



Northern Ireland
Assembly

**COMMITTEE
FOR THE OFFICE OF THE
FIRST MINISTER AND DEPUTY
FIRST MINISTER**

**OFFICIAL REPORT
(Hansard)**

**United Nations Convention on the Rights
of the Child**

26 May 2010

NORTHERN IRELAND ASSEMBLY

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DEPUTY FIRST MINISTER**

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Members present for all or part of the proceedings:

Mr Danny Kennedy (Chairperson)
Mrs Naomi Long (Deputy Chairperson)
Mr Barry McElduff
Mr Francie Molloy
Mr Stephen Moutray
Mr George Robinson
Mr Jim Shannon

Witnesses:

Ms Martina Campbell)
Miss Orla Heatley) Office of the First Minister and deputy First Minister
Mr Colin Jack)

The Chairperson (Mr Kennedy):

The Committee will be briefed by departmental officials Colin Jack, Martina Campbell and Orla Heatley, whom I welcome to the meeting. I also welcome Mr McElduff.

Mr McElduff:

Thank you. It is good to see you all.

The Chairperson:

It is not often that I am so pleased to welcome you, but I am now.

Mr McElduff:

It is an emotional time for us all. *[Laughter.]*

The Chairperson:

I remind members that the session will be recorded by Hansard. There is interference on the audio recording system from mobile phones, and even I have switched off mine, in an effort to lead by example.

I again welcome the officials; thank you for your attendance. You will be briefing the Committee on your concluding observations on the United Nations Convention on the Rights of the Child. Please give members a brief overview and opening statement before answering questions.

Mr Colin Jack (Office of the First Minister and deputy First Minister):

Good afternoon Chairman and members of the Committee. Thank you for inviting us here today. We welcome the opportunity to update the Committee on the work that the Office of the First Minister and deputy First Minister (OFMDFM) has been doing, in conjunction with other Departments, on the UN Convention on the Rights of the Child, and particularly the concluding observations issued by the UN Committee in October 2008. Members are aware that articles in the convention and the concluding observations are wide-ranging and cut across the remits of several Departments here.

Given that all Departments have endorsed and are committed to delivering the 10-year strategy for children and young people, for whom living in a society that respects their rights is a central outcome, Ministers agreed that the strategy action plans under the 10-year strategy will be the main vehicle for implementing and progressing the convention here. The action plan for 2008-2011 contains actions that address some of the concluding observations. Nonetheless, following the agreement by the UN Committee of its concluding observations in October 2008, Ministers agreed that the action plan for 2008-2011 should be revised to include additional actions, where necessary, around the Committee's recommendations.

In taking that on board, and while recognising the importance of the UN Committee's views, we have also been keen to make sure that we are, in part, implementing those views by addressing issues identified by children and young people themselves. Several of the concluding observations focused on participation and giving children and young people the opportunity to get involved in decision making. As part of the revision of the action plan, we led an intensive programme of engagement with children and young people to seek their views on the existing action plan. We also asked them to identify issues that they felt were not already identified as priorities in the plan but should be, bearing in mind the concluding observations.

That consultation exercise took place over the summer and autumn of 2009. More than 600 young people from a wide social and geographical spectrum took part. There were workshops with children and young people in general and with specific groups, including marginalised groups, children and young people with disabilities and those at risk of coming into contact with the criminal justice system. Their views informed the final list of priorities for progressing the concluding observations here. The highlight of that consultation was a conference in November 2009 to mark the twentieth anniversary of the UN Convention on the Rights of the Child, at which Ministers who attended heard the children and young people's views. We have had extremely positive feedback from those young people about that process.

The output from the consultation exercise, alongside the concluding observations, has now been shared with the children's champions in each Department to allow them to consider what additional actions are necessary in the revised action plan. Alongside that work and in line with the Committee's recommendations, we have been trying to raise awareness of the UN Convention on the Rights of the Child. We have produced age-appropriate versions of the convention and the concluding observations, and they have been distributed to all primary and post-primary schools here for issue to pupils. In addition, we have raised awareness of the convention across government, and we have issued summary versions of the convention and its recommendations to some 4,000 civil servants. We have also disseminated it to Members of the Assembly and other key individuals in society.

Given that our role in OFMDFM is primarily a co-ordinating one and that the majority of the Committee's recommendations relate to the work of other Departments, we are committed to working with them to progress children's rights. The group of children's champions and the ministerial subcommittee on children and young people are the key forums for that work. We

focused on progressing work in the priority areas that directly relate to OFMDFM. Among those, I highlight participation, raising awareness and play and leisure. We also have colleagues in the Department who are leading on work that addresses child poverty, and we continue to encourage other Departments to address the issues and priorities that are most relevant to their work.

We are taking forward a range of initiatives in the fields of training and participation. We are working with other partners, including the Commissioner for Children and Young People and the Participation Network, which is funded by OFMDFM and operated by Children in Northern Ireland. That is one of the key strands of our work on the convention.

Those are my opening remarks. I am happy to take questions.

The Chairperson:

Thank you very much indeed. I welcome Mr Shannon to the meeting. Like all members, I am sure that he will switch off his mobile phone.

Mr Shannon:

I have it on silent.

The Chairperson:

No, silent is not enough because of our venue. I ask for your co-operation.

Mr Jack, you have told us what the next steps are, but you have not given us a timeline as to when you expect those steps to be carried out.

Mr Jack:

We are revising the action plan. We are looking at publishing the document, which summarises the Executive's response to the concluding observations, by the end of 2010. Within that timescale, we will also revise the strategy action plan, which is the vehicle by which we will take forward the Executive's response to the UN Committee's concluding observations. We are preparing a separate document that maps each of the concluding observations and what the Executive and the Departments are doing in response to them.

The Chairperson:

When will we see that?

Mr Jack:

By the end of the year. We expect to give the Committee advance sight of that before its publication.

The Chairperson:

When do you think that all of this will be done and dusted, for want of a better phrase?

Mr Jack:

Implementation of the UN convention is an ongoing process. The Committee examines the UK Government and the devolved Administrations as the state party to the convention every five years. The last formal hearing was in October 2008. That was following the submission of a report by the UK Government in 2007. The next formal hearing is in 2014, and there will be a report submitted in 2013 in advance of that. We are in the course of an ongoing implementation process that is led by the Department for Education — previously the Department for Children, Schools and Families — in Whitehall, but which involves all three devolved Administrations as well and meets —

The Chairperson:

There is no great hurry, really, is there?

Mr Jack:

As I say, it is a process. As with many international conventions, there is a periodic review and examination of what the state parties have done to implement the concluding observations. We are two years into the current five-year period that will undergo examination.

The Chairperson:

So those who are children now will, by then, be older and, presumably, wiser.

Mr McElduff:

What process is in place to ensure that all relevant Departments respond to the 2008 concluding observations that fall fully or partially within their respective remits?

Mr Jack:

We have regular meetings of the champions for children and young people, and we have circulated concluding observations to all Departments and asked them to consider the implications of those observations for them. We shall follow up on that with a document that maps each concluding observations against its relevance to each Department, and we will ask the Departments to respond specifically to those points.

The Chairperson:

Is it all carrot and no stick?

Mr Jack:

The real stick is criticism by the UN Committee on the Rights of the Child of the UK Government and, as part of the state party to the convention, the devolved Administrations. Therefore, if the UN Committee is not satisfied with progress, the authorities would face international criticism.

The Chairperson:

Surely, as the lead Department, OFMDFM should have a system that enables it to manage and direct other Departments and ministerial colleagues?

Mr Jack:

A number of mechanisms are in place to do that. The ministerial subcommittee on children and young people brings cross-cutting issues to the agendas of all Departments with a responsibility for them. The UN Convention on the Rights of the Child has been an agenda item at a number of those meetings, and it will feature again as we move forward with each step of the process. We also have the champions for children and young people in each Department.

Historically, concluding observations have cut across the responsibilities of a range of Departments, and quite a lot of the areas about which the authorities here have been criticised most were previously the responsibility of the Northern Ireland Office. Those areas have now been devolved to the Department of Justice. One recent development is that, as a result of the devolution of policing and justice, we will be able to respond to the concluding observations in a more unified way.

Mr McElduff:

On the subject of justice, is it the case that boys aged under 18 will no longer be detained with adults at Hydebank Wood?

Mr Jack:

That is an issue for the Department of Justice. The matter was picked up by the UN Committee, so we will be asking the Department of Justice to look at it, but it is a matter for the Minister of Justice.

The Chairperson:

What will your view be if the Minister does not change the situation?

Mr Jack:

It will be up to our Ministers, those who chair the ministerial subcommittee on children and young people and, indeed, as members of the Executive, to raise the issue. The UN convention is cross-cutting and it affects the responsibilities of a range of Departments. Should, when his officials look at the UN convention's implications for the Department of Justice, the Minister of Justice not resolve the issue to our Ministers' satisfaction, our Ministers will be in a position to ask questions and challenge that.

The Chairperson:

You do not seem to be terribly enthusiastic about that. Well, enthusiastic is not the right word, but I am not sure that the stick is heavy enough.

Mr Jack:

The contribution to the next report to the UN Committee will be a response on behalf of the Executive as a whole. The Executive will have collective responsibility for those issues. In that sense it is a cross-cutting issue, and the contribution will have to be agreed by the Executive. That mechanism exists; the Executive will have to sign off the report.

The Chairperson:

OK. That is interesting.

Mr Shannon:

The Northern Ireland Commissioner for Children and Young People, Patricia Lewsley, gave us a policy briefing about six or eight weeks to talk through a number of issues. Her organisation sent us a paper that makes it clear that child trafficking is a most important issue. I am aware — at least, it has been alleged — that some children who are trafficked may not even know which country they are in or the number of countries that they have passed through to get there. That gives us an idea of how traumatic the experience can be. However, immigration falls outside the Northern Ireland Executive's remit. Given the content of the briefing and given where the Executive's responsibility lies, what will we be doing? How will that work?

Mr Jack:

Immigration continues to be a reserved matter. We have mechanisms for feeding into the policies of the Home Office, which is the lead Department on immigration issues. Our Ministers have the capacity to raise issues with the Home Office when there are concerns in Northern Ireland. It is early days with the new Government to know how they are going to handle immigration issues. The previous Government had mechanisms that included a migration impacts forum, on which I represented the Northern Ireland Administration. That forum was stood down, and we will wait to see what the new Government plan to do at UK level in liaising with the devolved Administrations on immigration issues.

The police and other criminal justice agencies co-operate daily with the UK Border Agency on immigration issues, including child trafficking. There will be an opportunity for issues to be dealt with through the Department of Justice now, in a way that did not happen in the past. We are in the early days of the devolution of policing and justice, but the devolved Administration now have more responsibilities relating to issues such as child trafficking. We will have a more substantive input than we had before into how those issues are tackled.

Mr Shannon:

The issue for us and the Executive is that we have a role in how those children are looked after, rather than in immigration, which is dealt with elsewhere. One of the points that was made in The Queen's Speech at the state opening of Parliament —

The Chairperson:

I am sorry, Mr Shannon. The acoustics in the room are very poor. Please speak a little louder to

assist Hansard.

Mr Shannon:

One of the points that was made in The Queen's Speech yesterday was that immigration rules were going to be tightened. If that is to be a Government — that is, Conservative and Liberal Democrat — policy, I wonder whether it will affect the content of today's briefing. That information may have to be changed. Is that something that you are aware of?

Mr Jack:

Headline information about immigration policy was set out in The Queen's Speech. We and Home Office officials are waiting to find out what that means in practice.

There are forums on which we engage with the Home Office on aspects of immigration policy. For example, a committee was dealing with the issue of earned citizenship, and a forthcoming meeting has been postponed because Home Office officials are unclear about the new Government's policy on that. We expect to hear how those issues will be taken forward once the new Government have bedded down.

Mr Shannon:

The rights of the child are very important, and I am a bit concerned that, in the middle of all this, the rights of the child will be diminished.

Mr Jack:

Ministers, particularly the junior Ministers, who have ministerial responsibility for children and young people, the Children's Commissioner and our Department regard the rights of children and young people as being of paramount importance, and we will want to ensure that those are protected and do not fall through any gaps.

Mr Molloy:

Thank you for the presentation. How many reports came from the children's champions, and does the Committee have access to those reports on the effectiveness of government on the issue?

Given the dissolution of the children and young people's unit, how will the UN convention be monitored, and what co-ordination will take place to ensure that the rights of the child under the

2008 concluding observations will be protected?

Mr Jack:

First, I shall answer your question about the reorganisation of the directorate, which included the children and young people's unit. We have brought together the equality directorate and the economic policy unit in a single directorate. We do not have individual functional units in the directorate anymore, but staff in the policy pool are assigned to each of the policy areas to which the previous units related. The work of implementing the UN Convention on the Rights of the Child and the strategy for children and young people remain top-priority projects that will be taken forward on behalf of Ministers.

The children's champions support the ministerial subcommittee on children and young people, which is a committee of the Executive. In the past, I have chaired the group of children's champions. We have action plans for five of the six priorities under the work programme of the ministerial subcommittee, and I have no difficulty in making those five agreed action plans available to the Committee.

The Chairperson:

Thank you for your information; I look forward to your ongoing co-operation.