/>

<sup>28</sup> <http://www.healthpromotionagency.org.uk/Resources/strategies/breastfeedingstrategy.htm>

<sup>29</sup> <http://www.hpani.org/Resources/strategies/mythsandreality.htm>

<sup>30</sup> <http://www.healthpromotionagency.org.uk/work/Publicrelations/PressReleases/fitfutures0207.htm>

<sup>31</sup> <http://www.rmhdni.gov.uk/>

report, are likely to take at least 10 years to achieve, although some action is under way.

- A Promoting Mental Health Strategy and Action Plan was published in 2003 with some actions relating directly to children and young people's mental health and wellbeing.
- A taskforce to tackle the growing number of suicides among young people was set up in July 2005. This resulted in a Suicide Prevention Strategy for Northern Ireland.
- Since January 2007 independent counselling support has been made available to all pupils in grant-aided post primary schools.
- A review of eating disorders services in 2002 resulted in the establishment of a Regional Eating Disorders Service<sup>32</sup>.

#### **What is NI's progress in relation to poverty?**

Government launched an Anti-Poverty and Social Inclusion Strategy in November 2006. Working to eliminate poverty and social exclusion by 2020 and to end child poverty by 2020<sup>33</sup> are its two key objectives. The strategy defines specific goals and targets for four key stages in life – early years (0-4), children and young people (5-16), working age adults and older citizens.

OFMDFM comment that the Strategy awaits consideration by the NI Executive.

#### **What is NI's progress in relation to homelessness?**

Action in this field included the setting up of a cross-sectoral working group to examine homelessness in the context of promoting social Inclusion. This led to the development of a strategy "Including the Homeless" in July 2007. OFMDFM say that the strategy will allow for legislation on youth homelessness in Northern Ireland to be more closely aligned with legislation in other parts of the UK. As a consequence, homeless young people in Northern Ireland will receive a higher priority status in the future.

#### **What is NI's progress in relation to action targeted towards those who experience discrimination and disadvantage?**

OFMDFM report progress has been achieved in a number of areas with regard to this obligation. For instance, a new strategy for those with a physical or sensory disability aims to improve health and well-being through increased service delivery and access to services and specialist equipment. A group to review issues of access to public services by users of sign language is being co-ordinated by the Department of Culture, Arts and Leisure (DCAL).

OFMDFM report that the strategy "A new Strategic Direction for Alcohol and Drugs 2006-2011"<sup>34</sup> (DHSSPS) has a particular focus on the needs of those children and

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<sup>32</sup> [http://www.belfasttrust.hscni.net/seb%20services/eating\\_disorder.html](http://www.belfasttrust.hscni.net/seb%20services/eating_disorder.html)

<sup>33</sup> Based on the estimate of approximately 130,000 children in Northern Ireland in relative income poverty in 1998/99, this means lifting 65,000 children out of poverty by 2020 on the way to eradication by 2020. Section 6.3 para. 26.

<sup>34</sup> <http://www.dhsspsni.gov.uk/nsdad-finalversion-may06.pdf>

young people deemed vulnerable and/or at risk. Addressing underage drinking, education and prevention are key priorities of the strategy.

OFMDFM report that a Strategy for Neighbourhood Renewal<sup>35</sup> will tackle the “complex multi-dimensional nature of long term deprivation using a long term, programme-based approach”. In particular, it aims to tackle the needs of children and young people living in targeted disadvantaged areas.

The report also refers to the Department of Agriculture and Rural Development (DARD's) Rural Development Programme 2007-13<sup>36</sup> which provides funding for initiatives and projects to improve the well being of children and young people in rural areas.

Arrangements and provision for Traveller accommodation have been assessed by the Housing Executive. It is expected that this will improve the delivery of accommodation and the management of sites.

OFMDFM report that support for lesbian, gay, bisexual and transgender (LGBT) young people is provided through the shOut project, funded by the Department of Education<sup>37</sup>.

Support for vulnerable young adults is provided by the Northern Ireland Housing Executive's Supporting People programme<sup>38</sup>. Vulnerable young adults (18-21) are eligible for integrated accommodation and support services to help them to live within safe, suitable and supported environments.

### **Section 7 Education, leisure and cultural activities:**

The UN Committee specifies that Information should be included in this section of the report in respect of education, including vocational training and guidance, the aims of education (with reference to the *quality* of education) and rest, leisure, recreation and cultural and artistic activities. States parties should also indicate any category or group of children who do not enjoy the right to education and the circumstances in which children may be excluded from school temporarily or permanently. Arrangements to address such situations and to provide alternative education should be indicated.

#### **What is NI's progress in relation to education policy?**

OFMDFM report a number of areas of progress in relation to education policy:

- The Education (Northern Ireland) Order 2006

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<sup>35</sup> [http://www.dsdni.gov.uk/index/urcdg-urban\\_regeneration/neighbourhood\\_renewal.htm](http://www.dsdni.gov.uk/index/urcdg-urban_regeneration/neighbourhood_renewal.htm)

<sup>36</sup> <http://www.dardni.gov.uk/index/consultations/archived-consultations/consultations-ni-rural-development-programme-2007-2013.htm>

<sup>37</sup> <http://www.youthnetni.org.uk/default.aspx?CATID=5138>

<sup>38</sup> <http://www.nihe.gov.uk/sp/>

- The revised curriculum - aims to develop young people as individuals and as contributors to society, the economy and environment.
- Citizenship education, an element within the revised curriculum which will “equip pupils with the knowledge and skills they need to participate fully in society” (section 7.2 para. 2)
- Personal development is a strand within the revised curriculum – this is seen as providing opportunities for young people to explore and develop physical and emotional health, personal safety and relationships, including sex education.
- A new Entitlement Framework has been developed which will take statutory effect in September 2009. It requires schools to provide access to a minimum of 24 courses at Key Stage 4 and 27 courses at post 16 - regardless of the child's background, school or where they live.
- A Vocational Enhancement Programme is a scheme where by schools may work with and collaborate with other schools and further education colleges to provide a greater range of courses.
- New admission arrangements for pupils transferring to post–primary schools are required<sup>39</sup> to be in place in September 2010 however a final decision on new transfer arrangements is awaited.

### **What is NI's progress in relation to special educational needs?**

The right of children with special educational needs to be educated in mainstream schools was strengthened by the *Special Educational Needs and Disability (Northern Ireland) Order 2005*<sup>40</sup> (SENDO). Funding of £57.8 million has been allocated to implement SENDO over a three year period.

OFMDFM report levels of spending on provision for children with special educational needs at £170 million in 2005/06. An addition £53 million over three years to 2007/08 was added to this sum to “help additional pressures in this area”<sup>41</sup>. OFMDFM also report “a significant number of steps” were taken to improve service provision for children and their parents. A framework for action and additional resources for children and young people with autism and dyslexia followed a report on services in 2002. Other action has been taken to address the needs of children with speech and language difficulties, severe emotional and behavioural difficulties and hearing impaired children.

### **What is NI's progress in relation to quality in education?**

Quality in education is monitored by the Education and Training Inspectorate (ETI). OFMDFM report that overall standards education in Northern Ireland is high however it identifies that there is a gap between high and low performance.

One possible remedy indicated by OFMDFM, is the requirement, since 2005 for schools to prepare School Development Plans which should involve target setting and self-evaluation. In addition, the School Improvement Programme is a new strategy from DE for raising standards and tackling low achievement. Related

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<sup>39</sup> Under the Education (Northern Ireland) Order 2006

<sup>40</sup> <http://www.opsi.gov.uk/si/si2005/20051117.htm>

<sup>41</sup> Section 7.2 para. 14.

elements include strategies for raising literacy and innumeracy, promoting and sustaining good behaviour, school leadership, and the development a dissemination of good practice in schools.

### **What is NI's progress in relation to preschool education?**

A report on the Review of Pre-School Education in Northern Ireland was published in April 2006. OFMDFM' state that the Assembly is moving to implement its key recommendations.

Other key developments in relation to pre-school education policy are listed which include:

- A development programme for 2 year olds which will focus on the development of the child through play
- The pre-School Education Expansion Programme which has achieved an increase in the number of pre-school places in line with demand. OFMDFM report that one year of pre-school education is available to every child in Northern Ireland whose parents wish it.

### **What is NI's progress in relation to vocational training?**

The report refers to DEL's Jobskills programme which has been in operation for over 10 years providing vocational training for young people aged 16-24 New areas of progress in relation to vocational training are outlined:

- A consultation exercise "Training for Success" examined training and adult skills and, in particular, DEL's proposals for *"..repositioning professional and technical (formerly vocational) training as an economically focussed route to highly skilled employment which will contribute to the prosperity of this region."* (Section 7.5, para.46)
- A new Skills Strategy<sup>42</sup>, published by DEL in 2004 which aims to set out a new vision for skills. It wishes to see vocational training recognised as a valuable alternative to the traditional academic pathway and aims to improve the quality and provision of education and training.
- In the autumn 2005 a review of training programme was undertaken which it is proposed will lead to new Professional and Technical Training from September 2007.

### **What is NI's progress in relation to promoting equality?**

OFMDFM provide examples of how DE has aimed to eliminate inequalities through its education services. These include special programmes which target school age mothers, the Traveller community, children whose first language is not English, asylum seekers, Irish medium education, children in juvenile justice centre, children in secure care accommodation, young offenders, and looked after children. Support is provided for this work through counselling and behavioural teams.

DE is currently considering responses to consultations on a policy for children and young people with English as an additional language (EAL). In addition OFMDFM report that specific action has being taken to support school age Traveller children in

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<sup>42</sup> [http://www.delni.gov.uk/skills\\_strategy\\_for\\_northern\\_ireland-2.pdf](http://www.delni.gov.uk/skills_strategy_for_northern_ireland-2.pdf)

Northern Ireland. A Promoting Social Inclusion Working Group on Travellers made a number of recommendations to be followed up by DE. The report identifies a range of actions being undertaken by DE to improve the education of Travellers.

The arrangements and funding for supporting and developing Irish medium education have seen "significant developments" since 1999 according to OFMDFM. These have included provision for grants from DE to a establish body (*Comhairle na Gaelscolaíochta*) in 2002 to promote Irish-medium education.

ODFDFM also report improvements in relation to children in the Juvenile Justice Centre. Methods, such as providing small class sizes and personal tutors and specialist workers to raise standards of education and achievement have been used.

A new project called LACE (Looked After Children in Education) was established in 2001 to improve education outcomes for this group by informing policy and practice development. The project is designed to work in partnership with all agencies which contribute to the education of looked after children.

A programme of support measures for school mothers has been in operation in Northern Ireland since 1999. This allows young mothers to complete their compulsory education and remain in education beyond age 16 if they so wish.

#### **What is NI's progress in relation to play?**

OFMDFM report that a consultation on a Play Policy for NI<sup>43</sup> was launched in 2006. The play policy aims:

*to establish play within a policy framework that will place high value on play as an essential element in the development of children's lives, families, communities and society" (Section 7.7 para 84.)*

The Children and Young People's Unit of OFMDFM's states on its website that an analysis of the consultation responses is being carried out currently and that a summary report will be published in due course.

#### **What is NI's progress in relation to the arts?**

In relation to the development of policy for youth arts the Arts Council of Northern Ireland have recently stated that:

*"The Council is aware of and committed to: the need to foster and develop a greater understanding and proactive acceptance of the value that the arts has in the lives of children and young people in Northern Ireland; the need to actively consider how children and young people connect with the arts and how best to further their participation in quality arts practice in a safe and enabling environment"<sup>44</sup>.*

In the report to the UN Committee, OFMDFM comment on participation in the arts by children and young people in Northern Ireland and report that the Youth Arts sector

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<sup>43</sup> <http://www.allchildrenni.gov.uk/index/play-policy.htm>

<sup>44</sup> Art Form and Specialist Area Policy 2007-2012: Youth Arts. Arts Council of Northern Ireland. January 2007 <http://www.artscouncil-ni.org/artforms/pdfs/Youth%20Arts.pdf>

has been developing significantly in past 10 years. Some of these developments include:

- Development of the Arts Council's Strategic Plan, 2001
- Creation of an Arts Development Officer Post in 2003 for youth arts
- Establishment of a Youth Arts Funding Policy, 2003
- Establishment of a Youth Arts Portfolio of organisations with responsibilities for developing arts based programmes for, with and by children and young people, 2003
- Creation of a Creative Youth Partnership Programme, 2004
- An ETI interim report on Creative youth Partnerships, 2005
- A review of the Youth Arts Policy, 2006
- A New Strategic Plan for 2006-2011, 2006

Environmental education is supported by the Education Service of the Environment and Heritage Service which delivers programmes and funding for children and schools.

#### **What is NI's progress in relation to language?**

OFMDFM report that government took steps to give effect to commitments in relation to Irish and Ulster Scots in the St. Andrews Agreement of October 2006. A consultation paper on draft indicative clauses for an Irish language Act was published by government in March 2007 and was currently being analysed at the time of writing. OFMDFM also reported that government had taken steps to produce proposals for measures that would give effect to the commitment in the St Andrews Agreement in relation to Ulster Scots.

On 16 October 2007 Edwin Poots, the Minister for Culture Arts and Leisure, announced to the Northern Ireland Assembly the outcome of the proposed Irish language legislation consultation process. He said that the number of responses "*confirms the strong and divergent views on this in the community*" and that:

*Having reviewed the responses to both consultation processes, and having reflected carefully on all the relevant issues, I remain unpersuaded that there is a compelling case for introducing Irish-language legislation at this time<sup>45</sup>.*

#### **What is NI's progress in relation to sport?**

- An Investing in Sport Programme (2003-2006) has sought to increase levels of participation in sport among children and young people.
- Funding of "£124,000 was awarded to *Playboard* for the appointment of a Team Leader to develop the 'Fit for Play Award'.
- A Clubmark programme has allowed children's clubs to take part in sport in a safe friendly environment.

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<sup>45</sup> <http://www.theyworkforyou.com/ni/?id=2007-10-16.1.1&m=90252>

## **Section 8 Special protection measures:**

### **What is NI's progress in relation to asylum seekers and refugees?**

OFMDFM report that Government will be taking action to develop a refugee integration strategy. It will draw on existing strategies in other regions of the UK. Destitute asylum seekers receive support and advice through the NI Council for Ethnic minorities. This is a free and confidential service and interpreters can be arranged.

### **What is NI's progress in relation to sexual exploitation?**

Some preventative and awareness raising work has been initiated by government in this area. The 'Beyond the Shadows' project is run by Barnado's and funded by the NIO. This aims to study and report on the extent of child prostitution and suggest strategies for dealing with it.

Extensions were made to the *Sexual Offences Act (2003)* to include a greater number of offences such as meeting a child following sexual grooming, offences relating to abuse of children through prostitution and pornography and trafficking offences. Abuse of trust offences were strengthened. Other new strategies relate to Sexual Violence and Tackling Violence at home.

### **What is NI's progress in relation to children in the justice system?**

OFMDFM report developments in relation to the youth justice system are:

- Youth conferencing
- The Anti-social Behaviour (Northern Ireland) Order<sup>46</sup> (2004)
- Separation of adults and juveniles in custody
- PSNI developed a Strategy for Children and Young People

In relation to the age of criminal responsibility, OFMDFM report that there are no plans to raise it following a comprehensive review of the criminal justice system in Northern Ireland.

### **What is NI's progress in relation to training the judiciary?**

The report explains that training has been provided for the judiciary through a range of courses. Lay magistrates have also received training.

### **What is NI's progress in relation to children at work?**

The report lists a range of key health and safety legislation aimed at protecting children in work situations, which includes the *Employment of Children (Amendment) Regulations (Northern Ireland) 2006*<sup>47</sup>.

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<sup>46</sup> <http://www.opsi.gov.uk/si/si2004/20041988.htm>

<sup>47</sup> <http://www.opsi.gov.uk/sr/sr2006/20060212.htm>