ADVANCING CHILDREN’S RIGHTS THROUGH ADVOCACY:

CAPTURING THE LEARNING OF THE ATLANTIC PHILANTHROPIES’ GRANTEES IN NORTHERN IRELAND

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INTRODUCTION

Non-governmental organisations have a long history of making provision for children’s social, health and educational needs and also of advocating for and with children to improve their life conditions and experiences. Advocacy takes different forms, including direct representation of the interests of individual children as well as advocacy for structural and systemic change on behalf of groups of children. For the Atlantic Philanthropies, advocacy aims ‘to bring about a change in public policy or the law, its interpretation or its application, typically with the objective of correcting a perceived injustice or achieving specific legislative, legal or other change’. It suggests that advocacy includes activities such as research and dissemination, awareness-raising, community organising, capacity-building, grass-roots mobilisation, policy development, lobbying and litigation.

The advent of the UN Convention on the Rights of the Child (CRC) in 1989 was both an end goal and springboard to further activity for many NGOs who undertake advocacy for children. The CRC was unprecedented in terms of the level of involvement of civic society in the drafting process. The level of engagement is in itself an indicator of the value attributed to this United Nations treaty by those who seek improvements in state activity for children. The Convention is recognised as a tool for those who wish to influence government, providing both internationally agreed standards to hold government to account as well as national and international fora in which to do so.

Adopting a human rights-based approach as defined by the United Nations in the Stamford statement of Human Rights Based Approaches, children’s rights advocacy can be distinguished from other advocacy for children that does not have children’s rights at its core in two ways: the goal of children’s rights advocacy will be to ensure the realisation of the rights of children as defined in international human rights law (with the CRC as the primary reference point) and secondly, the processes involved will in themselves be respectful of children’s rights and in particular will involve children in ways that builds their capacity to claim their rights. While there are some NGOs that explicitly undertake both of these activities in parallel (and will describe themselves as children’s rights organisations), many others will be undertaking advocacy that focuses primarily on one or the other. Thus, for instance, there are some that will be arguing for implementation of the CRC without the direct involvement of children. Conversely, there will be others who are engaging meaningfully with children and young people to advocate for changes to their lived experience without explicit reference to the CRC or other international standards. In many instances, these organisations will state that their work is underpinned by the CRC and in particular Article 12 which gives children a right to have their views given due weight.

This report provides an account of the activity and learning of six Northern Irish NGOs working with and for children and young people, all of whom were provided with funding by the Atlantic Philanthropies to further advance children’s rights. The report is divided into two sections. The first part explains the context in which grantees were working: the existing

progress towards the realisation of children’s rights; the situation and experiences of children in Northern Ireland; and the children’s sector and its work to advance children’s rights, including the six grantees and the work that was supported by the Atlantic Philanthropies. The second part of the report captures the learning from the latter. It provides descriptions of the rich and varied activity undertaken by the grantees along with reflections from both the staff and children and young people involved. This includes an account of the learning in relation to the following: the use and value of children’s rights for advocacy; building understanding and awareness; using the law to effect change; engaging children and young people in advancing their rights; and being strategic in children’s rights advocacy.

BACKGROUND TO THE RESEARCH

The Atlantic Philanthropies’ grant-making has had a significant impact on the children’s sector over the past decade, and it has greatly enhanced grantees’ capacity to advance children’s rights. The second objective of the Atlantic Philanthropies’ Children & Youth Programme is the advancement of children’s rights. In pursuit of this objective, the Programme has focused on goals to:

1. Consolidate and network existing grantees to better achieve the goals of a children’s rights agenda as set out in the CRC;
2. Invest in core advocacy competencies of selected organisations; and
3. Convene and support grantees to become better networked and to develop collaborative advocacy efforts.

Since its 2008 evaluation, the Children & Youth Programme expanded its grant-making for Objective 2 from three to 19 grantees in Ireland (11) and Northern Ireland (8) and its goals have been revised as follows:

1. Build core advocacy capacity;
2. Develop the voice and leadership capacity of communities, families and children and young people and
3. Support key campaigns.

Through its pursuit of the above goals, the Atlantic Philanthropies has demonstrated a clear commitment to supporting organisations working towards the implementation of the UN Convention on the Rights of the Child (CRC). It has invested in a diverse range of organisations under the broad theme of advancing children’s rights, including those providing services, undertaking research and engaging in advocacy and participation work with children and young people. The Atlantic Philanthropies’ grantees use a range of strategies to advance children’s rights including lobbying, litigation, advocacy, engagement with stakeholders and research and awareness raising. Many organisations combine these approaches while others specialise either in advocating on behalf of children and young people, in capacity building or in advocacy.

The aim of this project was to document and study the nature of the Atlantic Philanthropies’ legacy in Ireland and Northern Ireland.
ADVANCING CHILDREN’S RIGHTS IN IRELAND AND NORTHERN IRELAND

In 2013, the Atlantic Philanthropies commissioned Queen’s University Belfast and University College Cork to undertake a two year project designed to advance children’s rights in Ireland and Northern Ireland. The research project had two distinct elements: the first part was an analytical and reflective study of children’s rights in Ireland and Northern Ireland, and the second was a process of engagement with the children’s rights sector designed to enhance and support organisations’ capacity to advocate for the implementation of children’s rights. Overall, the project aimed to capture the experiences and learning of the Atlantic Philanthropies’ Children & Youth Programme (Objective 2) grantees in Ireland and Northern Ireland and to provide a space within which that learning could be shared. This was designed with a significant international dimension, providing opportunities for grantees based in Ireland and Northern Ireland to meet and learn from each other and their counterparts nationally and internationally on the most effective approaches to children’s rights advocacy. In line with the children’s rights-based focus, a core strand of the work related to and involved the participation of children and young people in advocacy.

The key purpose was not to evaluate existing projects and the extent to which they meet their objectives, but rather to capture NGO learning and experiences to try to understand the ways in which rights-based approaches were used (or not used) most effectively to advocate for the advancement of children’s rights. The study examined the work of these organisations by documenting the strategies and approaches that they used to this end. The aim of this was to learn from grantees about the opportunities and challenges involved in advocating for the advancement of children’s rights, the conditions that support or impede this work and what makes it possible to achieve change.

The strategic evaluation was conducted against the backdrop of CRC implementation both nationally and internationally. This provided an opportunity to examine the impact of sustained funding on the implementation of children’s rights and to document the learning as to how this progress has been and will continue to be achieved. It documented the experience of grantees working with children’s rights, to capture their learning in working with children’s rights in advocacy settings both with respect to their work with children, with civil society organisations, with the public and with duty-bearers.

Finally, this project aimed to provide support to grantees in the development of their work by engaging in various activities aimed at ensuring that the children’s sector, and the Atlantic Philanthropies’ grantees more specifically, are positioned on a sustainable basis to advance children’s rights in Ireland and Northern Ireland into the future. These activities included children’s rights awareness raising and training, strategic capacity building and connecting organisations involved in the advancement of children’s rights both nationally and internationally to share learning and transfer knowledge.

Research teams based in Queen’s University Belfast and University College Cork conducted the project in parallel and in two phases:

- Phase 1: Information gathering to document and map the impact of children’s rights advocacy in Ireland and Northern Ireland;
- Phase 2: Networking and sharing learning between the Atlantic Philanthropies’ Children & Youth Programme (Objective 2) grantees in Ireland and Northern Ireland and other international stakeholders in children’s rights advocacy.
METHODS: NORTHERN IRELAND

The first phase was designed to document and map the impact of Atlantic Philanthropies’ grant-making on children’s rights in Ireland and Northern Ireland. This phase used a range of methods designed to capture the learning of organisations working to advance children’s rights with a view to: documenting their understanding of children’s rights, their experiences of using children’s rights in advocacy settings and what they consider to be the obstacles, challenges and enablers in successful children’s rights advocacy. This phase of the project sought to identify lessons for the future as to which strategies and approaches were effective in promoting children’s rights progress, while also highlighting those strategies that were less effective. It considered the contemporary landscape in which children’s rights advocates worked and had regard to government priorities, the direction of national policy and modern international influences.

Phase 1 included three stages:

- Desk-based reviews of reports and other research literature on children’s rights in Northern Ireland with a focus on children’s rights advocacy;
- Interviews and focus groups with Atlantic Philanthropies’ Children & Youth (Objective 2) grantees about their experience of using children’s rights approaches in their advocacy work
- Interviews with key stakeholders in the area of children’s rights advocacy in Northern Ireland.

A desk-based review was conducted of the structures in place in Northern Ireland to implement the UN Convention on the Rights of the Child (CRC). A documentary analysis explored the contemporary context of childhood and children’s rights implementation. This was supported by an overview of the children’s sector, specifically in relation to the human rights sector, and identified key issues or groups of children who were (and were not) the current focus of NGO-based advocacy efforts. This provided the baseline for qualitative research conducted with the grantees and additional stakeholders.

Qualitative interviews and focus groups were conducted with six Atlantic Philanthropies’ Children & Youth (Objective 2) grantees in Northern Ireland: the Children’s Law Centre, Include Youth, PlayBoard, Public Achievement, VOYPIC and YouthAction N.I. This included interviews with directors/assistant directors (n = 7), staff members (n= 24) and children and young people (aged 8-25, n= 24) at each organisation involved with projects funded in the area of child rights advocacy. Qualitative interviews and focus groups were also conducted with relevant stakeholders in the areas of children’s rights, human rights and children’s services in Northern Ireland (n= 7). These interviews contextualised ongoing work in the area of children’s rights advocacy.

The research team worked with a Young Person’s Advisory Group (YPAG) to assist the development of the questions to be used in focus groups with children and young people involved with the grantees’ children’s rights advocacy projects. Seven young people (aged 16-19) provided advice and guidance to the research team during the development of the question frame and proposed methods.

Ethical approval for the study was obtained from the Research Ethics Committee of the School of Education at Queen’s University Belfast. Data collection was carried out between July 2013 and January 2014. The results of the qualitative interviews were analysed thematically and with NVivo qualitative analytic software.
PART ONE:  
THE CONTEXT

TOWARDS THE REALISATION OF CHILDREN’S RIGHTS

OVERVIEW
The United Kingdom ratified the UN Convention on the Rights of the Child (CRC) in 1991 and has no remaining reservations or declarations to the Convention. The UK has ratified two optional protocols to the CRC, on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, but has not yet signed Optional Protocol 3 on a communication procedure. In its State Party report to the Committee in 2014, the UK stated its recognition of the ‘symbolic value of the UK being a party’ to the third optional protocol and would ‘keep the matter under review’.  

The Northern Ireland Assembly and Executive were established as a result of the Belfast/Good Friday Agreement of 10 April 1998 (‘the Agreement’), which was supported by a majority vote in parallel referenda held in Ireland and Northern Ireland on 22 May 1998. The Agreement was subsequently given legal force through the Northern Ireland Act 1998, creating a series of interrelated bodies with full legislative and executive authority for all matters that are the responsibility of Northern Ireland government Departments. Devolution was suspended on 14 October 2002 and Direct Rule (from Westminster) continued until the end of March 2007. Following the March 2007 election, the Democratic Unionist Party (DUP) and Sinn Féin won the largest number of seats respectively. Peter Robinson (DUP) is currently First Minister, while Martin McGuinness (Sinn Féin) is Deputy First Minister. As a jurisdiction within the United Kingdom, some matters remain the responsibility of the Westminster Parliament, and these include nationality, foreign affairs, immigration and asylum. Reserved matters are dealt with by Westminster, unless it is decided by the Secretary of State for Northern Ireland that some of these should be devolved to the Assembly. Although policing and criminal justice were reserved matters for the first years of the devolved Northern Ireland Assembly, the Department of Justice was established on 12 April 2010.

Progress towards the realisation of children’s rights is therefore partly in the control of the Northern Ireland Assembly and government Departments and partly in the remit of Westminster, with Westminster retaining the ultimate obligation to ensure that the devolved regions comply with the provisions of the CRC. The Committee acknowledged in 2008 that the UK has devoted governing responsibilities, and the difficulty for establishing and maintaining a single coordinating body across the jurisdictions, but it noted its concern that no such body existed to ‘coordinate and evaluate a comprehensive and effective

implementation of the Convention throughout the State party, including at local level. The Committee recommended that ‘in addition to ensuring that each of the jurisdictions has a well-resourced and functioning coordinating body’ at devolved level, the UK Government ‘could allocate responsibility for the coordination and evaluation of the Convention across the State party to a single, high-profile mechanism’.

In Northern Ireland, responsibility for children’s issues falls within the portfolio of the Junior Ministers, under the auspices of the Office of the First Minister and Deputy First Minister (OFMDFM). Previously, a Minister for Children and Young People was appointed in August 2005 under Direct Rule, but following restoration of devolution in May 2007, this office was dissolved. A Ministerial Sub-Committee (MSC) on Children and Young People was established in 2005, and this was re-established in 2008 under the direction of the Junior Ministers. The Northern Ireland Office and Northern Ireland Court Service are present at this MSC along with all Departments. The Children and Young People’s Unit (CYPU) located in OFMDFM has responsibility for overseeing the implementation of the CRC. The unit has experienced considerable changes in structure, resourcing and personnel since devolution, including a period where it operated as a joint unit covering older people as well as children. It is currently a child-specific unit located in the Equality and Strategy Directorate. The Assembly does not have a standing oversight committee for children’s issues, but there is an All-Party Working Group on Children and Young People, chaired by Children in Northern Ireland (CiNI).

**IMPLEMENTING CHILDREN’S RIGHTS IN NORTHERN IRELAND**

The Committee on the Rights of the Child (‘the Committee’) developed guidance to States as to the measures that should be put in place to ensure the full implementation of the Convention. Progress in the implementation of these is discussed below, with a particular focus on the role of the children’s sector in advocating for change.

**INCORPORATION OF THE UNCRC IN LAW**

The Committee noted its concern in its 2008 Concluding Observations to the UK that the Convention had not been brought into domestic law, nor had the principles of the Convention been taken into account in all legislation. In particular, the Committee recommended the inclusion of a special section devoted to children’s rights in any proposed Bill of Rights for Northern Ireland or British Bill of Rights.

**A BILL OF RIGHTS FOR NORTHERN IRELAND**

The call for the consideration of a Bill of Rights for Northern Ireland is found in the Belfast/Good Friday Agreement and affirmed in the Northern Ireland Act 1998. In the Agreement, the British government agreed to establish a Northern Ireland Human Rights Commission (NIHRC), which would be:

*... invited to consult and to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as*

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7 Ibid.
appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and - taken together with the ECHR - to constitute a Bill of Rights for Northern Ireland.

It is clear from this wording that a Bill of Rights for Northern Ireland would include the rights set out in the European Convention on Human Rights (ECHR) and some rights supplementary to the ECHR ‘to reflect the particular circumstances of Northern Ireland’. This stipulation is pivotal from children’s rights perspective because the ECHR contains only limited provisions related directly to children and young people. Many rights set out in the CRC would qualify as ‘supplementary to those’ in the ECHR, so their potential inclusion would require specific mention.

The ‘particular circumstances of Northern Ireland’ clause has created the largest obstacle to the inclusion of children’s rights in a Bill of Rights for Northern Ireland.\(^\text{10}\) A narrow interpretation of this clause envisages the addition of only those rights supplemental to the ECHR that prevent directly renewed violence and conflict, which strengthen existing civil and political rights primarily.\(^\text{11}\) A variation on this narrow interpretation affords specific importance to the ‘mutual respect for the identity and ethos of both communities and parity of esteem’ clause, arguing that only additional rights that specifically address the issues of conflict between the two communities should be considered. Alternatively, a broader interpretation has been supported by the NIHRC\(^\text{12}\) and the ESCR Committee.\(^\text{13}\) Regardless of the scope of the interpretation, the clause is commonly understood to mean ‘particular’ in relation to the circumstances of Britain and sometimes to the Republic of Ireland.

**Children’s Rights in the Bill of Rights**

After initial efforts by the NIHRC to draft proposals for a Bill of Rights failed to gain sufficient cross-community support, a Bill of Rights Forum was established following the signing of the *St Andrews Agreement 2006*.\(^\text{14}\) In both drafting processes, a children’s working group was established to determine supplementary rights for children and young people that should be included in a Bill of Rights for Northern Ireland.\(^\text{15}\) The Children’s

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\(^\text{11}\) McCrudden argues that a stringent reading of this clause would require reflection upon the very core cause of the Northern Ireland conflict. McCrudden, Christopher (2001) ‘Not the way forward; some comments on the Northern Ireland Human Rights Commission’s consultation document on a Bill of Rights for Northern Ireland’, *52 NILQ* 372.

\(^\text{12}\) ‘The Commission acknowledges the importance of a generous interpretation of this phrase. There are many things that Northern Ireland has in common with other parts of the UK and Ireland, but there also aspects of life – historic, political, social, economic and cultural – that are distinct. Nevertheless, by interpreting this section of its mandate, the Commission also acknowledges that there must be limits placed on that interpretation if agreement is to be reached on supplementary rights which merit inclusion within a Bill of Rights.’ Northern Ireland Human Rights Commission (2008) *A Bill of Rights for Northern Ireland: Advice to the Secretary of State for Northern Ireland*, NIHRC, Belfast, p 10.

\(^\text{13}\) ‘The Committee notes the draft Bill of Rights for Northern Ireland, which includes economic, social and cultural rights which are justiciable, and calls for its enactment without delay.’ Committee on Economic, Social and Cultural Rights (2009) *Concluding Observations: United Kingdom*, UN Doc E/C.12/GBR/CO/5, para 10.

\(^\text{14}\) UK Government committed to ‘actively promote the advancement of human rights, equality and mutual respect’ in the *St Andrews Agreement* (2006): Annex B.

Working Group for the Bill of Rights Forum, chaired by Save the Children (NI) and the Children’s Law Centre, recommended that in addition to a distinct section or chapter for the rights of children and young people, children’s rights should be mainstreamed in the document. Subsequently, the NIHRC advice to the Northern Ireland Office (NIO) contained specific recommendations for children supplementary to the provisions in the ECHR, as well as a section entitled ‘Children’s Rights’.

Research has demonstrated the negative impact of the conflict on many children and young people in Northern Ireland, and signatories of the Agreement ‘recognise[d] that young people from areas affected by the troubles face particular difficulties’. In its 2008 Concluding Observations to the UK, the Committee on the Rights of the Child recommended a special section for children and young people in any British Bill of Rights or Bill of Rights for Northern Ireland. In its response to the NIHRC 2008 advice, however, the NIO did not propose any new rights for children. Its consultation document stated that the Government did not consider that the NIHRC proposals for children’s rights met the ‘particular circumstances’ criterion, and ‘while the protection and welfare of children are of the highest importance in Northern Ireland, they are of equal importance across the rest of the UK’. The Secretary of State for Northern Ireland has repeated opposition to progressing a Bill of Rights for Northern Ireland without political consensus from the two main political parties in the devolved Assembly.

Following the UK General Election in 2010, progress on a Northern Ireland Bill of Rights stalled, and Westminster attention shifted to a potential UK-wide Bill of Rights. The Joint Committee on Human Rights 2008 report on the issue stated:

We have often made reference in our Reports to the need to give better effect to provisions in the UN Convention on the Rights of the Child and have also called for the incorporation into UK law of some of the rights, principles and provisions in the Convention. We have also urged the Government to ratify the UN Convention on the Rights of Persons with Disabilities There is a strong case for any Bill of Rights to include detailed rights for certain vulnerable groups such as children.

In 2011, the UK government established a Commission to examine the need for a UK Bill of Rights, fulfilling a pledge in the Conservative/ Liberal Democrat Coalition. The Commission reported in December 2011, with a consensus that there should be a UK Bill of Rights but a

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21 See for example Hansard HC Deb vol 528 oral answers col 327 (18 May 2011) [Electronic version].
lack of agreement as to whether this would replace the incorporation of the European Convention on Human Rights under the Human Rights Act 1998.\textsuperscript{23}

**DEVELOPMENTS IN DOMESTIC LAW**

Under Direct Rule, Northern Ireland’s approach to legislation was often to adopt equivalent legislation for England and Wales, tailored only to reflect the different administrative structures.\textsuperscript{24} The main response in the UK to the CRC was the *Children Act 1989*, and Northern Ireland followed suit six years later with the *Children (NI) Order 1995*. For example, Section 3(1) of the Order 1995 requires that the child’s welfare is paramount when the court is making a decision about them. The impact of the CRC in other areas of legislation affecting children has been piecemeal. There are some efforts to include Article 3 and Article 12. However, there are many instances when these principles are not included at all. For an assessment of some of the key areas where law is falling short of the CRC, see Appendix 1.

There have been a number of legislative developments in respect of children’s rights in the UK in recent years, most notably in Wales\textsuperscript{25} and Scotland\textsuperscript{26}. Although the scope and efficacy of these measures remains to be tested fully, they offer potential models for legislative developments in Northern Ireland. In 2012-13, NICCY and the Centre for Children’s Rights at Queen’s University Belfast conducted a programme of work to help inform the development of children’s rights legislation in Northern Ireland.\textsuperscript{27} This project progressed research that identified the barriers to effective government delivery for children in Northern Ireland.\textsuperscript{28} A legislative options paper was developed in consultation with stakeholders from NICCY’s Children’s Rights Implementation Group,\textsuperscript{29} which set out a series of potential options and elements for inclusion in any proposals for children’s rights legislation in this jurisdiction.\textsuperscript{30} At the tenth anniversary off the office, NICCY launched this options paper and committed to taking forward proposals in consultation with OFMDFM. The options under consideration include the enactment of specific statutory obligations on public bodies in relation to: reviewing legislation and policy; child budgeting; education and training; and data

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\textsuperscript{23} *A UK Bill of Rights: the Choice Before us?* Commission on the Bill of Rights (2012).


\textsuperscript{25} Although the Welsh Assembly is not able to incorporate the CRC directly into domestic law, the *Government of Wales Act 2006* provided the opportunity for the development of legislation on policy areas within the Assembly’s remit. The *Rights of Children and Young Persons (Wales) Measure* received unanimous cross-party support in the National Assembly for Wales on 18 January 2011. The Measure places duties on Welsh Ministers to have due regard the UNCRC, and it was introduced in two phases: from 1 May 2012, it has applied to the making of new law or policy and review or change of existing policies; from 1 May 2014, it applies to all of the Welsh Minister’s functions.

\textsuperscript{26} In September 2011, the First Minister of Scotland announced his intention to bring forward children’s rights and services legislation as part of the Programme for Government. Two separate pieces of legislation were initially proposed: the Rights of Children and Young People Bill and the Children’s Services Bill. Following consultation, proposals were merged into a single Children and Young People Bill, which was consulted on between July and September 2012. The Scottish Government did not foreground the UNCRC in its approach in the Children and Young People Bill to the extent that the Welsh Government did in its Measure.

\textsuperscript{27} ESRC Knowledge Exchange project, see Byrne, Bronagh and Lundy, Laura (2013) *Implementing Children’s Rights in Northern Ireland*, Queen’s University Belfast, NICCY, ESRC.

\textsuperscript{28} Byrne, Bronagh and Lundy, Laura (2011) *Barriers to Effective Government Delivery for Children*. Belfast: Northern Ireland Commissioner for Children and Young People.

\textsuperscript{29} This body is composed primarily of representatives from voluntary organisations in the children’s and youth sectors and is attended by the Equality Commission for Northern Ireland.

\textsuperscript{30} Byrne, Bronagh and Lundy, Laura (2013) *Legal Measures for Implementing Children’s Rights: Options for Northern Ireland*, Queen’s University Belfast, NICCY, ESRC.
collection. An additional option is the enactment of a statutory duty to co-operate on those providing services to children. The latter was also proposed in a Private Member’s Bill, consulted on by Stephen Agnew MLA.  

**TRAINING AND EDUCATION ON CHILDREN’S RIGHTS**

Article 42 of the CRC requires states to make the provisions of the Convention known to adults and children alike. Article 29(1)(b) requires that education be directed towards ‘the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations’. This is endorsed further by the Committee on the Rights of the Child, which has stated that ‘states should develop a comprehensive strategy for disseminating knowledge of the Convention throughout society’ and place special emphasis on children acquiring knowledge of their rights through ‘incorporating learning about the Convention and human rights in general into the school curriculum at all stages’. In particular the Committee has stipulated that human rights education should provide information on the content of human rights treaties and that children should learn about human rights by seeing human rights standards implemented in practice, whether at home, in school, or within the community.

There is no recent data on the level of knowledge or understanding of children’s rights in the adult population. The last survey addressing the issue, undertaken in 2002 found that only 43% of respondents had heard of the CRC. The obligation to disseminate knowledge and understanding about the CRC and rights lies with government. OFMDFM has taken the following steps in relation to this obligation: the Committee’s Concluding Observations have been distributed to Members of the Legislative Assembly (MLAs), the Ministerial Sub-Committee on Children and Young People and the designated Champions for Children in each of the government departments; modified versions of the Concluding Observations have been sent to schools and further education colleges with the request for these to be distributed to pupils; a young person’s version of the Concluding Observations was sent to NGOs in Northern Ireland to distribute to children and young people they worked with. Some public bodies have requested and received training on children’s rights but this has not been systematic.

The Committee on the Rights of the Child recommended to the UK in 2008 ‘the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, immigration officials, media, teachers,

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33 Ibid, para 68.


health personnel, social workers and personnel of child-care institutions’. Moreover, training and awareness of children’s rights must go beyond awareness that the international laws exist and should develop a culture of respect for children’s rights. The consultation undertaken as part of the proposals on Delivering Social Change includes a proposal that all public bodies working with children and young people should receive training on the CRC.

Knowledge of the CRC and rights among children and young people is also low. Findings from the Young Persons Behaviour and Attitudes Survey (2013) revealed that fewer than half of the sample (43%) had heard of the CRC. However, of those who had heard of the Convention, more than one third (35%) felt it was important as it provides the right to education, health, respect, support and protection, and more than one fifth (22%) also believed it gave them right to have a say. However, 29% of young people stated that the CRC has little effect on them, with 14% saying it was important to some children in Northern Ireland but not to them. Part of the reason for this is that the CRC and children’s rights are not a compulsory part of the Northern Ireland curriculum at any of the key stages of education. The analysis provided in a recent review of education policy undertaken for the Northern Ireland Human Rights Commission is summarised below:

<table>
<thead>
<tr>
<th>Primary Curriculum</th>
<th>Human rights are mentioned in the NI Primary Curriculum only at Key Stage 2 where reference is made to ‘developing knowledge, understanding and skills in human rights and social responsibility’.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post-Primary Curriculum</td>
<td>The Post-Primary level curriculum contains specific provision for ‘Local and Global Citizenship’ education, which at Key Stage 3 contains ‘Human Rights and Responsibilities’ as a core theme. This makes specific reference to upholding human rights standards, investigating human rights principles, balancing and limiting rights and investigating examples of infringement of rights. Core human rights instruments however are not statutory – the Universal Declaration of Human Rights (UDHR), the CRC and the European Convention on Human Rights (ECHR) are offered only as examples which might be included.</td>
</tr>
<tr>
<td></td>
<td>At Key Stage 4, the statutory curriculum for Local and Global Citizenship (LGC) makes no specific reference to</td>
</tr>
</tbody>
</table>

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43 Ibid.
human rights – referring to ‘exercising rights and social responsibilities’ instead.\(^{44}\)

However, the non-statutory guidelines urge schools to interpret this to mean ‘human rights’ and to developing curricula around international and regional human rights instruments. Support for human rights education is evident in the Community Relations, Equality and Diversity (CRED) policy, which states that it is ‘premised on the interdependence between equality, good relations and human rights, including UNCR:**45** and identifies ‘respect for rights’ as both an objective and outcome of the policy.**46

### Teacher training

No comprehensive strategy has been established in relation to teacher education for human rights education, nor does the professional competence framework**47** make any reference to human rights or children’s rights.**48

**Societal attitudes to children’s rights**

Northern Ireland’s social and political relationship with human rights provides additional challenges in this respect, since it is affected in part by how rights language has been used and understood in relation to more than thirty years of conflict. Human rights arguments have been associated historically with nationalist/republican campaigns for greater state accountability for systemic socio-economic discrimination, in areas such as social housing and employment, and use of violence by state forces, such as the army, police and prison service. Conversely, unionist/loyalist agendas have been associated traditionally with supporting and defending state institutions against such claims. While these are broad generalisations, the association of human rights discourse with nationalist/republican priorities has remained a strong element of the culture and mixed public response to human rights in Northern Ireland.**49** Political support for children’s rights is affected in part, therefore, by the general division in response to human rights discourse, with unionist parties having a more mixed response.

In terms of public attitudes, in the 2002 Northern Ireland Life and Times survey, 63% of respondents agreed that children and young people should have more opportunity to have their views taken into account. Only 4% disagreed with this. While this is indicative of a higher degree of respect for children’s rights than the statistic on knowledge of the CRC (43%) would suggest, there are particular concerns in the Northern Ireland context about the negative representation of children and young people in the media. The Committee on the

\(^{44}\) Ibid.
\(^{46}\) Ibid, para 6.3/4.
\(^{48}\) Reference is made to pupil voice but this is not connected to children’s participation rights. The CRED (non-statutory) guidelines include an amended form of relevant competences which include reference to an understanding of contemporary debates in relation to human rights from ITE through to CPD (p.46)
Rights of the Child expressed this concern in its 2008 Concluding Observations to the UK. While guidelines exist in both the broadcast and print media for sensitive and responsible reporting of events involving children and young people, there is evidence of serious breaches of these guidelines, and of children’s rights, in the context of Northern Ireland. OFMDFM has identified ‘countering negative portrayal and perceptions of young people’ as a priority.

There is no specific data on the attitude of parents to children’s rights in Northern Ireland. Generally, some of the resistance to children’s rights comes from a fear that granting children their rights would undermine parents’ rights, discipline and their values. This fear has contributed to one prominent example that illuminates conflicting attitudes of parents when it comes to children’s rights: corporal punishment. The Committee on the Rights of the Child has recommended consistently the prohibition of all corporal punishment, including in the family, and suggested that campaigns be carried out to raise awareness of its negative effects and to encourage positive, non-violent child-rearing and educational practices. The European Commissioner for Human Rights noted his concern after his visit to the UK in 2008, and he emphasised that:

> Maintaining a law which allows some level of violence to be justified as punishment or discipline is not in compliance with human rights. That children, uniquely, should have less protection under the criminal law from assault is additionally discriminatory and unimaginable, given children’s obvious special vulnerability.

Children's educational corporal punishment has been abolished slowly, first in 1987 to public schools, and then in 2003 to include private and religious schools. As for corporal punishment in the home, Northern Ireland still allows ‘reasonable chastisement’ as a form of corporal punishment (smacking, hitting, etc.). Research commissioned by the Office of Law Reform in 2001 showed a high degree of support for corporal punishment in Northern Ireland: 45% of parents said they used physical punishment and 36% of parents (and 29% of non-parents) said that physical punishment was an acceptable form of punishment. Support among those aged between 16 and 24 was just 19%, suggesting that overall support for the use of corporal punishment could now be lower.

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53 Convention on the Rights of the Child, preamble.
54 See for example CommRC (2007) The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia), UN Doc CRC/C/GC/8.
57 Education and Libraries (NI) Order 2003, art. 36.
58 Battery of a child cannot be justified on the basis that it is a reasonable punishment in relation to any of the following offences: (a) wounding, or causing grievous bodily harm, with intent); (b) malicious wounding or grievous bodily harm; (c) aggravated assault); (d) assault occasioning actual bodily harm and common assault); and (e) an offence under section 20(1) of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34) (cruelty to persons under 16). The Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006, article 2. This means that reasonable chastisement is now only a defence to a charge of common assault.
INDEPENDENT MECHANISMS
States are expected to develop robust systems for self-monitoring and evaluation, but the Committee ‘regards as essential the independent monitoring of progress’ by such bodies as parliamentary committees, NGOs, academic institutions, professional associations, youth groups and independent human rights institutions. Northern Ireland has two independent human rights institutions with responsibilities for children’s rights: the Northern Ireland Human Rights Commission and the Northern Ireland Commissioner for Children and Young People.

NORTHERN IRELAND HUMAN RIGHTS COMMISSION
The Belfast/Good Friday Agreement called for the establishment of a Northern Ireland Human Rights Commission (NIHRC). In accordance with the Northern Ireland Act 1998, the NIHRC was created in 1999 as the first national human rights institution in the UK. The NIHRC is funded by government but remains an independent public body in compliance with the Paris Principles. Commissioners are appointed by the Secretary of State for Northern Ireland and are intended to be representative of the communities of Northern Ireland.

The functions of the NIHRC are to: keep under review the adequacy and effectiveness of Northern Ireland’s law and practice in relation to human rights; recommend improvements in law and practice to the Secretary of State for Northern Ireland; advise the Secretary of State and Northern Ireland Executive of legislative or other measures to improve human rights protections; advise the Northern Ireland Assembly whether a proposed Bill is human rights compatible; promote the understanding and awareness of the importance of human rights, including through research and educational activities; conduct investigations when necessary or expedient; publish reports of its research and investigations; work to establish a Joint Committee of representatives from the human rights commissions in Ireland and Northern Ireland. As discussed above, the NIHRC was also requested to provide advice to the Secretary of State on the scope for a Bill of Rights for Northern Ireland.

NORTHERN IRELAND COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE
In 2003, a Northern Ireland Commissioner for Children and Young People (NICCY) was established in accordance with the provisions of the Commissioner for Children and Young People (NI) Order 2003. The Commissioner’s main aim is to ‘safeguard and promote the rights and best interests of children and young persons’, defined in its legislation as children and young people under the age of 18, some young people leaving care and young people with disabilities up to age 21. The Commissioner’s duties include: promote understanding of children’s rights; keep under review the adequacy and effectiveness of laws, practices and services relating to the rights and welfare of children and young people; advise the Secretary of State, Northern Ireland Executive and Assembly about children’s rights and best interests; promote awareness of the role and accessibility of the Commissioner among children, young people and their parents. The Commissioner also has powers beyond these duties, which include: conduct or commission research or educational activities; issue guidance on best

60 CommRC (2003) General Comment No. 5, para 46.
62 Northern Ireland Act, Sec 69; Belfast/Good Friday Agreement, Rights, Safeguards and Equality of Opportunity, para 10.
practice; conduct investigations; provide advice or publish information as an outcome of research or investigations.63

The Committee on the Rights of the Child has welcomed the establishment of Children’s Commissioners in all four UK jurisdictions.64 However, it recommended that these commissioners should be brought into compliance with international standards of independence, the Paris Principles, and ‘equipped with the necessary human and financial resources in order to carry out their mandate in an effective and coordinated manner’.65 In 2013, a review of NICCY’s legislation raised concerns about the independence of the office of the commissioner and ‘extent of the OFMDFM’s involvement in NICCY’s operational matters’, noting that:

... in practice, given the provisions of Schedule 2 to the 2003 Order, NICCY is dependent on the OFMDFM as regards the processes for appointing and removing the Commissioner, the decision as to how much public money NICCY should receive, the size of the salary and allowances paid to the Commissioner, the number of staff the Commissioner can appoint and the remuneration and conditions of service of such staff, and the form in which NICCY’s statement of accounts must be presented.66

Both such reviews (2006, 2013) have recommended that the office should report directly to the Assembly, rather than the Executive, to ensure operational independence.67

Although Northern Ireland has two human rights institutions in place to oversee promotion and realisation of the rights of children and young people, gaps exist in both legislative powers and in practice that create barriers to the full protection of children’s rights through these institutions. As a body responsible for promoting protection of human rights for all those in Northern Ireland, the NIHRC has overlapping statutory remit with NICCY. The Memorandum of Understanding between these two independent public bodies establishes the working relationship, including terms of regular communication and policy cooperation. In most cases, ‘Where a complaint (or other casework issue, e.g. potential intervention) received by the NIHRC relates wholly or mainly to the human rights or legal rights of a child, the NIHRC will normally advise the complainant to contact NICCY’.68 However, unlike the NIHRC, the Commissioner for children and young people does not have the authority (‘victim’ status) to take cases to court on behalf of a child, young person or family member.69

63 The Commissioner for Children and Young People (Northern Ireland) Order 2003.
65 Ibid, para 17.
67 Ibid, p 66. Fourteen key recommendations were made by the same reviewers in 2006 and reiterated in 2013 since no changes had been made to the legislation in the interim. The 2006 report (para 42) recommended NICCY report directly to the UK Parliament because Northern Ireland was under Direct Rule at that time, but this was modified in the 2013 document to the Northern Ireland Assembly to reflect the progress made in devolution.
NATIONAL PLAN OF ACTION

In 2009, the Working together, achieving more strategy set out a plan for England, Scotland, Wales and Northern Ireland to collaborate on the implementation of the Convention. However, Northern Ireland’s strategy for children and young people was developed, and is implemented, separately from the other jurisdictions. The UK State Party states that it is ‘open to the devolved legislatures’ developing ‘their own approach to implementation of specific UNCRC articles where they have the legal responsibility to do so’.

The 10-year Strategy for Children and Young People has been one of the most significant developments towards progressing the implementation of the Convention through administrative measures in Northern Ireland. A wide range of stakeholders were involved in the development of the strategy, including children and young people. In October 2003, the Children and Young People’s Unit in OFMDFM published a working paper on its emerging strategy, Making it R World 2, which was described as its ‘implementation plan for the CRC’. The final strategy, launched in 2006, replaced that approach with one that intended to drive Northern Ireland ‘towards a culture which respects and progresses the rights of the child’. This document was based on the five outcomes of the Every Child Matters agenda in England with an additional sixth high-level outcome for children and young people - ‘living in a society which respects their rights’. There have been two Action Plans (2007-8, 2008-2011) associated with the Children’s Strategy, but since 2011, there has been no Action Plan to progress the Strategy.

In 2010, OFMDFM published UNCRC – Priorities and Plans, which notes that ‘If children are living in a society which respects their rights then they are more likely to achieve in the other five outcome areas which are: healthy; enjoying learning and achieving; safety and stability; economic and environmental well being; and contributing positively’. The document describes Action Plans for the Children’s Strategy as ‘living documents’, which

… will be built upon and strengthened by including further actions in response to the Concluding Observations. We consider that this will more effectively integrate respect

This is a departure from the intention for the Children’s Strategy to be the implementation strategy for the CRC. Thus, while the recognition accorded to children’s rights within the strategy was welcomed broadly, there has been general disappointment that the Strategy has not provided the vehicle for full implementation of the CRC within Northern Ireland as had originally been envisaged. Indeed, concern exists among some community and voluntary sector organisations and statutory bodies that children’s rights were in fact deprioritised in spite of the 10-year Strategy.

There is some evidence that increasing reference is being made to children’s rights across a number of strategies, policies and action plans, however, research carried out on behalf of NICCY in 2011, highlighted a number of significant barriers to the effective implementation of children’s rights in Northern Ireland. In particular, while there is increasing reference to children’s rights within Government strategies, practice remains inconsistent and understanding of the CRC and its implications lacking. There is also no statutory requirement for Government departments to work together to undertake specific actions under the 10-year Children and Young People’s Strategy.

The Green Party NI has developed proposals for a Private Members Bill on a statutory duty to cooperate. The key objective of the Bill is to introduce a statutory legal duty on the Northern Ireland Executive to collaborate in the achievement of the outcomes under the 10-year Children and Young People’s Strategy and for relevant Government departments and agencies to collaborate in the planning, commissioning and delivering of children’s services. The proposals include a provision to allow Departments to pool budgets for joint commissioning of children’s services. Alongside NICCY, community and voluntary sector organisations have been supportive of these proposals, which form one of three

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79 Ibid, p. 2.
80 Save the Children UK (2011) Governance fit for children: To what extent have the general measures of implementation of the CRC been realised in the UK, available at: http://www.savethechildren.org.uk/sites/default/files/docs/Governance_Fit_for_Children%281%29_1.pdf
84 Byrne, B. and Lundy, L. (2011) Barriers to Effective Government Delivery for Children and Young People in Northern Ireland, Northern Ireland Commissioner for Children and Young People, Belfast.
87 See for example Children’s Law Centre (2012) ‘Response to the Green Party in Northern Ireland’s Consultation in its Proposals for a Private Members Bill to Introduce a Statutory Duty to Co-operate on Government Departments in the Planning, Commissioning and Delivery of Services to Children in Northern
agreed policy calls by the umbrella organisation, Children in Northern Ireland (CiNI). It remains to be seen to what extent these proposals will attract support from other political parties in the Northern Ireland Assembly.

In January 2014, OFMDFM launched a consultation process on the Delivering Social Change for Children and Young People (DSC) framework. These proposals suggested the integration of the department’s main strategies related to children and young people, namely: the Children’s Strategy; the Child Poverty Strategy; and the Northern Ireland Executive’s obligations under the CRC. The intention to coordinate strategic planning in relation to children and young people’s lives was welcomed by many, particularly in light of the campaign for a statutory duty to cooperate. However, the proposed framework was met with considerable critique from NICCY, the children’s sector and academics for narrowing the focus of the Executive from all children and young people in Northern Ireland to those in poverty and for failing to take the CRC as its foundation. The Committee for OFMDFM raised its concern about the department’s lack of timely and meaningful engagement with NICCY, the children’s sector and children and young people during the development of the

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91 See for example consultation responses from the Children’s Law Centre (‘This extremely ambitious approach fails in our view to provide a comprehensive, workable framework which will deliver on the Government’s commitments under any of the three areas. CLC believes that Delivering Social Change for Children and Young People in realising its aim to improve the lives of children and young people should have the UNCRC as its framework.’ p 5) and the National Children’s Bureau NI (‘This new document that attempts to combine child poverty outcomes with outcomes for all children and young people[fn omitted] takes the focus away from children in poverty and yet continues for advocate for outcomes that are specifically for children living in poverty. This document itself therefore encourages confusion and does not address its own objectives. If it is indeed for all children and young people then it needs to adapt the proposed outcomes to reflect that motivation and provide clarity.’ pp 3–4).

92 See for example the response from the Centre for Children’s Rights, Queen’s University Belfast (‘The scope of DSC is far more limited than the 10 Year Children’s Strategy and should be revised to cover the Executive’s commitments to all children and young people in Northern Ireland. As proposed, the framework emphasises the experiences of only a section of the population (e.g. ‘Children in poverty achieve good educational outcomes’ rather than ‘Enjoying, learning and achieving’). This approach does not address sufficiently the needs of vulnerable and marginalised groups, such as children with disabilities, looked after children and young people, children in conflict with the law, or children from ethnic minority backgrounds. While it is appropriate for government to focus on priority issues when determining policy direction, the proposed DSC framework is not sufficiently inclusive to deliver on the Executive’s responsibilities for children and young people in Northern Ireland generally.’)

proposed DSC framework, and officials noted this was a key issue raised across those who submitted consultation responses. In response, officials have proposed that:

… a co-design process will be used to involve stakeholders directly in the development of a new strategy for children and young people... The co-design will involve children, young people, parents, representatives of community and voluntary organisations, stakeholders and, of course, the Committee [for OFMDFM].

It remains uncertain what will replace the Children’s Strategy, set to finish in 2016, but it is clear that there is an intention among departmental officials to establish a process that seeks to engage a wide range of stakeholders.

MONITORING, INDICATORS AND BUDGETS

Efficient data collection and rights-based indicators are essential to understanding whether the CRC is being implemented. Data collection should be inclusive of children of all ages and all rights within the Convention, quantitative and qualitative, disaggregated to demonstrate any areas of formal or informal discrimination and coordinated throughout the State.

There is no formal or statutory system of child impact assessment in place to predict the impact of strategies, policies or budgetary allocations on children and the enjoyment of their rights in Northern Ireland. Development of children’s rights indicators has progressed slowly and inconsistently. Save the Children (NI) and the Children’s Law Centre developed draft structure, process and outcome indicators through their work with a child rights indicators workshop group, and children’s services planners used these to support the development of a framework in line with six high-level outcomes of the Children’s Strategy. In 2012, OFMDFM commissioned the development of two models for measuring improvements in children and young people’s lives: a children’s rights indicator framework to coordinate the management of data in relation to delivery on the Ten Year Children’s

96 Ibid, p 2.
100 Haydon, Deena (2009) Developing child rights-based indicators, Belfast: Regional Children’s Services Planners and OFMDFM.
Strategy (OFMDFM) and its obligations under the UNCRC and a Child Poverty Outcomes Model.

At agency-level, the Children and Young People’s Strategic Partnership (CYPSP) gathers and stores data about children and young people’s lives throughout Northern Ireland. Their data system relates to the six high-level outcomes of the Children’s Strategy (OFMDFM) and attempts to measure progress in relation to these outcomes. The proposed Delivering Social Change for Children and Young People framework sought to establish indicators related to the high-level outcomes of the Children’s Strategy, indicating the support within OFMDFM for an outcomes based accountability model of strategic planning.

**ALLOCATION OF RESOURCES**

The Committee emphasises that investment in children is ‘widely accepted as the best guarantee for achieving equitable and sustainable human development, and a fundamental requirement for social and economic priorities of any government’. In light of this, the Committee recommends that States Parties:

… make children a priority in the budgetary allocations as a means to ensure the highest return of the limited available resources; and make investment in children visible in the State budget through detailed compilation of resources allocated to them.

In order to understand whether public expenditure was ‘reaching the poorest children in the UK’, Save the Children called for more transparency and accountability from the UK and devolved administrations in 2009, stating:

*The current economic recession makes such an analysis of public spending even more important – given the current pressures on public finances, and the likelihood of spending cuts across the spectrum of public services in the next few years.*

Despite the increasing calls for visibility of children in budgeting processes, OFMDFM was criticised in 2011 for failing to make children visible in its Draft Budget 2011-15. NICCY

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101 Monteith, Marina (2012) *Developing a Child Rights Indicator Framework*, Children and Youth Programme, UNESCO Centre, University of Ulster and OFMDFM.


103 See multi-agency information management service maintained by Children and Young People’s Strategic Partnership, available at: [http://www.cypsp.org/information.htm](http://www.cypsp.org/information.htm)


106 Ibid, para 30(a).

107 Sefton (2009), p 80.

and Children in Northern Ireland (CiNI) have supported a Budget Tracking Analysis pilot and are seeking to commission a pilot Budget Spend Comparative Analysis.¹⁰⁹

**COOPERATION WITH CIVIL SOCIETY**

There are few structures in place for cooperation between Government and children’s sector organisations in Northern Ireland. A steering group consisting of an NGO Forum, Young People’s Advisory Group and research panel was established during the development of OFMDFM’s Ten Year Strategy for Children and Young People.¹¹⁰ This NGO Forum was intended to include civil society representatives for all categories of children and young people included in Northern Ireland’s equality legislation, Section 75 of the *Northern Ireland Act*. The NGO Forum ‘served to provide advice to OFMDFM on the role and remit of a Children’s commissioner and the children’s strategy and to advise on appropriate mechanisms for involving children and young people’.¹¹¹ After the Children’s Strategy was developed, this Forum was dissolved.

Currently, the standing mechanism for cooperation in public decision-making is through an All-Party Group for Children and Young People, which seeks to facilitate engagement between civil society and MLAs and draws together individual members of all major political parties for cross-party discussion. During the development of the 2014 UK State Report to the Committee on the Rights of the Child, the CYPU hosted a consultation series related to the draft State Report produced by the Department for Education.¹¹² Given the ad hoc nature of this engagement, members of the CYPU have suggested that more sustained engagement with the community and voluntary sector on monitoring and progressing the realisation of children’s rights would be beneficial.

**ENGAGING CHILDREN AND YOUNG PEOPLE**

A key measure for implementing the CRC is promoting the participation of children and young people to ensure they have a say in the decision-making processes on matters that affect them. However, in a broad scoping review of the state of children’s rights in Northern Ireland, the most commonly raised issue identified by children, young people and the adults who worked with and for them was ‘having limited influence on the decisions that affected them’.¹¹³

The Participation Network was established by OFMDFM ‘to support statutory agencies, local government and government departments in engaging with children and young people in public decision-making and to ensure that their views and opinions are heard at the heart of government’.¹¹⁴ Research commissioned by NICCY demonstrated that government representatives referred to the Participation Network ‘without exception as a key vehicle for seeking the views of children and young people in the development of strategies, policies and

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¹¹³ Kilkelly et al, 2004: xxii

action plans’. Since the core funding for the Participation Network ceased in 2012, the CYPU has commissioned the support of an independent consultant to build capacity within government departments to engage more directly with children and young people. The Delivering Social Change for Children and Young People framework proposals also included an intention to provide departments additional resources to improve the engagement of children and young people’s views in policy development.

NICCY has undertaken a series of initiatives to promote children and young people’s participation, such as seeking government departments’ endorsement of its Participation Policy Statement of Intent (PPSI). This is a commitment that wherever possible in their work, departments will listen to the views, concerns and opinions of children and young people in an open and inclusive manner, enabling their voices be heard by engaging with them in meaningful and creative ways. Eleven of the twelve government departments have endorsed the PPSI. A Participation Review Questionnaire, completed by departments, indicated that consultation with children and young people has had a direct impact on the development of policies, strategies, legislation and services. Further research commissioned by NICCY aimed to identify what processes, in policy, strategic, legislative and service development, were used to track and incorporate how children and young people’s input was used, as well as ways in which this evidence was recorded (i.e., what methods are used; how do children and young people receive feedback and how is change or impact measured/evidenced?).

An important feature of children and young people’s participation in Northern Ireland is the complementary role of NGOs working to support children and young people involved in their projects to engage with public decision-making, primarily through consultation processes. Research with government representatives demonstrates that public officials rely heavily on voluntary sector organisations for contacts in the community and expertise with methods aimed at seeking the views of children and young people. As will be discussed in this report, voluntary sector organisations involved in policy and advocacy work recognised the (rights-based) significance of including children’s and young people’s views both in their own consultation responses and through direct engagement with public decision-makers. Significant progress has been made towards government’s engagement of children’s and young people’s views in public decision-making, and NGO facilitation of such engagement continues to be the most common method used.

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118 See CommRC (2003) General Comment No. 5, para 12: ‘It is important that Governments develop a direct relationship with children, not simply one mediated through non-governmental organizations (NGOs) or human rights institutions. In the early years of the Convention, NGOs had played a notable role in pioneering participatory approaches with children, but it is in the interests of both Governments and children to have appropriate direct contact.’
CHILDHOOD IN NORTHERN IRELAND

INTRODUCTION
This section of the report will outline the nature of childhood in Northern Ireland, highlighting key areas of concern, such as poverty, education and health. This section is an overview of the context of childhood generally, but it seeks to include the experiences of particular vulnerable groups where data exist.

For the purposes of this report, the term ‘children and young people’ will refer, in most part, to those aged 0-18 years. This aligns with the definition as set out by the UN Convention on the Rights of the Child (CRC), that is, a child ‘means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier’.

In outlining the current situation of childhood, the analysis presented in this section aims to identify the most relevant and reliable data available from the existing diverse range of data sources in Northern Ireland. The data presented will be reported thematically across CRC clusters, specifically:

- Family, environment and alternative care;
- Health and welfare;
- Children in social care;
- Education, leisure and culture; and
- Special protection measures.

This presentation of results will not be exhaustive in terms of its coverage of all children’s rights; rather it serves as a broad-brush navigation of some of the more salient issues relating to children and young people in Northern Ireland today.

NORTHERN IRELAND’S CHILDREN
Approximately one quarter (23.7%) of Northern Ireland’s population is made up of children and young people (0-17 years), with an estimated population of 431,574 (51% male; 49% female). The 2011 Census demonstrates that 45% of children and young people living in Northern Ireland were Catholic, 36% Protestant, 1% Other, and 11% have no religion. Most children living in Northern Ireland were born here (97%, including UK regions and Ireland) and to local mothers. A small proportion of children were born outside the region (1.8% from ‘other EU countries’ and 1.4% from ‘Other’ countries) or to a foreign mother (18% of babies born in 2011 were to foreign born mothers). Census (2011) figures suggest there to be 10,870 ethnic minority children and young people in Northern Ireland. Asian children and young people accounted for 0.82% of all children and young people in Northern Ireland with Mixed ethnicity representing 0.82%, followed by Black (0.23%) and Irish Traveller and Other (0.13% respectively).

120 Figures supplied by NISRA (NINIS), statistics available at: http://www.ninis2.nisra.gov.uk/
121 Ibid.
FAMILY ENVIRONMENT AND ALTERNATIVE CARE
Disruption to the stability of family life can impact upon a child’s enjoyment of their rights. For example, they could be separated from a parent (art. 9) in cases of family breakdown and divorce or they could be victims of violence (art. 19) in the home or elsewhere.

CHILDREN AND FAMILY STRUCTURE
Figures from the Northern Ireland Census (2011) show that there are approximately 491,122 families in Northern Ireland. Seventy-six per cent of the families in Northern Ireland are classified as couple families, the majority (86%) of which are families in which the parents are married and are parents to all children within the family. The remaining 24% of families are lone parent families, of which 86% are female lone parents. The Registrar General Annual Report for 2012 shows that there were 2,444 divorces granted in Northern Ireland, a 4% increase on the 2011 figure. In total, just over 4,300 children were affected by divorce in Northern Ireland during this period. The number of divorces granted in 2012 is slightly above the 20-year average (2,393) but approximately 16% lower than the 2007 figure. This may be the result of financial considerations, such as parents living in houses with negative equity, who were unable to afford two houses following a divorce.

SOCIAL CARE AND CHILD PROTECTION
Children in Need
Referrals made to children’s services increased by 34% from 2007/8 to 2012/13. Recent figures show that during 2012/13, 37,664 referrals (29,508 children) were made to children’s services, the majority of which (71%) were allocated for further action, e.g., service or assessment. Analyses of children in need by age indicates that 5-11 year olds represent the largest proportion (35%), while children aged 0-4 account for 31%, children aged 12-15 account for 22%, and those 16 or over account for 11%. Trends reveal that the proportion of children in need between 0-4 referred to children’s services increased from 26% to 31% between 2007/08 and 2012/13, whilst a decrease from 27% to 22% was witnessed for those aged 12–15.

Child Protection Referrals
There was a steep rise (38%) in child protection referrals between 2007/8 and 2012/13, and over the same period, registrations increased by 25%. In 2012/13, 4,240 child protection referrals were received, although despite the longer term trend, this represented a decrease of 6% from 2011/12. Across Northern Ireland, social care statistics reveal that 1,961 children were on the Child Protection Register at 31 March 2013, which despite longer-term trends, represents a decrease of 8% from 2012. This sample represents an even gender split (51% boys; 49% girls). The largest proportions of children on the register were aged 5–11 years (36%) and 1–4 years (30%), while the smallest proportions were aged 16 or over (4% - 77). ‘Neglect Only’ (33%) was the largest single cause of a child being placed on the register followed by ‘Physical Abuse Only’ (27%).

122 Ibid.
123 Figures supplied by NISRA (NINIS). Available at: http://www.nisra.gov.uk/demography/default.asp22.htm
125 Ibid.
These figures demonstrate the large and increasing proportion of children known to child protection services. However, it is important to highlight the difficulty in describing the full extent of child protection issues due to issues in reporting of abuse and neglect. Research by NSPCC (2013) estimates that for every child subject to a child protection plan or on a register in the UK approximately eight other children have suffered maltreatment.\(^{126}\)

**Looked After Children**

The number of looked after children increased by 6% in recent years, from 2,644 children in 2011/12 to 2,807 in 2012/13. More than half (54%) of these children had a Care Order (art. 50 or 59), with 27% accommodated Under Article 21. The largest proportion of children in care were aged 5–11 years (31%), 27% were aged 12–15, 19% 1–4, 18% were aged 16 or over and 4% were less than one year old. The largest proportion of looked after children had been in care for between one and three years (31%), 19% had been looked after for five to ten years, and 9% had been looked after for ten years or longer. However, and more positively, the proportion of children looked after for five years or longer has declined from 35% in 2008 to 28% in 2013.\(^{127}\)

Whilst placements within residential care and placements with family have been decreasing, the proportion of children in foster care placements has increased from 57% to 75%. Foster care is now the most prevalent placement type (75% of looked after children were in foster care at 31 March 2013), with a further 12% of children were placed with family, 8% in residential care, and 5% in ‘Other’ placement types.\(^{128}\)

**Adoption**

Figures show that 88 children were adopted from care in Northern Ireland during the year ending 2013, the highest number recorded since 2004/05. This represented an increase of 47% compared with the previous year. The majority of the children were aged between 1 and 4 years at the time of adoption. The majority of the looked after children (57%) were adopted through a single child adoption, whereas 43% were adopted as part of a sibling group (ranging from 2 to 4 children). Furthermore, 61% of children were adopted by their former foster carers. All adopters were either married couple adopters or single female adopters, the majority (63%) of whom were in their forties at the time of the adoption.\(^{129}\)

**CLUSTER OVERVIEW**

This section highlights the number of young people who may not have experienced a stable family life, as well as highlighting potential vulnerabilities. For example, as is evident in the growing numbers of young people coming to the attention of children’s services (in terms of both referrals and registration) and the growing numbers of looked after children. The vulnerabilities these particular subsets of young people face are evident in subsequent sections throughout the report.

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\(^{128}\) Ibid.

HEALTH AND WELFARE

A central tenet of children’s rights is that all children have a right to life and that governments should ensure, to the maximum extent possible, child survival and development (art. 6). In order to portray an insight into the current status of Northern Ireland children according to UNCRC articles aligning with the health and welfare cluster, a range of data sources will be explored on topics such as health and poverty.

PHYSICAL HEALTH

Recent health survey results reveal that 93% of parents reported good or very good health of their children. Furthermore, this study demonstrates that 13% were described (by a parent) as suffering from a long standing illness (asthma was the most frequently mentioned).\(^\text{130}\) Additionally, with regard to children and young people aged between 12-15 years, according to his research 10% were assessed as being obese (based on the International Obesity Task Force guidelines).\(^\text{131}\) Additionally, results from the Young Persons Behaviour and Attitudes Survey (hereafter ‘YPBAS (2013)’\(^\text{132}\) highlight that many young people are conscious of their weight. Despite this concern amongst young people, these data would suggest that healthy food choices in schools are often inadequate, from the young peoples’ point of view, as 49% reported that they would like to see more healthy food choices in school.

SEXUAL HEALTH

With regard to the sexual experience of young people in Northern Ireland, recent survey evidence from the Young Life and Times\(^\text{133}\) reports that 26% of respondents had experienced sex.\(^\text{134}\) Of those who had experienced sex, 46% were 16 years of age when they did so, 31% were 15 years old whilst the remaining 22% were younger. Nearly half of the sample (46%) had more than one sexual partner, of which 8% reporting having had more than five sexual partners. The incidence of contraception use amongst the YLT respondents was high, with the majority (81%) stating that they or their partner had used a condom when they first had sex.\(^\text{135}\) Additionally, figures for STI diagnosis in young people under 19 years of age was 13%.\(^\text{136}\) And finally, the number of births to teenage mothers in 2013 was 937. This represents a 15% decrease from 2012 (1100 births) and a record low.\(^\text{137}\)

\(^\text{131}\) Ibid.
\(^\text{132}\) YPBAS is a school-based survey conducted among 11-16 year-olds.
\(^\text{133}\) The Young life and Times survey is an annual study of 16-year olds in Northern Ireland. Every 16-year old (registered to received child benefit) resident in Northern Ireland born in February and March of the survey year is invited to take part in the postal YLT survey.
\(^\text{135}\) Ibid.
Mental Health

Northern Ireland has high rates of mental ill-health compared with other regions of the UK or Ireland, which has been attributed to poorer mental health service provision, the impact of the conflict and high rates of poverty and disadvantage. Northern Ireland mental health hospital statistics show that in 2012/13 there were 35 mental illness inpatients aged 18 and under resident in hospital (including patients on home leave) and 162 Child & Adolescent Psychiatry inpatients, accounting for almost 88% occupancy with an average stay of just over 61 weeks.

The Young Life and Times Survey in 2010 considered the mental and emotional health problems of young people in. Respondents were asked whether they had experienced serious mental or emotional health problems in the past year for which they felt they needed professional support. The results revealed that 26% of 16-year olds stated they had experienced serious personal, emotional or mental health problems, with only 9% seeking professional help. Almost half (43%) of 16-year olds from financially disadvantaged backgrounds reported that they had suffered from emotional or mental health problems in the past year, compared to 23% of those who were categorised as ‘well-off’.

Results from the YPBAS (2013) also highlight the existence of factors that could point to the potential of mental health problems amongst young people in Northern Ireland. With regard to the Year 8-9 cohort, 26% reported feeling sad (quite/very often/always) in the last week, 15% reported feeling lonely (quite/very often/always in the last week), and 6% reported that, during the past week, they had seldom or never been in a good mood. Significantly, 19% stated that they had often or always felt so bad that they did not want to do anything.

The mental health problems of children and young people can often lead to both self-harm and suicide. In 2011, a total of 477 children and young people in Northern Ireland were admitted to hospital for self-harm. Research by NSPCC highlights that since 1984, the number of suicides among 15 to 19 year olds has increased by 315% in Northern Ireland. Comparison of UK figures highlights that the suicide rate of 15 to 19 year olds is more than four times higher in Northern Ireland than England and Wales, and 44% higher than in Scotland. The suicide rate of 10 to 14 year olds is 10 times higher in Northern Ireland than England and Wales and more than double the rate in Scotland.

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145 Ibid.
CHILDREN WITH PHYSICAL AND LEARNING DISABILITIES

A small proportion of young people in Northern Ireland suffer from a disability. Census (2011) figures show that 5.4% of children and young people under the age of 18 in Northern Ireland are limited a little or a lot in their day to day activities by circumstances which have lasted, or are expected to last, for at least 12 months. Of those whose activities are limited, 65% are males and the largest proportion is in the 10-14 age group.¹⁴⁶

The Bamford Review of Mental Health and Learning Disability¹⁴⁷ estimated the number of young people aged 0-19 years old with a learning disability to be 8,150, accounting for half (49.8%) of all people with a learning disability in Northern Ireland. Of this age group, 21% have a severe/profound disability (79% have moderate disability).¹⁴⁸

POVERTY

In 2008, the Committee recommended that the UK ‘allocate the maximum extent of available resources for the implementation of children’s rights, with a special focus on eradicating poverty’ and inequalities across its jurisdictions.¹⁴⁹ The Committee expressed concern in particular at the levels of persistent poverty experienced by children and young people in Northern Ireland,¹⁵⁰ which has the lowest spend per child on children’s services of all regions in the UK.¹⁵¹ Social spending through family benefits and child and family services aims to overcome poverty as well as protecting and fulfilling child rights.

The latest edition of the Northern Ireland Poverty Bulletin 2012/2013 highlights that in 2012/13 there were approximately 89,000 children (20%) in relative poverty (before housing costs) and 96,000 (22%) in absolute poverty (before housing costs). This represents a one/three percentage point(s) decrease from the previous year respectively.¹⁵²

Department for Social Development Benefit statistics provide an up to date overview of the main benefits administered by the Social Security Agency, including uptake by claimants, the number of children living in families claiming benefits and young people claiming benefits themselves. The majority (60%) of all income support claimants have dependent children, and in 2013/14, 170 claimants of income support were aged 18 years old or younger. Of claimants aged under 18 years, 53% were lone parents and 12% had a disability. The proportion of Job Seekers Allowance (JSA) claimants with dependent children has continued to grow in the past few years. Figures for December-February 2014 indicate that there were 4,840 lone parent claimants with dependent children aged 18 and under, accounting for 9% of total claimants in Northern Ireland.¹⁵³

¹⁴⁶ Figures supplied by NISRA (NINIS), statistics available at: http://www.ninis2.nisra.gov.uk/
¹⁵⁰ Ibid, para 64.
Northern Ireland Housing Bulletin statistics provide information on homelessness. Figures for 2011/12 show there has been a large percentage increase (25%) of families with children presenting as homeless. Figures for 2011/2012 highlight that 5,433 families were granted A1 Statutory Homeless. Furthermore, the number of young people aged 16-18 years awarded A1 Statutory Homeless status also increased from 134 in 2010/11 to 182 young people in 2011/12.154

**CLUSTER OVERVIEW**

This section, although it has not presented an exhaustive overview of all of the rights and issues relevant to health and welfare, has highlighted the extent to which young people in Northern Ireland are suffering from physical health problems and mental health problems (in some cases resulting in hospitalisation, self-harm and suicide). Furthermore, it highlights the large and increasing (as indicated by levels of social spending and homelessness) proportion of young people living in poverty, which could inevitably exacerbate the health and welfare problems faced by young people today.

**EDUCATION, LEISURE AND CULTURE**

Every child has the right to an education (art. 28), and this right should be developed on the basis of equal opportunity. The CRC commits states to provide an education system to develop the child’s personality, talents and mental and physical abilities to their fullest potential (art. 29a). The Convention also outlines obligations for countries in regard to the physical and mental development of children (art. 29.1) and the accessibility of recreational activities (art. 31.1). Moreover, the Convention requires governments to provide for children’s health and safety in institutions, services and facilities that provide for the care and protection of children (art. 3.3). Schools are also the place where children’s freedom of expression and freedom to peacefully assemble (art. 13 and 15) can be promoted or inhibited. Furthermore, the Convention states that the education of the child shall be directed towards preparation for responsible adult life, and towards an understanding of peace, tolerance and equality among genders and peoples (art. 29d).

**SCHOOL DEMOGRAPHY**

Enrolment data from the 2013/14 annual school Census provides information on the number of schools and pupils in Northern Ireland. In October 2013, there were 1,187 schools in Northern Ireland comprising 326,965 pupils in total (162,596 (49.7%) primary; 143,973 (44.0%) post-primary pupils). Of post primary pupils, 56.5% were enrolled in secondary schools and 43.5% in grammar schools. Enrolment in integrated primary and post-primary schools comprises 7% of the total enrolment, which has increased by 12% since 2007. A total of 4,907 pupils participate in Irish medium education, a figure which has steadily risen over time, increasing by almost 26% (1,000) since 2008/09. The ethnicity of pupils in schools is 96.7% white (excluding Irish Travellers), with 3.3% pupils of mixed or minority ethnic groups. Furthermore, 21.7% of pupils in schools were recorded as having special education needs.155

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In terms of free school meal (FSM) entitlement (FSME), the NI school meals census 2013/14\(^{156}\) reveals that one quarter (25.2\%) of pupils in primary and post-primary schools are entitled to FSMs, similar to the proportion recorded in the last few years. FSME is higher in secondary than grammar schools (27.1\% versus 7.4\%).\(^{157}\)

**ATTENDANCE**

NISRA pupil’s attendance data for the 2012/13 academic year reveal the overall attendance rate for all primary, post-primary and special schools in 2012/13 was 94\% of the total half days. The data highlights particular groups of young people who are not attending school as often as others. For example, looked after children have a higher overall absence rate at post-primary school (9.8\%) compared to children not in care (7\%). More striking differences are evident however in terms of absence rates in the travelling community. This is especially true at post-primary level, where the average level of overall absence was 42\% for Irish Traveller children compared to 7\% for white children and 6.7\% for children from a minority ethnic background. Finally, those young people with FSME also demonstrate higher absence. For example primary school data for 2012/13 demonstrates that schools with fewer than 10\% FSM pupils enrolled had an overall absence level of 3.5\% of the total half days. This doubled to 7.1\% for schools with more than 50\% of FSM pupils enrolled.\(^{158}\)

**ATTAINMENT**

The 2012/13 figures from the Summary of Annual Examination Results (SAER) process are reported in a statistical release, and present an analysis of examination performance of pupils in year 12 at post-primary schools in Northern Ireland for 2012/13.\(^{159}\)

In Northern Ireland, the majority (80\%) of year 12s achieved 5 or more GCSEs at grades A*-C, an increase of 1.8\% from 2011/12. When GCSE English and GCSE maths are included, a total of 60.9\% of year 12 pupils achieved 5 or more GCSEs, an increase of 0.8\% from 2011/12. Whilst increases are promising, the differences in attainment evident across school type and FSME highlight certain groups of young people not performing as well, i.e., those attending secondary schools and those from more deprived backgrounds.

On the school level, grammar schools are performing much better that non-grammar schools (94\% achieving 5 or more GCSEs at grades A-C*, including English and maths, compared to 38\%).

Using figures from 2012/13, GCSE attainment at year 12 and free school meal entitlement as an indicator demonstrates a performance gap of 32.8\% percentage points between FSME

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pupils (34% achieving 5 or more GCSEs at grade A*-C, including English and Maths) and non-FSME pupils (67%). When disaggregated by school type, FSME pupils attending grammar schools perform better than non-grammar FSME pupils (85% achieving 5 or more GCSEs grades A*-C including GCSE English and GCSE math versus 24%).

**Table 1: Attainment at GCSE for year 12s across school type and FSME (2012/13)**

<table>
<thead>
<tr>
<th>Group</th>
<th>% 5 GCSEs A-C* Incl. Eng &amp; Maths</th>
</tr>
</thead>
<tbody>
<tr>
<td>School type</td>
<td>Non-grammar</td>
</tr>
<tr>
<td>FSME</td>
<td>Yes</td>
</tr>
<tr>
<td>Both</td>
<td>FSME Non-grammar</td>
</tr>
</tbody>
</table>

**BULLYING**

Bullying in schools threatens children’s safety and capacity to enjoy their right to education. In October 2011, the Department of Education published a report about the nature and extent of bullying in school in Northern Ireland. The findings highlight how levels of bullying have remained consistent compared to earlier studies published in 2002 and 2007. Specifically, the most recent report highlights that 39% of Year 6 pupils and 29% of Year 9 pupils reported that, in the last 2 months, they have been bullied at school. While the frequency of bullying in schools had remained consistent, school staff noted the increased prevalence in cyber-bullying. In total, 16% of Year 6 and 17% of Year 9 pupils reported that, in the last couple of months, they had experienced cyber bullying, although this tended to happen most often outside of school hours.

**LEISURE**

Research with children and young people has demonstrated the important role of play and leisure in the lives of children and young people. To help ensure children in Northern Ireland are afforded opportunities for play and leisure, OFMDFM have published their play and leisure policy, aiming to provide accessible and affordable facilities to allow children to experience an enjoyable childhood.

There are few data sources to assess the enjoyment of children’s access to and enjoyment of leisure facilities. However, the 2013 YPBAS assessed young people’s views on play and leisure facilities at age 16, the results of which indicated that 64% of respondents felt the play and leisure facilities in their areas were fairly/very good. Leaving 36% of young people feeling dissatisfied with the leisure facilities in their area. Furthermore, 80% felt they knew ‘a little’ or ‘a lot’ about play and leisure facilities available in their area and 86% felt there were areas (which are welcoming and safe) where they could go and meet up with friends. Again,

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this highlights 20%/14% (respectively) of young people who don’t know a lot about leisure facilities available to them and who don’t feel they have areas which are welcoming and safe for them.

**Cluster Overview**

This section highlights the most vulnerable groups in terms of those young people realising their education rights. In terms of attending school, the group most vulnerable is those young people from the travelling community, who, especially as they get older (at post-primary level) demonstrate very high absence rates. The role of socio-economic status is a strong factor in terms of educational attainment, whereby those from less deprived backgrounds (as indicated by FSME) perform less well than those from more affluent backgrounds. This section also reports a large proportion of school pupils in Northern Ireland who are entitled to free school meals (25%), therefore highlighting the potential extent of this problem. Further issues impacting upon education include bullying, which although appears to have remained constant over the years, does present new challenges in terms of cyber bullying. Finally, there are also issues to address regarding the sizeable numbers of young people who do not feel as though they have (or know about) safe and welcoming places for recreation.

**Special Protection Measures**

**Protection from Violence**

Results from the Young Persons Behaviour and Attitudes Survey (YPBAS, 2013) highlight young peoples’ experiences of physical and sexual abuse, as well as their concern regarding these matters. With regard to physical abuse, it is reported that 5% of the young people surveyed stated they had been physically abused in the last 12 months with a larger proportion (20%) reporting that they were worried about being physically abused. With regard to sexual violence, 3% of respondents stated they had been sexually abused in the past 12 months and again more (18%) young people reported that they were worried about being sexually abused.

**Young People who are Victims of Crime**

In 2012/13, there were 68,765 offences against the person recorded in Northern Ireland, 8% of which young people aged under 18 (5,816 offences). Of the total number of young people victims of crime, violence against the person (67%) and sexual offences (18%) were the largest categories, accounting for the majority of child victims (85%) in Northern Ireland. The child homicide rate is an important measure of child safety, giving an indication of how many children are dying directly as a result of violence or abuse, although statistics may not reflect fully the number of child deaths where abuse or neglect is suspected as a factor. NSPCC research indicates that there were 56 child homicides across the UK in 2011/12. No child homicides were recorded in Northern Ireland in 2011/12.

**Child Sexual Exploitation**

Unreported and new ways of harming and abusing children through internet, technology, grooming or trafficking present serious challenges to the protection of all children and young

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163 Ibid.

people. In 2013 multiple agencies attended a Ministerial Summit on the theme of child sexual exploitation in Northern Ireland, where the Minister for Health, Social Services and Public Safety welcomed presentations delivered by Barnardo’s, the Health and Social Care Board (HSCB) and the Police Service NI (PSNI). The latter described investigations of allegations of child sexual exploitation in Northern Ireland, which involved 22 young people aged 13-18 years. As a result, the Minister outlined a series of actions to be taken by the DHSSPS and health trusts, including commissioning an independent expert-led inquiry into child sexual exploitation.\footnote{Inquiry Board, Independent Inquiry into Child Sexual Exploitation (CSE) in Northern Ireland (2013) ‘Independent Inquiry into Child Sexual Exploitation in Northern Ireland: Inquiry Brief’, Criminal Justice Inspectorate Northern Ireland; RQIA; Education and Training Inspectorate. Available at: \url{http://www.rqia.org.uk/cms_resources/CSE_Inquiry_Brief.pdf}}


\textbf{CHILD TRAFFICKING}

The trafficking of persons is an issue that exists in Northern Ireland. Research suggests women and children are being trafficked into Northern Ireland.\footnote{Martynowicz, A., Toucas, S., Caughey, A. (2009) \textit{The Nature and Extent of Human Trafficking in Northern Ireland: A Scoping Study by Institute for Conflict Research 2009}, NIHRC/ECNI. Available at: \url{http://conflictresearch.org.uk/reports/migration/The_Nature_and_Extent_of_Human_Trafficking_in_Northern_Ireland_LR.pdf}} However, the extent, nature and dynamics of this issue not yet fully known or understood and without annual, centralised statistics it is difficult to fully appreciate the extent of the issue surrounding separated/trafficked children. Nonetheless, there is some evidence on the problem. For example, research by Barnardo’s and the NSPCC in 2009-10, suggests there is a small population (<3) of separated/trafficked children. Small numbers of separated children (<10) were identified across all Health and Social Care Trusts (2009-10).\footnote{Webb & Toner (2011) ‘Separated children and child trafficking in Northern Ireland’ (Barnardo’s policy and practice briefing). Available at: \url{http://www.barnardos.org.uk/ni_child_trafficking_pp_briefing.pdf}}

\textbf{YOUNG PEOPLE IN CONFLICT WITH THE LAW}

In 2012, the number of children and young people who came to the attention of the PSNI was 7,544. The most commonly recorded offences were instances of anti-social behaviour including assault, criminal damage, theft and drugs. PSNI statistics reveal that between April 2013 and March 2014, of the 32,590 persons who were stopped and searched, 17\% were aged 17 and below. The most frequently stopped age group were those aged 18-25 years (accounting for 41\%).\footnote{PSNI (2014) Stop and Search statistics: Financial year 2013/14. Available at: \url{http://www.psnin.police.uk/2013-14_fy_stop_and_search_report__internet_.pdf}}

Youth Justice Agency Annual Workload Statistics for 2012/13 indicate that there were, in total, 1,675 referrals to Youth Justice Services (YJS), involving 1,039 young people,
(predominantly (85%) males). This demonstrated a decrease of 7.2% from the previous year’s statistics. The majority of Juvenile Justice Centre (JJC) transactions in 2012/2013 involved young people over 17 years (44%). Young people aged 15 and 16 (cumulatively) accounted for an additional 44% of transactions, whilst younger children account for a smaller proportion. These figures have increased steadily over the past five years, due partly to policy reform, which has increased the remit of the JJC to encompass all young people under the age of 18.171

Many young people in conflict with the law experience varied and multiple challenges and difficulties that exacerbate their likelihood to become involved with the criminal justice system. These include behavioural and mental health problems;172 drug or alcohol problems or addictions;173 underachievement, low levels of numeracy and literacy;174 and not being in education, employment or training.175 This is confirmed in Northern Ireland, where of the 30 children held in Woodlands Juvenile Justice Centre, 67% had been diagnosed with a mental health disorder, 57% had a history of self-harm, 27% had attempted suicide and nearly half (47%) had a statement of special educational needs.176

MINORITIES, VULNERABLE GROUPS AND PERSONAL SAFETY

As the minority ethnic population has increased in Northern Ireland, the number of racist incidents recorded has also increased. Recorded racist incidents have increased from 750 incidents in 2012/13 to 982 in 2013/14. Similarly, racist crimes increased from 470 in 2012/2013 to 691 incidents in 2013/2014. Survey data from the YPBAS (2013) highlights the growing concern amongst young people regarding racism in Northern Ireland. These data demonstrate that in terms of experiencing racism, 3.7% of young people stated that they had been harassed because of race or skin colour and 2% reported being physically assaulted because of race or skin colour in the past 12 months. Although evidence of any form of racist abuse is concerning, the data explaining experience of such abuse is low. However, concern regarding racist abuse demonstrates that 8.2% of respondents were worried about being called names or harassed because of race or colour of skin and 7.5% were worried about being assaulted because of race or skin colour.177

177 YPBAS, 2013.
Conversely, sectarian incidents decreased by 88 incidents from 1,372 in 2012/13 to 1,284 in 2013/14.\textsuperscript{178} However, young people still report sectarian abuse as a concern. YPBAS data (2013) highlights that in the previous 12 months, 7.2% of young people confirmed that they had been harassed because of religion and 17% worried about this; 3.5% had been physically assaulted because of religion, while 14% were worried about this; and 3.1% of young people had been threatened by paramilitaries. Significantly, 17% of young people surveyed worried about threats from paramilitaries.\textsuperscript{179}

Homophobic motivated incidents are the high and in general have increased year on year since 2006/07, peaking in 2013/14 (280 incidents). Similarly, homophobic motivated crimes are at their highest level recorded in 2013/14 (179 crimes).\textsuperscript{180} Trends over the previous 7 years show that between 4 per cent and 8 per cent of victims of homophobic crimes are under the age of 18. The YPBAS (2013) suggests that homophobic abuse may be higher than racist/sectarian abuse. For example, 44% of respondents stated that they have friends who called someone names because they saw them as gay or lesbian, and a further 19% of pupils stated that they have called someone names to their face because they saw them as gay or lesbian. Furthermore, these data reveal that 15.5% of this sample felt fairly or very uncomfortable around people who identify as gay, lesbian or bisexual.

**Cluster Overview**

This section underlines several key issues. Child trafficking is a growing concern in Northern Ireland. The steep rise in child trafficking for sexual exploitation between 2010/11 and 2011/12 is a clear indicator the need to improve monitoring and protection systems. The data pertaining to personal safety highlight how this is a clear concern amongst many young people in Northern Ireland and one that is exacerbated further within particular minority groups, specifically within the lesbian, gay, bi-sexual and transgender community.

**Cross Cutting Themes**

This review of childhood in Northern Ireland demonstrates that most children tend to have the support they need to thrive at home, in school and in their communities. However, persistent and increasing socio-economic inequalities, exacerbated by the economic downturn, present significant challenges to the realisation of some children’s rights, particularly children from vulnerable groups or marginalised communities. Although this review has not engaged directly with the additional needs of these groups, the statistics presented demonstrate the areas in which action is needed to ensure the state fulfils its obligations under the CRC.


\textsuperscript{179} YPBAS, 2013.

\textsuperscript{180} Homophobic motivated data available at: http://www.psnipolice.uk/index/updates/updates_statistics/updates_domestic_and_hate_motivation_statistics.html\#2011/12_domestic_abuse_and_hate_motivation_statistics_quarterly_updates

The most prevalent theme that cuts across the data presented in this review is the high level of child poverty in Northern Ireland and the impact this has on children’s enjoyment of a full range of rights. The statistics demonstrate that poverty levels recorded in 2012 were at the highest level in ten years, evidenced by increases in social spending and homelessness. The exacerbating effect of poverty is evident in levels of mental health need, housing, and in terms of young people in conflict with the law. The mediating negative effect of poverty is perhaps most stark when assessing the education statistics, where the use of free school meal entitlement as an indicator for deprivation highlights the differences in attendance rates at school and attainment between those children who are from deprived backgrounds compared to those who are not. These data present some of the most challenging issues faced by children and young people in Northern Ireland today, and highlight how this can be exacerbated for some of the most vulnerable in society.

While the legacy of the conflict is recognised in this review, specifically in terms of its impact on young people’s mental health and young people’s experiences of sectarian incidents, the data do not suggest that this is the most obvious cross cutting theme for the general population of children in Northern Ireland. This reflects, in part, the aims of this section to present a general overview of childhood through the data collected regularly by government departments and population-level surveys. Previous research into children’s rights in Northern Ireland, however, suggests that the legacy of thirty years of armed conflict remains a critical aspect of the lives of many children and young people’s, particularly those growing up in socio-economically marginalised communities.

Finally, as Northern Ireland has transitioned away from armed conflict and the associated levels of sectarian abuse and violence, incidents and experience of homophobic and racist abuse and violence have increased. Moreover, recorded incidents of sexual exploitation and trafficking of children within Northern Ireland have increased as well. While this may relate to an under-reporting of these issues during the conflict and its immediate aftermath, these issues present serious challenges to the decision-makers who have obligations to ensure the rights of all children and young people in Northern Ireland are respected, protected and fulfilled.

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CHILDREN’S SECTOR, ADVOCACY AND RIGHTS

COMMUNITY AND VOLUNTARY SECTOR: CHILDREN, YOUTH AND HUMAN RIGHTS
Northern Ireland has well-developed community and voluntary sectors partly in relation to its experience of three decades of armed conflict. During the conflict, involvement in community and voluntary organisations provided opportunities for participation in local decision-making ‘when representative democracy was impossible owing to prevailing conditions of political and civil unrest, and because of the suspension of the local legislature and the accompanying political vacuum.’ Rapid expansion of community organisations coincided with the early years of the political conflict in the early 1970s. Due to the distinct history of conflict and violence in Ireland and the UK, and subsequent campaigning for a dedicated Bill of Rights for Northern Ireland, many organisations have some familiarity with and support of human rights. However, the involvement of community and voluntary organisations in advocating for children’s rights specifically differs considerably.

The children’s sector in Northern Ireland is characterised historically by large children’s charities, which emphasise service delivery and improvement. These organisations tend to have a particular focus on early intervention and prevention priorities. Many voluntary youth sector organisations deliver services based on youth work principles of non-formal education that build the confidence of young people to participate in their communities. This sector includes organisations that advocate for the rights of marginalised or vulnerable young people, particularly their right to participation (CRC, art. 12).

Since the early 1990s, Save the Children (NI) has held a particularly strong role in Northern Ireland’s children’s rights advocacy. The organisation cultivated a strong culture of respect for children and young people as rights-holders and facilitated the expansion of this children’s rights discourse into new children’s rights-based organisations, such as the Children’s Law Centre (CLC) and VOYPIC.

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183 Ibid.
184 The Human Rights Consortium, established in 2000 aims “to mobilise widespread popular and political support behind a strong and inclusive Bill of Rights” and has a membership of more than 200 community and voluntary sector organisations in Northern Ireland, see www.billofrightsni.org. The Committee on the Administration of Justice, established in 1981 to campaign on human rights issues and ensure government complies with its obligations in Northern Ireland and internationally, won the 1998 Council of Europe Human Rights Prize for outstanding contribution to the cause of human rights, see www.caj.org.uk. More recently, the development and use of human rights indicators by the Seven Towers group in North Belfast was highlighted as an example of best practice globally, see Office of the High Commissioner for Human Rights (2012) Human Rights Indicators: a guide to measurement and implementation, Geneva www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf. This group is supported by Participation and Practice of Rights, established in 2006, which aims to ‘support marginalised people to assert their rights in practical ways and make real social and economic change in their communities’, see www.pprproject.org.
ADVOCACY RELATED TO THE UN CONVENTION ON THE RIGHTS OF THE Child

The CRC has provided both a means and an end for child rights advocacy. A focal point of this is the periodic reporting process to the Committee on the Rights of the Child. In the UK’s initial review, Northern Ireland was governed by Direct Rule from Westminster. Although the UK Government is obligated to report on all areas of its territory, the Committee’s Concluding Observations to the UK (1995) noted its concern that the ‘initial report of the State party contains little information on the difficulties experienced by children living in Northern Ireland’. The first Northern Ireland NGO alternative report to the Committee was produced by the Committee on the Administration of Justice (CAJ), submitted in August 1994. Save the Children and others engaged with the initial reporting processes primarily through a UK-wide alternative report. Following this, the Children’s Law Centre was established in 1997, and since then, Save the Children (NI) and the Children’s Law Centre have worked in partnership to develop NGO alternative reports for the second, third/fourth and fifth examinations of the UK in 2002, 2008 and 2015.

Coordination in the children’s sector for the advancement of children’s rights has been variable. Examples of particularly strong coordination, and effective advocacy, have been:

- ensuring children and young people were included in the Belfast/Good Friday Agreement;
- lobbying for structures in the new political institutions that would promote the rights of children and young people;
- engaging with the Bill of Rights for Northern Ireland processes; and
- engaging with the UN Committee on the Rights of the Child through NGO alternative reporting, visits and UK examinations.

By the mid-1990s, Northern Ireland’s political landscape was beginning to shift, with early signs of ceasefires. As the peace process developed, the Children’s Rights Alliance advocated for recognition of the harm done to children and young people during the conflict and ‘very much articulated an agenda for children’s rights that basically said that any peace agreement, then children have to be recognised’ (Stakeholder interview). Special Representative of the United Nations Secretary-General for Children and Armed Conflict, Olara Otunnu, commended the inclusion of children’s and young people’s needs and interests during his visit to Northern

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187 Committee on the Administration of Justice (1994) Report for consideration during the Committee’s scrutiny of the UK Government’s report.
189 See Belfast/Good Friday Agreement 1998, see Reconciliation and Victims of Violence para 12: “The participants particularly recognise that young people from areas affected by the troubles face particular difficulties and will support the development of special community-based initiatives based on international best practice.”
Ireland in 2001, describing the Agreement as ‘a wonderful model’ for peace processes elsewhere.\textsuperscript{190}

Leading on from the collaborative efforts to include children and young people in the Belfast/Good Friday Agreement, the Children’s Rights Alliance established the ‘Putting Children First’ campaign in anticipation of the transition from Direct Rule to devolved administration. This campaign consisted of five key proposals to be taken forward in any devolved Northern Ireland Executive and Assembly: a Children’s Commissioner; a Minister for Children; a standing Assembly Committee for Children; a children’s strategy; and for children to be recognised within the proposed ‘age’ category of Section 75 equality provisions in the Northern Ireland Act 1998.

The campaign was successful on three of the five proposals: the appointment of a commissioner for children and young people; the development of the 10 Year Children’s Strategy, and children and young people were included within the ‘age’ category of Section 75 duties. The new Northern Ireland Executive did not include a Department (or Minister) for Children, although a Ministerial Sub-Committee (MSC) on Children and Young People was established in 2005 to facilitate cross-departmental working. This MSC was re-established in 2008 under the responsibility of the Junior Ministers in OFMDFM.\textsuperscript{191} Although no standing oversight committee for children was established in the new Northern Ireland Assembly, an All-Party Group on Children and Young People was established as a forum to:

\begin{quote}
... facilitate and enable cross party discussion and co-operation on children and young people’s issues... work with children and young people and the children’s sector to facilitate better co-ordination on children’s issues... raise the profile of children and young people’s issues within the Assembly and Executive... promote and support the mainstreaming of rights and equality for all children and young people’
\end{quote}

...discusses issues.\textsuperscript{192}

Its primary function is to facilitate coordination and cooperation on issues related to children and young people between civil society and the Assembly.\textsuperscript{193}

**CO-ORDINATION OF CHILDREN’S RIGHTS ADVOCACY**

Despite a history of strong collaborative working within the children’s sector, Northern Ireland does not have a standing coalition dedicated to advancing children’s rights legislation


\textsuperscript{191} The ‘key priorities’ of the MSC for Children and Young People are a comprehensive approach to child poverty; a comprehensive early years strategy; provision for vulnerable children; safeguarding and support for children, families and carers; special educational needs provision; transport provision and road safety. See Ministerial sub-committee for children and young people: http://www.ofmdfmni.gov.uk/index/equality-and-strategy/equality-human-rights-social-change/children-young-people/children-young-people-ministerial-sub-committee.htm


\textsuperscript{193} All Party Group on Children and Young People, http://www.niassembly.gov.uk/Your-MLAs/All-Party-Groups/All-Party-Group-on-Children-and-Young-People.
or other measures of implementation. Unlike in Scotland and Wales, children’s organisations in Northern Ireland establish temporary, informal, ad hoc collaborative partnerships primarily related to legislative and policy developments, reporting to the Committee on the Rights of the Child or in response to significant children’s rights violations.

While many organisations are represented on NICCY’s Children’s Rights Implementation Group (CRIG), its primary function is to keep communication open between the Commissioner’s office and the voluntary sector. There is no formal mechanism for government, the children’s commissioner and NGOs to work collectively towards further implementation of the CRC in Northern Ireland.

194 In Scotland, Together, the Scottish Alliance for Children’s Rights ‘works to improve the awareness, understanding and implementation of the UNCRC’ by ‘helping children’s organisations to integrate the UNCRC into their work’ and ‘monitoring and reporting on the progress made at a Scottish and UK level’, see http://www.togetherscotland.org.uk. In Wales, Save the Children established the Wales UNCRC Monitoring Group in 2002 prior to the UK’s second examination by the Committee on the Rights of the Child. The Monitoring Group is an alliance of NGOs and academics and offers a ‘constructive yet critical collective voice that monitors the Welsh Assembly Government and UK Government’s obligation to realise the rights of children’, see http://www.childrensrightswales.org.uk.
PART TWO: 
THE LEARNING

APPLYING A CHILDREN’S RIGHTS FRAMEWORK

LEGAL CONTEXT
The UN Convention on the Rights of the Child (CRC), which the UK government ratified in 1991, is the most universally ratified human rights treaty. As a signatory to the CRC, the UK is obligated to ‘undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention’ (Art 4).

STRENGTH OF A CHILDREN’S RIGHTS FRAMEWORK
Grantees felt the international status of the Convention and its obligations offered strength to both their direct work with children and young people and their advocacy work with decision-makers. One grantee explained:

*It’s in Article 12, UN Convention on the Rights of the Child. This is how big this is and this isn’t something that somebody’s just come up with in this part of the world... This is important and recognised and accepted elsewhere, and everybody should be adhering to this... Government has responsibilities in this regard, and it isn’t just us saying it. I think it gives it so much importance and it gives it a lot of credence, and value.* (Director interview)

The Convention established ‘a common language’ for collaboration, both domestically and across international partnerships:

*We have a worldwide framework for children’s rights... I should be able to talk to somebody in Egypt, and we should be able to use the same language if we’re using children’s rights. That makes it quite compelling...* (Director interview)

The Children’s Law Centre, Include Youth and VOYPIC described using the CRC as a ‘benchmark’ for all their policy, advocacy and training work, stating it was ‘the golden thread, which leads us in any direction within our work’ (Staff interview).

*I will look at what the government is proposing to do in relation to a piece of legislation or a policy. I will benchmark that against what the UNCRC said. I will then look at the concluding observations. That is how we do our policy, that is how we make the policy analysis and that is how we try to hold government to account.* (Staff interview)

Grantees valued the ability to rely on a legal framework of international standards that provided clear standards below which government activity should not fall:

*… it is something the government has signed up to, it is always there in the sense as a stick... they are nervous about it... in terms of duty-bearers, if you put out there their...*
legal duty, whether it's enforceable or not, people are a bit more - They do listen.
(Director interview)

This was quite explicit for some organisations that looked directly to the Convention and the Committee’s documents for standards upon which to base their positions. The Children’s Law Centre, for example, explained that they were able to take a stronger position on the issue of corporal punishment than some other children’s organisations due to the children’s rights framework:

We took a children’s rights position in relation to the introduction of the defence of ‘reasonable chastisement’. Whereas others saw it a stepping stone, we did not. And we have an arguable right to do that because our benchmark is the UNCRC. (Director interview)

Although grantees described this as a ‘stick’ in many instances, some explained that international mechanisms could provide a ‘carrot’ as well:

… obviously coming up to the next UK examination, it can be something that we’ll use it as a stick to say ‘Look, you need to get this issue sorted’, whether it’s [developing] child rights indicators or whatever the thing may be - minimum age of criminal responsibility or no children in adult custody or whatever. There is an incentive there. We’re all playing a game, but they know we’re using it as a stick. But other times, you can use it maybe in the same timeframe as a carrot to say ‘Look, wouldn’t it be great if you got this issue sorted and you can go to the UN and get a pat on the back and that.’ (Staff interview)

Even if the organisation did not draw on the Convention’s provisions in all situations, grantees explained that some key principles, such as the best interests of the child (Art 3) and the right to have their views heard (Art 12), informed and ‘underpinned’ their practice and positioning.

LIMITATIONS
Some organisations described a more qualified support of the usefulness of the Convention to their work. Despite the advantages to using a children’s rights framework, grantees described considerable challenges and limitations to employing the use of rights in their advocacy. As one director noted, ‘you can’t just lift [the CRC] off the shelf and stick it into your advocacy work’. Barriers included: explicit political resistance; actual and perceived restrictions to using children’s rights for all children and young people grantees work with; overcoming the perception that rights were too resource intensive and complicated to implement; and persistent tokenism.

Relationship with the UNCRC
‘There isn’t a relationship, it is what we do. It’s not something on the side. It is what we are about.’

– Include Youth

***

‘Our organization was born out of the UN Convention and the Rights of the Child… It is the mother of this organization.’

– VOYPIC

***

‘We approach all of the work we do from a children’s rights perspective, the main purpose of our organisation and the reason why it was set up was to try to realise children’s rights in Northern Ireland and we are holding government to account through whatever means that we can.’

– Children’s Law Centre
**POLITICAL RESISTANCE**

Human rights discourse has a particular resonance in Northern Ireland that relates in part to its use during the conflict. As one respondent noted:

… the politics around rights, it obviously has different connotations in Northern Ireland. You talk about a Bill of Rights and some people are for it and some people are against it, and sometimes it’s difficult to go on about ‘rights and rights and rights’, because some politicians will not open their ears to what you’re trying to say. (Director interview)

‘Rights?’… it’s just that kind of a word that nearly gets your back up before you’ve even started the discussion. (Staff interview)

Thus, although grantees noted circumstances in which they had built strong and strategically important relationships with members of all major political parties, there was an understanding that some (primarily nationalist) parties would be more supportive of the rights discourse than others (primarily unionist). Barriers were identified in relation to the Democratic Unionist Party, in particular, which shares with Sinn Fein the Office of the First Minister and Deputy First Minister (OFMDFM). As such, resistance to this discourse from leaders of this party made it difficult in many cases for organisations to progress rights-based advocacy. Not only did organisations feel rights-based arguments would not be successful with particular political parties, many explained that the use of rights could shut down the potential to move their agenda forward:

I remember being invited to a [meeting in which] DUP were developing their manifesto and they were obviously putting the focus on children… and once I used the words ‘rights’, and the policy officer says to me, ‘No, no, no, no, that, no, no, we don’t agree with the child’s rights agenda and we will not using that language’. So I thought, ‘Oh, right, okay, lesson to self’. (Director interview)

As discussed below, however, grantees noted exceptions to this in some key instances, and the political dichotomy between unionist and nationalist parties’ support for children’s rights was not as clear-cut in practice.

**NOT FOR ALL CHILDREN AND YOUNG PEOPLE**

A key challenge identified by some grantees of using children’s rights was the Convention’s limited application to those aged under 18. For example, YouthAction N.I. and Public Achievement explained that many of the young people they worked with were 18-25 and might feel dissociated from the term ‘children’s rights’:

I would cite Article 12 a lot, in terms of decision making, and bring that in in terms of the context and this is why we’re doing it… But in everyday language we wouldn’t necessarily talk about rights. I wouldn’t use the term ‘rights’ a lot… (Director interview)

The concept of young people’s ‘voice’ was more common with some organisations: ‘we wouldn’t necessarily be using the word rights… We’d be talking about advocacy and young people’s voice’ (Director interview). Although not every grantee was...
grounding its work in the CRC, most emphasised the importance of young people expressing their views and being heard in decisions that affected their lives.

Children and young people involved in the research did not feel the term ‘children’s rights’ was inappropriate or would be considered inappropriate by other children and young people. Many acknowledged that young people had differing opinions on whether they wanted to be called ‘children’ themselves, for example one young person noted:

I actually don’t mind. I know some people are very psycho about it, and don’t like to be called ‘kids’ or ‘children’, and I guess I can understand that but I don’t really, it doesn’t really bother me.

Another young person suggested that:

Sometimes I think it’s just some people prefer ‘young people’ because the word ‘children’ can be associated with small, bold children.

However, most young people involved in the research understood that children under 18 have particular rights, especially when they had engaged with these discussions through their organisations, and felt it was appropriate that these should be described as such.

As well as not being applicable to those aged over 18 years, some organisations felt that using the CRC and children’s rights language was inappropriate in a youth group setting. Organisations noted that they avoided using children’s rights language because it ‘felt too much like school’ to discuss international human rights treaties with young people involved in youth work activities or community groups. For example, one director ‘never really found the human rights frameworks particularly useful in a youth work context’ and noted:

My main discomfort has nothing to do with the political situation, it’s to do with the sort of academic sense... that it feels like school when you sit and you talk, ‘There’s a thing called the UN Convention of the Rights of the Child, these are the rights...’ It sounds like a classroom scenario.

Organisations that chose to engage children’s rights language with children and young people had developed strategies to avoid the cumbersome nature of its provisions by, for example, beginning with two of the General Principles of the Convention – the best interests of the child and the right to be heard in decision-making. Some grantees were exploring how to develop training on children and young people’s rights that would be relevant and accessible to the marginalised groups with whom they worked.

**DIFFICULT AND RESOURCE INTENSIVE**

For organisations working with a range of potential audiences, the technical and ‘complicated’ aspects of children’s rights could be seen as a considerable barrier. As one staff member noted:
It’s a lack of knowledge and a fear of how complicated some of the stuff looks... because we’ve all been doing this stuff for so long you talk about it, you assume some level of knowledge in the room, and that is not necessarily always the case... because it’s a legal framework, and people are afraid of the law who aren’t lawyers and aren’t using it.

Grantees believed the language of ‘entitlements’ was particularly problematic during times of austerity, especially when engaging with frontline personnel such as social workers and play workers. One organisation suggested that resistance to implementing the Convention was ‘hampered by the budgetary restrictions and statutory limitations’ (Staff interview). Some grantees noted that rights arguments were more successful prior to the recession, when funding for government services was not as constrained:

*If something is possible, you don’t have any problem talking rights. When you have a contention, yeah. When anything is contentious, that’s the bit where you start to hear about the pie that has to be sliced in the same number of slices, and ‘we slice it differently...’* (Director interview)

Perceived difficulty of engaging with children’s rights was also recognised in relation to potential for collaboration with other organisations. Grantees noted that partnership working through the lens of children’s rights required organisational buy-in and capacity-building for all those involved. Children’s Law Centre staff members noted that cascading peer advocacy into community organisations required capacity building with staff workers in those organisations as well as the young people themselves: ‘The young people got it, but the difficulty was getting the [organisations] on board and getting the support from within their organisational structures to go forward with it’ (Staff interview).

**TOKENISM**

Conversely, grantees raised a concern that a superficial understanding of rights obligations on the part of some policy-makers meant they were susceptible to believing they had fulfilled requirements, such as fulfilling their obligations to engage children and young people’s views without engaging with children meaningfully. As one grantee noted, ‘there’s a sense that Article 12 has been implemented at one level, has been addressed, even though we would say that it hasn’t really because it’s a tick box exercise some of the time’. Although grantees believed that tokenism had become less problematic in recent years, they discussed persistent challenges, such as requests for involving children and young people without meaningful support or intention to give their views weight. As discussed below in relation to building awareness and understanding among decision-makers, this barrier to the meaningful inclusion of children and young people presented an on-going concern but one that many grantees were working to overcome.

**STRATEGIC USE OF CHILDREN’S RIGHTS AS A FRAMEWORK FOR ADVOCACY**

The Children’s Law Centre explained that ‘everything that we do is children’s rights advocacy’, while other organisations described rights as ‘infusing’ the work they did. Most grantees explained that there were times when using the language of children’s rights could be difficult, and even counter-productive to the ultimate aim to further children’s rights. One director noted that ‘you need to be... clever about the

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<td>‘The biggest challenge we have in here is not to support someone’s work who’s got a tokenistic viewpoint of this, and wants the cherry on top of the cake without actually having built the cake.’ (Director interview)</td>
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language you use, but it doesn’t mean you’re not doing it,’ explaining that the particular language used was not as significant as principles that defined the approach:

In terms of advocacy, it is about articulating the changes that we want to see happen, in the most effective way... sometimes you will use rights-based language, because it is the best way to achieve change. Other times you might not articulate it with rights-based language because you have a better chance of persuading and achieving a change by articulating it in a different way. But it doesn’t mean that it is not child rights advocacy, it still is child rights advocacy, because it is about the obligations of other people to uphold children’s rights. (Staff interview)

For some, the potential that the use of rights language would create additional challenges or barriers to their overall aim of improving services or the circumstances for children and young people with whom they worked was a complete deterrent. For others, who believed advancing children’s rights was core to the work of the organisation, they decided how to engage the language strategically. Grantees emphasised that their strategic use or avoidance of rights language - with particular audiences, about particular groups of children and young people and at different times - did not compromise their underlying campaign to advance children’s rights. One director emphasised that ‘the agenda doesn’t change…it’s just the word, the wording on it’. 

MAKING RIGHTS REAL

Strategies in the face of resistance often included approaching decision-makers on issues that were of particular importance to them, such as finding ‘in-roads’ by presenting issues affecting their own constituents. Many described this as a kind of ‘journey’ civil servants, politicians and political policy officers made through multiple engagements, often moving from ‘quite antagonistic… to actually quite supportive of what we actually do on the ground’ (Director interview). One grantee explained that this process included a moment when ‘it becomes real’ to decision-makers:

Suddenly they begin to make the connections about play, health, education, individual achievement, family cohesion, contested spaces, more cohesive communities. And you do see them go on a journey with it to the point where they do become very effective advocates for play in their own right.

CLC identified that an effective method for making rights real was for policy and advocacy workers to draw on specific case examples from the organisation’s service delivery or advice work, noting that due to their case work, ‘we can talk about individual children, so we’re not talking about a policy decision in isolation’ (Staff interview).

Another method grantees employed was to facilitate ‘individual connections’ with decision-makers on the basis of their constituencies or through building relationships over time. Discussing strategies in the face of political opposition, one staff member noted:

... something around the political connection is important, but the individual connection is almost as important because it can get you in. We have some DUP MLAs who would be very supportive of [children’s rights]

Finding a common language?
‘Fundamentally we can never back away from rights. That is never going to be an option for us. We are a rights-based organisation and we’re honest about that, and we’re not going to be apologetic about that… It’s about trying to make rights real.’
and who would step up the path for us even though the party publicly would not necessarily portray themselves as having the interest in rights.

Many grantees explained that if they could achieve a similar outcome by using the language that decision-makers were familiar or comfortable with, they considered this a success. One director described this as being ‘solution-focused’, stating:

I work with many, many professionals, and you know what’s the most amazing thing? They all want the same outcome... Now tell me why our journey has to be so different?

A common point made by directors and staff was that as decision-makers became familiar with the language of rights and entitlements, they often became more comfortable with the principles behind grantees’ campaigns. For example, PlayBoard described the Committee’s General Comment no. 17, which elaborates the content and extent of the rights related to Article 31 of the CRC, as providing ‘an additional way in’ to difficult conversations that ‘fundamentally shifted the language’. PlayBoard staff members have been able to rely on this clearer articulation of the obligations of Article 31, which has been commonly misunderstood, in their recent policy and advocacy work. Staff members have noticed that ‘people are more interested’ and ‘seem to give the rights issue a bit more validity’ since General Comment 17 was published. This will be discussed in greater detail in the Understanding and Awareness section.

**WITH SOME AUDIENCES**

Due to the strong perception of political opposition to rights language, many of the grantees discussed strategies for engaging with different political parties. In Northern Ireland’s shared government, the need to work across political parties is critical and determined the strategy for engagement for some organisations:

… you need to have a different tact... so it’s maybe best to leave the rights stuff under the table until you get to a point where you’ve established a connection and then you can bring it out.

These decisions were made on the basis of considerable challenges in some cases, for example one group noted:

… now we have a government that can’t operate without cross-party support. So like it or not you’re going to have to bring those people who are not with you, with you, if you know what I mean. It’s about how you do that... it is a policy issue because if you don’t have good relationships on a cross-party basis then you’re never going to be able to change policy. (Staff interview)

Organisations have developed greater flexibility and agility in communicating their main advocacy messages through acknowledging the need to connect ‘both sides’ of the political system to their agendas.

Despite barriers to using rights language with some politicians, media, general public and young people, there were exceptions within each group. For example, one organisation noted that it was easier to engage rights language with high-level decision-makers, including politicians and ministers, agency directors and CEOs of partner organisations, than with frontline staff:
You think we’re talking the same language, but they hear ‘rights’, they hear ‘threat’. When you talk strategically to people at my level and they hear ‘rights’, they hear ‘yes… and let’s do it’. So down on the ground at the coalface, they are burdened with what their system’s not doing and they don’t feel that there’s a lot of opportunity within the system. (Director interview)

With politicians, grantees described having more open conversations in private meetings than was possible in public arenas, such as during Committee sessions: ‘often in a one-to-one or in a small meeting, and if you’re meeting with the likes of [MLAs], you are more likely to have a proper conversation, but it’s the public arenas where things get distorted’ (Director interview). One organisation described that this related to engaging with the media as well, explaining that they would be less likely to use the language of rights during radio interviews than with print journalists because the potential for call-in listeners to misinterpret the message was greater during a live discussion.

Although the focus of organisations’ advocacy and campaigning usually emphasised decision-makers in policy-making positions, grantees discussed the need to engage with these issues at a community level, and the additional considerations involved. For example, the challenges of overcoming resistance with community leaders and local politicians included, in some instances, a need to ‘earn the right’ to work in particular communities, which meant avoiding language that could be considered judgmental or critical. As discussed above, grantees explained that drawing on specific examples of children and young people’s experiences could be useful in these situations, and many organisations were building the capacity of practitioners within their organisations to be local advocates within the communities and areas in which they worked. PlayBoard, VOYPIC and Include Youth encouraged practitioners within their organisations to understand their role within the policy and advocacy agendas, and in some cases had developed specific training in this area. Staff members were involved in capacity building to feel more confident to advocate at a local level, with communities and local decision-makers, through examples. As one group noted, ‘it is about [project workers] being able to hold onto that and say actually… this is the way it is… rights are here and… all our young people deserve to have their rights upheld, and so that change of language actually put a power to it’ (Staff interview).

FOR SOME ISSUES AND SOME CHILDREN

When dealing with an audience they knew would be more sceptical of rights language, grantees described beginning with issues that were less contentious. For example, grantees explained that they were more successful using rights language when advocating on issues such as employability or social care than youth justice.

… whenever you were going into a discussion with a [party] minister who you didn’t think would be sold on the minimum age of criminal responsibility as a starting topic, you started the conversation about special educational needs which is actually the main area of our work, and then you talked about mental health. Because nobody has a problem with those and everybody has experience of those. (Staff interview)

It was not always clear which issues would gain political favour over time, however. For example, Include Youth and the Children’s Law Centre described how children’s rights in custody had become discussed more routinely following the Review of Youth Justice (2011), noting that international standards and compliance with human rights were ‘embedded before we’d even started’. This Review meant that despite some issues remaining too contentious, such as the minimum age of criminal responsibility, others, such as custody, have become
easier to discuss within a children’s rights framework. Due to this review process, some decision-makers were more familiar with international rights standards related to youth justice than many other aspects of children’s rights and were also more likely to engage with rights discourse. The significance of advocacy targets’ awareness and understanding of children’s rights will be discussed in the following chapter, but a lesson from these examples is that it may not always be possible to predict which issues will develop as potential areas for rights-based successes.

Some grantees explained that the core principles of their organisations related more directly to youth work, civic engagement and ‘voice’. For Public Achievement, their decision not to use a rights discourse overtly was in part a response to believing this positioned adults as advocating for children and young people rather than supporting young people to advocate for themselves:

... we use the language of rights less than some other organisations would. And we don’t see ourselves as advocating on behalf of young people in the same sense that lots of other organisations do. We do to some extent but primarily we’re working with young people to help them to advocate for themselves. (Director interview)

In some instances, grantees responded to the Convention’s limitation to under-18s by looking to other human rights instruments:

Whereas sometimes for children and young people we work through 16 to 21 they’re kind of straddling because they’re over 18 and they’re straddling into social economic rights in the UN Covenant [on Economic, Social and Cultural Rights] and that, but it can be difficult sometimes to find the relevant standards that you can bring to the analysis. (Staff interview)

Grantees who relied primarily on Article 12 of the CRC expressed reluctance to employ a framework of legal obligations because, as one grantee explained, there is ‘an assumption there within government that that’s what they should be doing’. This respondent explained, ‘I don’t feel that I need some sort of legal framework to aid me in my work’. Conversely, other grantees explained that although many of their practice staff were trained originally as youth workers, the more recent emphasis on a whole organisation approach (described below) supported by AP’s funding for policy and advocacy workers meant that practitioners were learning how to use children’s rights strategically in their work as well. Many described this as a longer term exercise but highlighted positive examples.

**USE OF RIGHTS CHANGED OVER TIME**

For most organisations, strategic decisions about when and how to use children’s rights in advocacy had changed in relation to advocacy opportunities, increased understanding of rights within organisations and among decision-makers, and relatedly, funding for policy and advocacy work. For example, PlayBoard described how advocating for the right to play underwent considerable changes since the publication of General Comment no. 17 in 2013, the Committee on the Rights of Child’s elaboration on the content and meaning of play as contained in Article 31 of the Convention. Many organisations noted that their use of rights had developed over time, as organisational understanding and capacity building with a rights-based framework became more nuanced. For organisations that existed prior to the UK’s ratification of the Convention (1991), such as YouthAction N.I. and Include Youth, a children’s rights framework has been worked into pre-existing organisational cultures. Include Youth explained that using a rights-based framework enhanced the organisation’s strategic decision-making:
Oh definitely it has changed! …. Our strapline has always been ‘promoting the best rights or the best interests and rights of young people’, but when you want to quantify that and prove that we are that, that has been more difficult. We are at the stage now, I think, of being able to record that this is what this looks like - the starting point of that was to catalogue what we are good at, but what we can change. (Staff interview)

On the other hand, some grantees noted that organisations that emerged after the CRC had been ratified had an opportunity to integrate a children’s rights framework into their work from the outset. For example, the Children’s Law Centre was established in the aftermath of the UK’s second periodic reporting to the Committee on the Rights of the Child and has therefore been grounded firmly in rights since its inception.

**Funding and Advocacy**

Another issue raised in relation to how use of children’s rights may have changed over time was the context of funding. Grantees explained that the recession had a two-fold effect on the use of rights in that it made decision-makers less likely to engage with the language of entitlements at the same time that children’s and youth sector organisations were pushed towards more service-delivery models rather than coordinated campaign work to advance children’s rights. Describing this trajectory of funding, one director noted:

… it’s about a small number of children getting access to services, as opposed to giving a structural framework process that vindicates the rights of all children, especially the most vulnerable and disadvantaged, whose rights should be vindicated, which is much more strategic.

Although few organisations discussed this directly, some grantees noted also the effect funding has had on whether they and others were prepared to use rights language in their advocacy. As will be discussed below, many believed that dedicated policy and advocacy workers with understanding and awareness of children’s rights standards and principles were key to their capacity to use this framework throughout their work: ‘obviously there’s the lack of funding for it, and that’s one of the things that we can’t use in advocacy if you haven't actually got the funding to do it’ (Director interview). As organisations continued to negotiate the impact of the economic downturn and the push to deliver services, one director noted, ‘this is why AP’s money’s been so critical in terms of maintaining the integrity of children’s rights work’. Another noted the concern felt regarding how they would continue to fund this work in the future, ‘the challenge I have now in the future then is what I do now to fund it? Which I’m sure you’ve had that with lots of other people’ (Director interview). Some grantees explained that funding for these dedicated posts meant they had the degree of independence from government funding they believed was necessary to hold the State to account.
RAISING UNDERSTANDING AND AWARENESS

Knowledge and awareness of children’s rights among children and the adults who work with and for them are recognised as core to the implementation of the CRC in any context. The Committee on the Rights of the Child states:

If the adults around children, their parents and other family members, teachers and carers do not understand the implications of the Convention, and above all its confirmation of the equal status of children as subjects of rights, it is most unlikely that the rights set out in the Convention will be realized for many children.\textsuperscript{195}

Article 42 of the Convention requires that the provisions of the CRC are made known to adults and children alike, and the Committee on the Rights of the Child has expressed its concern that many states, including the United Kingdom,\textsuperscript{196} have inadequate training and awareness-raising among professionals, civil society and children themselves. Although this is a State obligation, the Committee has acknowledged the important contribution that NGOs can make in this area in terms of improving understanding and building capacity.

The work of the children’s sector in Northern Ireland has taken place in a context where there has long been considerable understanding of and use of human rights discourse arising from the conflict. While this has served to develop expertise in human rights generally, children’s rights have not always been at the front of that. Moreover, there has been an ongoing resistance to the language of rights within certain communities and from some politicians. It is in this somewhat distinctive context that the grantees’ own understanding of children’s rights - as well as their work to advance the understanding of others as part of their advocacy - has to be understood.

ORGANISATIONS

Those wishing to use children’s rights advocacy need to: understand what it means, use the language with confidence and operationalise it in their own practice. This was acknowledged as important by all of the organisations with an explicit children’s rights focus. Staff spoke routinely about the need for children’s rights to imbue the culture of the organisation, with one director summarising it as follows, ‘It’s making children’s rights second nature’.

A recurring theme was that it was not enough to be able to recite the text of the Convention of the Rights of the Child but that what was needed was an understanding of the concept of children’s rights and in particular what it means to demonstrate respect for children as rights-holders. One director explained:

\begin{quote}
What you have to do if you take a child’s rights or a rights-based perspective is say ‘In here, what does this mean? In our work, what does this mean? What does this mean today for us?’ So you have to break that down for people because knowing Article 3 or knowing Article 12 of those things, of course, you can write it off.
\end{quote}


Ensuring that staff and volunteers shared an accurate and consistent approach to children’s rights was approached in various ways. For some, it was a pre-employment requirement, tested at interview. For example, Include Youth requires applicants to meet with young people in order to determine whether prospective employees are skilled in engaging with young people as rights-holders.

In addition to ensuring that staff members were operating in a way that was children’s rights-compliant, ensuring that staff members were confident and competent in children’s rights was seen as essential to the quality of the organisations’ advocacy work externally. One director suggested that this was particularly important in contexts in which staff met resistance or hostility to the concept:

‘Rights’ is sometimes a dirty word out there, especially with some political areas, so it is about them being able to hold onto that and say ‘actually this is the way it is. Rights are here and all our young people deserve to have their rights upheld’, and so that change of language actually put a power to it, that I would say prior to the training wasn’t there.

Finally, a common approach to staff development was to ensure that staff were familiar and competent in working with children and young people to promote their advocacy, thus, ‘ensuring the staff can support the young people to advocate for their own rights as well as supporting their rights’. The need for staff to be able and competent to promote children and young peoples’ self-advocacy was a feature of all organisations, even those that did not have an explicit children’s rights-focus.

Many of the interviewees expressed concern as to whether the knowledge and understanding was sufficient across the organisation and identified areas where further work was needed internally. One of the areas for further work that was identified was in terms of giving staff the confidence to use the language of rights. One director said: ‘a piece of what we’re doing is formalising our systems and processes so that we can name, so that staff are confident in using language of rights’.

In all instances, it was recognised that this was a gradual process and takes time for all staff to understand and use rights-based approaches. One staff member, reflecting on her own personal experience, observed:

... when you’re not familiar with UNCRC or familiar with the articles... it can be quite challenging at times, and you suddenly realise that there is this whole world...
which you weren’t really aware of. So I’ve been on quite a journey I suppose over the four years in terms of understanding children’s rights and even questioning myself in terms of my own views I would’ve held in the past or whatever around children.

A recurring theme in the interviews was the impact that one committed individual (former director of Save the Children Northern Ireland) had had on the understanding of children’s rights across the sector in Northern Ireland through her own personality and commitment. Three of the grantee organisations were headed by directors and/or employed staff in strategic roles who had previously worked for Save the Children NI. Include Youth has continued to draw on this expertise by employing the former director as a consultant to develop children’s rights-based approach across the whole organisation. All acknowledged her impact on their personal and professional commitment to children’s rights and had carried that approach into their own organisations. The cascading effect of this was described by one of the directors in this way:

… look around the sector and see how many people have come out with a children’s rights perspective from the Save the Children Fund - I remember sitting in the room and looking around at the number of people - all sorts of people - and you’re thinking ‘we all came from the one-stock pot’.

Raising awareness and understanding of children’s rights, both externally as well as internally amongst their staff, was a clear priority amongst many of the organisations. The realisation of this goal was often a continual process for the Northern Ireland grantees. The recognition of one key individual in cultivating a rights-based approach and understanding across the children’s and youth sector in Northern Ireland demonstrates the value and potential of coordination between organisational approaches.

**CHILDREN AND YOUNG PEOPLE**

States are required to make the provisions of the Convention known to children, and children and young people should receive education about their rights in school. In spite of this, the UNCRC is not a statutory requirement in the Northern Ireland Curriculum, and knowledge of children’s rights is often poor. Children and young people interviewed confirmed that they knew very little about their rights until they began working with the grantee organisations and many considered that schools should be doing more to inform people about their rights:

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198 See for example: Kids’ Life and Times Survey (KLT) and Young Life and Times Survey (YLT), ARK; This lack of awareness has been recently reported in a study investigating the legal needs of children and young people in Northern Ireland, see also: Emerson, Lesley, Katrina Lloyd, Laura Lundy, Karen Orr & Ellen Weaver (2014) The legal needs of children and young people in Northern Ireland: The views of young people and adult stakeholders, Department of Justice (NI). This research reported qualitative and quantitative results which highlighted a lack (of even basic) awareness of amongst young people in NI in terms of their legal rights. For example, in response to the survey question ‘how much do you know about your rights?’, only 18% of young people answered positively (quite a lot / a lot) with the remainder responding ‘unsure / a little / nothing at all’.

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You’re taught about your consumer rights whenever you were in school. Why not be taught about children’s rights whenever you were in school? Because to me, children’s rights are more important than consumer rights.

Grantees confirmed this trend, with one commenting that ‘Not one of our young people did have the language of rights, which depressed me, honestly’ (Director interview). She continued:

... there’s too much misconception that young people assert their rights but - 1) they don’t, 2) when they do they’re not actually as well informed as we think they are... talking about the Right to Silence, as an example of that... we’re trying to do some more work around naming it better and being more comfortable as an organisation around the language of rights.

CASE STUDY: YouthAction N.I.

Young People’s Voices

‘Children and young people’s rights are implicit within participation, which is where youth advocacy and rights based work is located within the youth work sector. We would talk a lot more about participation and young people’s voices being heard as opposed to children and young people’s rights within youth work.’ (Director interview)

Many of the young people across the different organisations mentioned their awareness of the Children’s Law Centre’s ‘At What Age Can I…?’ poster. These young people had seen the poster at school or in their youth centre, and one young person had it on her bedroom wall. This was considered by young people to be an accessible way of getting information across.

Most grantees did not do formal children’s rights training with their young people, with many expressing concern that this type of activity would not be helpful. A young person involved with one of the projects confirmed that in her experience working with her peers and other young people:

… if something is too political, politicised, young people kind of just lose focus, ‘Alright, no, this isn’t for me’. So usually the terminology we use is our terminology, which is the exact same thing, just using it in a different way. (Young person interview)

As opposed to a formal approach, training focused on the knowledge and skills to be able to claim their rights, or ‘the nuts and bolts of what it actually means’. Grantees noted that they often started with language that was more familiar, and then they would integrate children’s rights at later stages:

I wouldn’t use the language at a practical level. I wouldn’t necessarily use rights-based language or legislative language all the time. I would try and do it on an informal basis first, when that doesn’t work maybe try and formalise that a little bit more and if that doesn’t work then kind of in point A and point B, this states this and states this. (Staff interview)

Several of the grantees preferred to speak in terms of the attributes and skills being acquired, such as supporting children and young people to be involved in decision-making. This was more to do with the ethos of the organisation, and ‘about a way of work’. This was particularly true of grantees working in the youth sector, since the CRC is not necessarily relevant to the young people involved in their project. Thus the language of equality was often used instead, and rights were considered ‘implicit within participation’. A young person
involved with YouthAction N.I. described her experience as a general awareness of the role of rights in their campaign:

... yes I know what I was doing fits into helping children’s rights, but I didn’t understand it at the time. I suppose it is about putting the two together, to get a better understanding of what it is and also if you are out speaking to young people, that you are able to speak more positively, and more confidently about why it is you are doing what you are doing... You don’t just understand the end product you are working towards, but you understand the process you are being involved in as well.

This young woman recognised her limitations in terms of her child rights training, acknowledging that ‘we would have covered a bit at university’. However, she also explained that it might have been useful to know more about children’s rights during her involvement in their campaign, but she believed learning this incrementally was more realistic and appropriate than using specific training. In her role as a youth worker, she recognised the need to address children’s rights, in an accessible way as and when issues arose for the young people she was working with. She commented:

I was conscious of the young people we were working with, so therefore I always simplified it, because I was putting words of how I understood things! So therefore it made it easier, it was a process... it just makes it more human, to young people, when it is kind of in different words and we were giving them examples of, ‘Well what if something was happening at school, how would you...’, get them to think about basic rights and stuff.

For all grantees, it was felt that the best way to build capacity for advocacy was to learn by doing in projects that enabled children and young people to acquire the skills for advocacy: learning was ‘caught rather than taught’. For example, Public Achievement suggested:

... it’s not about creating a programme about human rights, it’s about creating a programme about something that they are interested in and want to participate in... we try and build the capacity through skills, through discussion, through learning and through listening, and that sort of model I think is needed in human rights and in a lot of other things too.

Children and young people involved with Youth@CLC acknowledged the learning that was happening through the experiences offered:

I think that’s how we’re learning here. We’re learning through discussion and through – listening to other people’s opinions and getting new perspectives on things that we already know about, but whether we live in different places or come from different family backgrounds, we all have different opinions and perspectives and listening to other people is how I’m learning at least.
Grantees and young people agreed that activities had to be engaging and fun for young people. Examples included:

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Activity</th>
<th>Reflections</th>
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<tr>
<td>PlayBoard</td>
<td>Working with children to develop an accessible version of General Comment No. 17 on the right to play</td>
<td><em>I thought, ‘What is this crazy place? I’m getting a little bit scared. Get me out of here. This is going to be very boring. Why did I sign up for this?’ But after about one session I found out that it wasn’t going to – it was fun getting to know each other and I found it really good, educational and it was fun and serious mixed together.</em> (Children’s interview)</td>
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<tr>
<td>Public Achievement</td>
<td>Working with children and young people to make a film about bullying at school</td>
<td><em>But if we’d gone to those young people and said, ‘We’re going to teach you literacy and numeracy and research skills and…’, you know, all those kind of… all the sort of academic concepts, if you like, which are in the process of film-making, they would have run a mile, but they were enticed by the idea of making a film. So it’s a very effective active learning methodology, which really helps young people develop a significant skills set.</em> (Director interview)</td>
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<tr>
<td>VOYPIC (with partner organisation EPIC)</td>
<td>Working with young people taking photographs to represent issues related to their rights</td>
<td><em>So I think that was a nice add-on from the work that we’ve done with the UNCRC and putting it into context for a young person. It’s all very technical but by bringing them down they’ll meet with other young people, they can discuss different services that perhaps one of them are getting and in Southern Ireland are getting, and they’re able to really put their rights into life by photographs and by speaking to each other, and I think that’s obviously a really good way of advancing children’s rights, not only their awareness of their rights but how they can put rights into practice.</em> (Staff interview)</td>
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Many of the young people acknowledged the empowering effect of increased awareness in advocating for their own rights:

*Although it is handy whenever you do know your rights - find a few terms, like quoting my rights to a social worker to try and get what I’m entitled to, and because it’s the only way of getting what you’re entitled to because most adults, if you don’t know about your rights, you don’t have to get what you’re entitled to.*

*They should be told what their rights are and then that’s it, but cops, they say that ‘Your rights are this…’. They tell you what your rights are but ‘keep quiet’ and ‘anything you say can be used in evidence’, but you’ve got the right to talk, if you want, you’ve got the right to keep quiet if you want.*
By raising awareness amongst the young people involved in her campaign, one youth work apprentice explained that she was empowering young people to advocate for certain issues that they faced within their schools and in their communities. She recognised that her participation in this programme made her appreciate the voice of young people, she commented:

… it has also made me very aware of the voice of young people, how it can be, if used in the right way, and pushed and helped and influenced, there can be positives that come out of it, that it just doesn’t have to be local level, that it can be the wider level as well.

While the need to empower young people to advocate for themselves was acknowledged by staff, a number expressed concern about the potential danger of enabling children to use the language of rights in case it was used in situations where it might put them in danger. For example, one suggested that:

… it’s not a language that we start off with. The other bit is, if you start with the language of rights, and they go straight back into the system... How supportive do you think someone’s going to be if they feel threatened?

In this case, it was acknowledged that children and young people still need to know their rights and also have to exercise them most effectively. However, their ability to do so is contingent upon duty-bearers understanding and accepting this too.

**Duty-bearers**

Many interviewees reported a lack of awareness among duty-bearers about children’s rights and their obligations under the Convention. One director observed:

… it’s not core, whether you’re a teacher, whether you’re a childcare provider, whether, you know, it’s not the whole rights agenda and understanding how to engage with children... That’s not part of your training, so you go in with a different agenda.

Many grantees accepted that they had strong, on-going relationships with public servants who understood the issues. However, it was suggested that this did not always translate down to staff at other levels, particularly those working directly with children. Others acknowledged that the problem was not always a lack of awareness that children had rights but a lack of understanding of what that means in practice, particularly in the context of children and young people’s participation. This was summarised as: ‘they knew about UNCRC but they didn’t really understand what their obligations were in fulfilling delivery of that’.

Even in such instances, it was recognised that, through engagement with grantee organisations, there will be capacity-building taking place. For example, one director recounted the following experience with a policy-maker:

_We were speaking to one of the guys who’d done a piece of consultation with us. ‘Oh, it was great...’, he was telling me all about and I was actually sitting with a colleague who knew what I was thinking, and she kept hitting me under the table, she said, ‘Don’t say anything,’ because, and she was right to a point it out because this was a big step forward actually._

Duty-bearers’ lack of understanding of children’s rights was confirmed by some of the children and young people in their own engagements, with one summarising it in this way: ‘People can know about children’s rights, but they don’t have to listen to them, do you know
what I mean?’ and another suggesting: ‘They didn’t respect them or act on them, especially cops, they get that power trip and then they just do what they want. That’s my opinion of it, that’s what it was with me, anyway.’

Outward resistance to the idea of children’s rights (discussed above) is also a challenge for children’s rights advocacy. One staff member observed:

*I’ve been out giving presentations to groups of councillors of different political persuasions and the amount of times people have basically said ‘When I was a kid I had no rights and nobody did so why should the ones today have it?’*

In spite of this, or sometimes because of it, most organisations felt that part of their advocacy work was to raise understanding and awareness, and acceptance, of rights among duty-bearers. For some, this involved direct training with duty-bearers. Children’s Law Centre, in particular, has provided training on children’s rights for many different public officials. CLC, Include Youth, PlayBoard and VOYPIC acknowledged that the policy and advocacy work was in itself building capacity, noting that ‘you’re able to constantly keep the issues – drip-feed them in, constantly raise them up the departments’. For example:

... it was the two of us sitting in an office up at Stormont with the policy advisor kind of telling him why school-age childcare is so important, they hadn’t got that before. So I think it was about developing their understanding of why this sector’s important. (Staff interview)

Some of the children and young people also reported that a greater awareness and acceptance of children’s rights was being developed through their advocacy, with one observing that the process of claiming rights is in itself a way of forcing an understanding: ‘adults pretend that children don’t have rights unless children turn round and say, ‘Look, these are my rights,’ they choose to ignore that children have rights’. Children and young people expressed scepticism about those who chose not to engage with children, with one young apprentice reflecting:

*You know a lot of organisations you work with will tell you they don’t understand young people, that is why they work with youth workers most of the time, because they don’t understand the process, they don’t have time to understand the process, but if they are able to do the same work with adults, they are able to do it with young people if they understand children’s rights and everything like that, it is exactly the same work, it is maybe just done in a softer method.*

Policy and advocacy workers considered facilitating direct engagement between duty-bearers and children and young people a useful form of awareness raising for duty-bearers, and as this young woman noted, such engagement did not need to be overly complicated or technical. Indeed, grantees suggested that when supported properly, situations in which children, young people and duty-bearers engaged directly could be the most effective form
of awareness raising about both the substantive issues involved in a campaign, by ‘making it real’ for decision-makers, and of children and young people as rights-holders generally.

SOCIETY
A culture of respect for children’s rights is dependent to a significant degree on wider societal support for children’s rights. In its concluding observations to the UK in 2008, the Committee on the Rights of the Child noted its concern:

... at the general climate of intolerance and negative public attitudes towards children, especially adolescents, which appears to exist in the State party, including in the media, and may be often the underlying cause of further infringements of their rights.199

Some of the challenges in relation to this were acknowledged by interviewees, including, for example: ‘the perception that children’s rights and parents’ rights are in conflict, a common misconception about the effect of the UNCRC in particular’. Few organisations involved in this research work directly with parents. An exception to this is the Children’s Law Centre, whose advocacy work on behalf of individual children facing legal issues can itself contribute to a better understanding of the value of children’s rights discourse in unexpected areas, especially as some of their clients may have been publicly opposed to it until the CLC provided assistance. Further challenges arise from a commonly held notion that rights must be connected to responsibility. For example:

... it’s really important that we keep using the language of rights on account of whenever we use it, we clarify any kind of misunderstandings. I really do believe the public actually throw the word rights about increasingly and especially after all of the flag disputes and everything the word ‘rights’ is just coming up all the time. So organisations who set themselves up as being children’s rights organisations aren’t coming out and properly informing the public of ‘Actually this is the rights and this is the implication it has on the young person and the public.’ So I think it’s important if you are informed and you do embed it into your practice and increasingly so that it’s really important to dispel any myths or misunderstandings. I think it’s a duty almost to not be afraid to do it.

This was considered especially relevant for certain groups of young people such as those in conflict with the law, and as one director put it, ‘people hearing ‘rights’, hearing ‘rights for hoods’’. A further challenge in terms of societal attitudes to children’s rights was about

CASE STUDY: Include Youth
Building a Constituency of Support

Include Youth employs a child rights programming model, which includes identifying key issues through a child rights situation analysis, developing programme interventions and advocating for the realisation of children’s rights through government implementation. This third pillar includes developing a constituency of support to advocate more effectively for sustained change.

Based on this model, Include Youth’s Objective 2 funding included a dedicated communications officer, which created opportunities for the organisation to adapt to developments in public discourse.

‘...you definitely need the public behind us... politicians as well listen to the media and follow the media and use social media.’ (Staff interview)

negative stereotyping of children generally in Northern Ireland society. Many interviewees identified the critical role of the media in terms of perceptions of children and their rights. One director suggested that the media:

... get away with saying about them what they could not say about a black person, or a person in a wheelchair or whatever. And, so, there is a piece of work from the children’s rights perspective, not a bit of research or not what young people think about us, but it’s about working with media and holding them to account, and delivering training. That needs to be done from a children’s rights perspective, and I think that helps change culture.

One of the ways in which these challenges were being addressed was through enabling children to produce and disseminate their own media and in doing so highlight issues that are important to them in ways that present young people in a genuine way.

Another strategy for engaging international standards in their advocacy work included inviting individuals who serve on the international treaty bodies or act as UN Special Rapporteurs to Northern Ireland to meet with children and young people, civic society and politicians and public officials. The CLC has a highly attended annual lecture delivered by high profile international human rights experts and chaired by members of the judiciary. Recent speakers have included:

- 2010: Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe – ‘The Protection of Children’s Rights in European Justice Systems’
- 2011: Professor Marta Santo Pais, Special Representative of the UN Secretary-General on Violence Against Children – ‘Protecting Children from Violence, a Human Rights Imperative’
- 2012: Professor Manfred Nowak, Professor of International Law and Human Rights, University of Vienna, Director, Ludwig Boltzmann Institute of Human Rights, Former UN Special Rapporteur on Torture
- 2013: Jean Vermatten, Chairperson, UN Committee on the Rights of the Child
- 2014: Professor Juan E Mendez, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - ‘Mental Health in Juvenile Detention: A Preventative and Human Rights Based Approach’

These visits and associated events are seen to serve numerous purposes, not least of which is the capacity building among attendees. These high profile visitors meet young people to listen to their issues and politicians and duty-bearers so that they can discuss and raise issues of concern.
USING LAW TO ADVANCE CHILDREN’S RIGHTS

INTERNATIONAL HUMAN RIGHTS LAW
One of the main advantages of international human rights standards is that they provide a legal basis for advocacy. The ways in which the international human rights treaties and regimes are used by grantees are many and varied. A common strategy is to refer to relevant principles in responses to government consultations, pointing out where proposed changes fall short of the state’s international commitments. Examples of this are set out in the table below:

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<thead>
<tr>
<th>Consultation</th>
<th>Human rights-based commentary</th>
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<tr>
<td>Custodial Arrangements</td>
<td>UNCRC arts 3 and 37(b):</td>
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<tr>
<td>Response to consultation on Custodial Arrangements for Children in Northern Ireland: A Department of Justice Consultation (Include Youth, 2013)</td>
<td>‘We do not believe that custody and best interests are mutually exclusive concepts. We welcome the fact that the Department is preparing to introduce legislation within the Faster Fairer Justice Bill, which inserts the ‘best interest’ text from Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) into the aims of the youth justice system. We trust this will be taken forward fully in the spirit in which the Youth Justice Review intended in compliance with the UNCRC as a principal aim rather than a second level concern restricted to welfare. We fully support the Youth Justice Review recommendation No 28 which states that Section 53 of the Justice (NI) Act 2002 should be amended to fully reflect the best interest principles as espoused in Article 3 of the UNCRC.’</td>
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<td></td>
<td>The Beijing Rules and The Riyadh Guidelines:</td>
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<td></td>
<td>‘Article 37b and other international standards affirm the placement of a young person in an institution should always be a disposition of last resort and for the minimum necessary period.’(Rule 19.1 and Guideline 46)</td>
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<td></td>
<td>‘The Beijing Rules state that a young person should not be deprived of their liberty unless ‘adjudicated of a serious act involving violence against another person or of persistence in committing other serious offences and unless there is no other appropriate response’. (Rule 17.1(c))’</td>
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201 These are illustrative examples drawn from regular and frequent reference to international standards in policy consultation responses.
**Youth Justice Response to the Department of Justice Equality Consultation for a proposed Justice Bill (NI) 2013** (Children’s Law Centre, 2013)  

| UNCRC art 3 | ‘CLC is extremely supportive of recommendation 28 in the Youth Justice Review that s. 53 of the Justice (NI) Act 2002 should be amended to fully reflect the best interest principle… The CLC has consistently raised its concerns about the fact that the current statutory aims of the youth justice system are not in compliance with international standards due to the failure to include the best interest principle within the Justice (Northern Ireland) Act 2002. It is the experience of the CLC that the failure of Government to legislate in the best interests of the child is widespread and there are a number of examples of criminal justice legislation in Northern Ireland which we believe to be in direct conflict with the best interests of the child. We therefore particularly welcomed this recommendation by the Review Team.’ |
| CommRC Concluding Observations - 2002, 2008 | ‘Also of relevance here are the Committee on the Rights of the Child’s 2008 Concluding Observations in relation to the United Kingdom which place an obligation on Government to ensure 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, including in the area of criminal justice and immigration.”  

This recommendation was also made by the Committee on the Rights of the Child in its 2002 Concluding Observations in relation to the United Kingdom.’ |
| General Comment: Children’s Rights in Juvenile Justice | ‘The Committee on the Rights of the Child has further stated in its General Comment on children’s rights in juvenile justice that: “In all decisions taken within the context of the administration of juvenile justice, the best interests of the child should be a primary consideration. Children differ from adults in their physical and psychological development, and their emotional and educational needs. Such differences constitute the basis for the lesser culpability of children in conflict with the law. These and other differences are the reasons for a separate juvenile justice system and require a different treatment for children. The protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders. This can be done in concert with attention to effective public safety.”  

The inclusion of the best interest principle within the statutory aims of the youth justice system would be a very welcome legislative step towards a youth justice system in Northern Ireland which is compliant with international standards and best practice.’ |

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Staff found it helpful to have the international standards to draw upon as a basis for their responses to consultations, seeing this as an important way of holding government to account. While some expressed frustration at having to repeat the same international standards repeatedly, this was described by one director as an integral part of the strategy: ‘constantly being a pain with the department, constantly being there, cajoling them’.

Human rights developments at an international level have also been harnessed in other ways. A good example of this is PlayBoard’s response to the publication of UN Committee on the Rights of the Child’s General Comment on the Right to Play in 2013. Building on a programme of work undertaken in anticipation of the Comment, its eventual publication was seen as an unique and important opportunity to raise awareness of the idea of play as a right and entitlement and engage both policy makers and those undertaking service delivery (such as local councils) in this area. PlayBoard worked with a group of young children (aged 8-12) to develop a child-friendly version of the General Comment, launching it a major event at which the Junior Ministers in OFMDFM announced a commitment of £1.6 million to support and develop play facilities across Northern Ireland.

**CASE STUDY: PlayBoard**

**Raising Awareness of the Right to Play: Child-Friendly Version of General Comment No. 17**

PlayBoard supported children aged 8-12 to conduct peer research and develop a child-friendly version of the UN Committee on the Rights of the Child’s General Comment on the Right to Play. In October 2013, the Junior Ministers, OFMDFM, offered very strong public commitments to the right to play and the CRC at PlayBoard’s ‘Driving the Play Agenda’ conference, where this research was launched:

Speaking at the event Junior Minister Jonathan Bell said: ‘Play is a fundamental right and an essential part of childhood. It promotes resilience, physical activity, self-confidence, social cognitive skills and is crucial to the development of brain structure.’

Junior Minister Jennifer McCann added: ‘Ensuring that our Children and Young People’s rights are promoted and observed, is a priority for the Executive. We must ensure our children live happy, safe and fulfilling lives and we are fully committed to the implementation of the UNCRC’.

**REPORTING TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD**

The CLC and Save the Children (NI) have led the co-ordination of an NGO alternative report from Northern Ireland for the past three reporting cycles (2002, 2008, 2015), which included input from the community and voluntary sector and academics, and supported young people to attend the Committee’s hearing in Geneva. The Committee:

... welcomes written reports and additional oral information submitted by child organizations and children’s representatives in the monitoring
During the UK’s third examination in 2008, the Children’s Law Centre supported a delegation of young people to Geneva, representing Youth@CLC, VOYPIC and An Munia Tober. Leading up to the next examination in 2015/6, Youth@CLC will be conducting research with support from the Children’s Law Centre, Save the Children and the Centre for Children’s Rights at Queen’s University. The group will present the findings of their research in a report to the Committee, and the CLC intends to support a delegation of young people to attend the pre-sessional working group meeting in Geneva.

In keeping with the Committee’s guidelines for reporting, the United Kingdom submits one State Party report on behalf Great Britain and Northern Ireland. The need for a Northern Ireland specific alternative report was stressed, however, not only because there are issues that are seen to be particular to Northern Ireland (such as mental health issues related to the legacy of the conflict) but because there are UK-wide issues that may be more apparent in this jurisdiction and therefore only raised by the Northern Ireland children’s sector.

An important opportunity provided by the international human rights regimes is the United Nations periodic reporting processes, particularly the reports to the UN Committee on the Rights of the Child. The director of the CLC emphasised how crucial the process is for children’s rights advocacy more generally since the recommendations of the Committee are then integrated into and used for policy and advocacy work. She observed that ‘We, probably more than any other organisation, use the Concluding Observations in our litigation and our policy work, etc. So what actually comes out of it, that’s very important for us’. For example, in its response to OFMDFM’s proposed Delivering Social Change for Children and Young People’s framework document, CLC noted:

CLC would urge OFMDFM to revisit this intention to ensure that the Children’s Strategy is the implementation mechanism for the UNCRC in Northern Ireland. This would clearly allow for a joint Children’s Strategy by Government which delivers on the Government’s commitments under the UNCRC through the renewed and revitalized delivery of an improved Children’s Strategy.

Such an approach would give effect to the Government’s obligations under the UNCRC In its 2008 Concluding Observations the UNCRC Committee urged the UK Government,

Securing recommendations in the UN Committee’s Concluding Observations

Drawing on long-standing concerns in this area, the Northern Ireland alternative report in 2007 highlighted the adverse impact on children of the use of Attenuating Energy Projectiles (AEPs) and Tasers by Police Officers for crowd control. The Committee noted its concern about these devices and recommended:

**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.**

(CRC/C/GBR/CO/4, 2008, para 31)

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205 Committee on the Rights of the Child (2009) General Comment No. 12: The right of the child to be heard, CRC/C/GC/12, para 131.

206 Children’s Law Centre (2014) Response to the Office of the First and Deputy First Minister’s Consultation on Delivering Social Change for Children and Young People, pp 8-9.
‘… 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.’

At the time of the interviews, many of the children’s sector organisations were beginning to prepare for the next NGO alternative report, which was to be led again by CLC and Save the Children with input from across the sector.

**CAMPAIGNING FOR REFORM OF DOMESTIC LAW**

Changing or influencing the content of domestic legislation is a key objective for many of the grantees. Since devolution to the Northern Ireland Assembly, there has been an opportunity to raise issues locally. This is particularly important for children’s organisations since advocating for changes in legislation in this context will often include the involvement of children and young people in these campaigns:

... it is all about trying to promote change, to try and listen to what the young people actually want and hearing their points of views... the whole purpose of it is that we are trying to form policy and we are trying to change laws. (Staff interview)

Public Achievement’s WIMPS (Where Is My Public Servant?) Programme provides an innovative way of connecting young people to politicians and enabling them to begin campaigns on local issues that are of importance to them and that will need to be addressed in legislation. One example of this is a campaign to lower the voting age to 16.

The provisions of the CRC are required to be incorporated into domestic law and much of the work and activity in this area is geared towards lobbying for child rights-compliant legislation. Many saw the UNCRC as the

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CASE STUDY: WIMPS

**Votes at 16**

**Our Goal**

To see the NI Assembly debate the reduction of the voting age here to 16

Why support my campaign?

If you can
- get a job at 16
- pay tax at 16
- join the armed forces at 16
- get married, set up a home at 16
then surely you should be able to vote at 16.

While the Northern Ireland Assembly does not have the power to reduce the voting age here, it should still debate the issue, talk to young people about how we feel about it, and escalate it through legal channels.

**Our Targets**
- Launch Campaign **within** 1 month
- Get 50 Supporters **within** 2 months
- Get Support from 2 MPs **within** 3 months
- Get support from 10 MLAs **within** 6 months
- Hold Debate with Public and Politicians **within** 6 months
- Debate in Assembly on Votes at 16 **within** 1 year
- Cross Community Assembly Support for Votes at 16 in principle **within** 1 year

(http://wimps.tv/campaigns/votes-at-16)

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207 CRC/C/GBR/CO/4, para 15.
main driver for and objective of law reform, with one director saying: ‘I mean the change is always about how we progress children’s rights as defined… by the Convention’. Organisations have been campaigning and lobbying on a range of issues, many of which have been identified as important by children and young people themselves. For example, young people from Include Youth led a campaign to ensure that the Educational Maintenance Allowance (EMA) was available to those on pre-vocational schemes, and they were able to enlist significant cross-party political support in Assembly debates:

Sammy Douglas, DUP MLA: ‘A number of Members have mentioned the young people who are currently on pre-vocational schemes such as Include Youth’s Give and Take programme. That is an absolutely fabulous scheme, but those young people feel, in some sense, let down by us in that they are unable to access the support that encourages participation and achievement in the schemes that we are highlighting today. They are not entitled to the means-tested education maintenance allowance received by their peers in schools, in further education colleges, on Training for Success programmes and in other situations.’ February 2012

Barry McElduff, Sinn Fein MLA: ‘Include Youth gave our Committee compelling evidence for why people on the Give and Take Scheme should be entitled to the EMA.’ February 2011

Ensuring that domestic law is compliant with international standards on children’s rights, and the UNCRC in particular is seen to be particularly important for the additional leverage that this can provide in terms of advocacy afterwards, with one director summarising it as follows: ‘It’s very powerful if you get the rights language in legislation’. Several interviewees mentioned recent proposals for reform of the youth justice system that had included reference to the Best Interests Principle in Article 3 of the CRC: ‘it’s been lifted very much verbatim from international rights standards, which is good… that’s a massive thing. We can use that for lots and lots of things then if we just get that in’ (Staff interview).

However, it was recognised that one of the limitations of advocating for law reform is that it is not a speedy solution to the problems of the young people with whom grantees were working. Although many of the issues organisations were campaigning and lobbying for came directly from the experiences of children and young people involved in their services, engaging with legal change remained within the remit of policy and advocacy teams, who were skilled to pursue longer-term strategies. This relationship was described by one staff member as follows:

… maybe if you’re a worker and you’re encountering a similar problem time and again with your young people you’re not going to be able to change legislation, guidelines, law, very, very quickly for them to stop that problem happening in three months, but the policy team will be working behind the scenes in response to consultations and making their own statements to government about what needs to be done such as our manifesto, that these are what we see from our discussion with young people. These are the things we’re trying to push forward that government aren’t maybe concentrating on at the minute.
LEGAL REPRESENTATION AND LITIGATION

The Children’s Law Centre is the only one of the grantees that has specific expertise in law and can provide legal representation, including at court. It runs a free telephone advice line for children and employs practicing lawyers who have waivers from the Law Society of Northern Ireland and can therefore instigate legal actions. Its particular expertise was recognised by the rest of the children’s sector, with many identifying it as their first point of contact when they had a query that had a legal dimension or were working with a young person who would benefit from legal advice.

One of the distinctive things about the Children’s Law Centre’s work is its rights-based approach and in particular its focus on children and their views. This is important in a number of respects. The first is in relation to taking of instructions. In the CLC’s case there is an explicit focus on the child as the client. This is explained by staff: ‘the child who is going to be the beneficiary of anything that we achieve in our negotiations… we bring them in, and I don't think that other lawyers would have that focus necessarily’. This was illustrated in the following example of a conflict arising in relation to the child’s school:

So if the child is competent and the parent says ‘I want this to happen in relation to my child’ and the child says, ‘Well no, actually, I don’t want you to take the school to Court because I have to go back in on Monday morning and I actually like my school’, we will take our instructions from the child, who is our client, and we will identify any conflicts between the instructions we are receiving from the child and his or her parents and address these. We will also advise the child if we don’t think that a particular course of action is in their best interests.

In line with the rights-based approach, staff emphasised that they wanted their work to be empowering for the child involved, and that they will always encourage and support a child to be heard in their own cases, for example, by arranging for them to speak at the Special Educational Needs and Disability Discrimination Tribunal.

The CHALKY advice and information service line covers a wide range of areas, which are catalogued under over 120 individual codes and categorised within the following themes: care, education, family law, general, human rights and justice. Between April 2012 and March 2013, 2,054 issues were raised with CHALKY. The case work is an important resource in itself, with advisors able to provide individual advocacy for children in many ways. However, the advice and case work also provides a knowledge base on which more strategic case work is based: ‘what we try to do is target strategic casework areas arising from issues that are coming up and particularly those that are recurring on our CHALKY Advice Line’ (Staff interview).

Staff described how the CLC’s strategic casework policy is used to assess cases and to determine which it should take forward, including assessing the following: key areas and the priorities; individual likelihood of success; whether there is a human rights or children’s rights element in the case; whether they can access legal services outside of the CLC’s pro bono work; and also the broad impact not only for the individual child but a group of children who might be a vulnerable class or group of children.
CASE STUDY: Children’s Law Centre

Hello My name’s Carla and I’m 13. I’ve got cerebral palsy but I’m lucky because I only have physical difficulties. I can walk a bit with help. I love horseriding, swimming and I’ve even been skiing on the Olympic run in Whistler in Canada. I was in a sit-ski and it was amazing!

I’ve always gone to an ordinary school and I was doing really well until they took my physical help away at the beginning of P7. No-one was allowed to help me walk anymore and I ended up sitting in my wheelchair all day at school. Suddenly my marks were awful, compared to what they had been and I was in a real panic because it was only seven weeks to my transfer test. My mum ended up teaching me at home and I was delighted to get an A. However when I went back to school things were the same. They said that nobody could help me get around because of health and safety. I felt like everybody mattered except me and although I knew it wasn’t right for me to sit in the same position for hours on end, that’s really what happened.

I’d always had Physio exercises in school and walking and I knew that if I had to spend almost my whole school day sitting I wouldn’t do well because I was uncomfortable and when you’re uncomfortable you can’t concentrate. I want to be a journalist or an RE teacher and you need to go to university for that. I thought that if things continued as they were I would never have the chance. It was a hopeless situation.

Then we found out about the Children’s Law Centre and when we phoned up they said they might be able to help. We went for meetings there and they said what was happening to me wasn’t fair and they would try to do something about it. And that’s what’s happened. There was lot of hard work and effort by lots of people in the Children’s Law Centre, legal stuff, lots of letters and meetings and a Tribunal. We even thought we’d have to go to Court, but thankfully it’s all been sorted out and now a Physio Assistant will be coming in to my school twice a week to help me.

Honestly, if it wasn’t for these marvellous people my future would be horrible. Now at least I know that if I work hard enough, I have chance of becoming a journalist one day, which is my dream. I felt that no-one listened to me and that because I was only a child I was just stuck with what adults decided for me. But the Children’s Law Centre stood up for me and now I know that my opinion does count after all. So at the start of this disastrous experience I was very shy and terrified to speak up for myself but now I have no fear. I want other children to know that if you have a major problem or if you think something’s not fair, never be afraid to contact the Children’s Law Centre. They will be there for you no matter what.

A second distinct element in the CLC’s rights-based advocacy is the persistent use of the articles of CRC in legal arguments. The CRC is not directly enforceable in domestic law but can be cited to aid interpretation of existing law including obligations on the European Convention on Human Rights (ECHR). It was suggested that there was an initial wariness among judges about using the CRC, but that this appears to be changing:

... they do tend more in more recent years to be happier to use the UNCRC as an interpretive tool for the ECHR. That is where there has been an increase in references to the UNCRC in judgements. (Staff interview)

This offered a distinct opportunity for using children’s rights-based litigation in the CLC’s multi-dimensional approach to strategic change, such as in the following example:
CASE STUDY: Children’s Law Centre

Strategic Use of the Law

I think that’s a very good example - you have your training, your policy, your engagement, you have your advice - and then litigation actually coming together in terms of advocacy for children and young people. (Staff interview)

Background: Through calls received from young people aged 16 and 17 on the CHALKY advice line, the CLC had noted an emerging trend that Health Trusts had been taking an inconsistent approach in the application of Article 21 of the Children (NI) Order 1995, which places a duty on Trusts to accommodate homeless children who meet specific criteria. Article 34 of the Order places an additional duty on the Trust after a child has been accommodated by the Trust under Article 21 for 13 weeks, to provide support, accommodation and care for the young person until they are 21 years, or longer if in higher education (up to 23 years).

Freedom of Information (FOI) requests sent to each Trust revealed that 199 16/17 year olds presented as homeless to the Trusts in 2012, and of these, only 42 were accommodated under Article 21 of the Children Order. Eighty percent were either not accommodated or did not attract the additional support services provided under Article 21.

Litigation: The CLC took a case in which the law was clarified to ensure that Northern Ireland’s Health and Social Care Trusts and Housing Executive should be using a sequence of questions in their assessment of a child in need under the Children (NI) Order 1995. A judicial review (JR66) was taken by CLC on behalf of a vulnerable 16 year old who had previously been hospitalised due to a deterioration in his mental health. He was released after a period of assessment and was not detained for treatment under the Mental Health (NI) Order 1986. When he presented himself as homeless to the Trust, he was referred to the Northern Ireland Housing Executive (NIHE) and then referred to the Simon Community, which is a support service for adults. He was not provided by the Trust or the NIHE with suitable emergency accommodation to meet his needs.

Strategic Outcomes: As a result of these proceedings, the Trust agreed to provide accommodation to the young person and consented to a declaratory judgment clarifying the Trusts duties under Article 21. The respondent Trust also agreed to engage with CLC to review and amend the ‘Regional Good Practice Guidance on meeting the accommodation and support needs of 16 – 21 year olds’, and the revised guidance was issued in March 2014. This guidance is used by all of the Trusts and the NIHE. An addendum protocol was developed to assist homeless young people coming out of Woodlands JJC and Hydebank Wood YOC after periods of detention. CLC was invited by the HSCB to participate in the delivery of training for key ‘frontline’ staff employed by the Trusts and NIHE when new Guidance was agreed. Awareness raising training has been provided by CLC staff to voluntary sector agencies who work to support homeless young people.

The High Court judgment was therefore successful in addressing the needs of this group of young people as a whole and not just the needs of the individual concerned. Since the JR 66 judgment, CLC has provided advice and support to approximately 30 individual young people in similar fact circumstances and has intervened with their local Trusts to resolve their accommodation needs without recourse to costly judicial review proceedings.
ENGAGING CHILDREN AND YOUNG PEOPLE IN ADVOCACY

While all human beings have a right to freedom of expression, only children have the right to have their views given due weight. Article 12(1) of the United Nations Convention on the Rights of the Child (UNCRC) states that:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

The inclusion of this additional obligation in the UNCRC recognises that children often lack power and influence in the decisions that are made for them and that, as rights-holders, they are entitled to be heard and to help shape the decisions that impact on their lives. The Committee on the Rights of the Child explains that Article 12 applies to both the decisions that affect individual children (such as decisions made about their personal healthcare and education) as well as groups of children (such as decisions made about local, national and international laws and policies related to criminal justice or social care systems).

YOUTH-LED RESEARCH AND CAMPAIGNING

PEER RESEARCH FOR ADVOCACY

Children’s Law Centre, PlayBoard and YouthAction N.I. supported children and young people involved with their projects to conduct research with their peers to support campaigns and advocacy work. This included questionnaires, interview techniques and using social media, such as Facebook, to encourage the inclusion of a broader group of children and young people in the groups’ advocacy work.

In 2012, Youth@CLC conducted a survey with Year 11 students in 13 secondary schools in Northern Ireland about the Independent Counselling Service. The group had been concerned that young people were not aware of the mental health counselling services available to them in schools or may not have been seeking help when they needed it due to fear of stigma or a lack of awareness about how to approach the service. Children’s Law Centre, with assistance from the National Children’s Bureau NI, supported Youth@CLC to conduct survey-based research exploring young people’s perspectives on these issues. The research report included recommendations for Government on how to improve service delivery to ensure that all children could vindicate their rights under the Convention to receive the mental health support they needed, when they needed it and for as long as they needed it.

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209 Committee on the Rights of the Child. 2009. General Comment No. 12 – The right of the child to be heard.
Youth@CLC presented the findings of the survey in a drama performance, ‘Opening Doors’, at the MAC theatre. This was attended by the Minister for Education and the Chair of the Health Committee for the NI Assembly and followed by a formal launch of their summary report ‘Young People’s Views on Accessing Counselling in Schools’ by the Minister for Education in the Long Gallery in Stormont. Youth@CLC received a letter from the Minister from Education setting out the steps that he and his Department would be taking to address the key recommendations in the report.

The Children’s Law Centre noted its commitment to campaigning alongside Youth@CLC on the basis of these findings, stating that ‘we will absolutely use and reference this research and the policy work that’s been taken forward by Youth@CLC when engaging in mental health legal and policy work at CLC’ (Staff interview).

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CASE STUDY: PlayBoard
Young Researchers and General Comment No. 17

The UN Committee on the Rights of the Child adopted General Comment 17 in 2013, elaborating on and exploring Article 31 in detail. PlayBoard supported a group of ten children (aged 8-12) to develop a peer survey-based research project to explore children’s attitudes towards play and the barriers they experienced in enjoying the right to play. The young researchers conducted face-to-face interviews with children using the questionnaire they had developed, and reported their findings at PlayBoard’s Conference in October 2013. The conference was attended by the Junior Ministers of OFMDFM, responsible for children and young people’s issues.

In preparation for this research, the Young Researchers learned about their right to play. With the support of PlayBoard, and through their research, the Young Researchers team developed an ‘easy-to-understand’ version of General Comment No. 17.

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Copies of the full report are available from CLC and on their website: [http://www.childrenslawcentre.org.uk/](http://www.childrenslawcentre.org.uk/)
**YOUTH-LED CAMPAIGNING**

Most grantees had experience supporting children and young people in youth-led campaigns. These campaigns centralised the priorities young people raised and created opportunities for young people to engage with decision-makers beyond policy-led priorities.

*I've done a lot of cross-community plays and things like that there and you always do workshops that come with it, but they're always really structured and you're told what you want to do and you're told what you want to discuss. Whereas when you come here – you're given support and help to decide what you want to talk about or what you want to do but it's kind of up to you, which is important because you don't want to be just being told what to do when you're not in school or something.* (Young people’s interview)

Public Achievement described its role in supporting youth campaigns as structuring the work by ‘building a box’ for young people to fill with their own agenda and areas of interest:

*They’ll understand what our agenda is – which is peace building, community relations, human rights – they’ll understand those things, but then they decide how they go about that.* (Staff interview)

This approach meant that young people’s priorities drove the campaign, regardless of strategic priorities of the organisation. For example, during the WIMPS campaign on punishment attacks, Public Achievement was able to support the young people on a difficult issue that is not addressed regularly by the voluntary or statutory sectors. Coaches and staff members offered guidance and support throughout by helping the young people to determine what they would like to campaign on and how to set incremental steps towards achieving their goals.

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**CASE STUDY: WIMPS**

**End all ‘punishment attacks’ campaign**

In June 2011, a WIMPS crew established a campaign to end so-called ‘punishment’ attacks in Northern Ireland. Almost half of the 272 attacks recorded between 2008-2010 had been committed against young people under the age of 24. A WIMPS crew member attended the Policing Board in October of that year and spoke on national radio programmes to raise awareness about the issue. The issue of punishment attacks became a focus of the Northern Ireland Policing Board’s Human Rights Report 2011, which received considerable media coverage.

The direct legacy of the conflict is a theme that many organisations highlighted as a key issue for young people that remains marginalised in children’s rights advocacy. Although it may not be within the strategic priorities of many children’s sector organisations, this youth-led campaign attracted considerable attention to the issue.
YouthAction N.I.’s Youth Work Apprenticeship Model includes three components – apprentices (young people aged 18-25) who have some experience of working with children and young people in their communities but who do not have youth work qualifications; community organisations in which these apprentices conduct placements; and young people involved with local community organisations, with whom the apprentices work to develop skills in active citizenship. This is a two-tier model of supporting young people and young adults to deepen their understanding and experience of youth advocacy.

Central to the model is young people’s development of local campaigns for issues that they identified as relevant to their lives. In one particularly successful example, the Transport Matters campaign built on these experiences and achieved regional change by securing a transport card for young people to alleviate the financial burden young people had identified for their peers.

Based on their experiences within their placements the apprentices developed their own models of youth advocacy, for example, the advocacy wheel. This model places youth advocacy at the centre of a series of developmental stages. That is, the model depicts the advocacy process as a central hub whereby young people can make their voices heard. The outer segments are ‘safe spaces’ where young people can develop their thinking and enhance

CASE STUDY: YouthAction N.I.
Transport Matters Campaign

In 2009, young people involved with YouthAction N.I.’s Community Leadership Programme identified public transport as an area of concern, and as a result, they conducted research into young people’s attitudes and experiences of using public transport. Following a successful partnership with the Consumer Council to conduct the research, the young people published their findings in a report, ‘Transport Matters’ in 2010. Apprentices from the North West, Belfast and Fermanagh participated in the research and presented their findings to the NI Assembly Committee for Regional Development.

Following this presentation at Stormont, the group persuaded Translink to follow up on one of the recommendations from the report: a discounted travel card for all young people up to age 25. The pilot included 144 young people across Northern Ireland, and the Apprentices encouraged participation through social media, including Facebook, YouTube and text messaging. Translink has now issued discounted travel cards for all young people up to 23 years in response to this campaign and research.
their confidence and communication skills. This process highlights the importance of involving young people from the start; therefore they can learn by doing and develop the necessary skills required. The process affords them the opportunity to learn about the issues that affect them, for example, the model places emphasis on consultation with external bodies, such as committee members and elected representatives, as a means to allowing young people to explore relevant issues. Additionally, crucial to the model is the opportunity to use their enhanced skill set to develop potential strategies to address these issues, to ensure their voices are heard and to reach the desired outcomes.

**Potential Challenges for Organisations**

Given the emphasis on children’s rights advocacy in this work, organisations reflected on some challenges related to locating the priorities children and young people raised within a children’s rights framework. Some grantees noted the potential tension in supporting young people’s campaigns. Include Youth noted that its Education Maintenance Allowance (EMA) campaign was unusual. In that instance, young people’s priorities fit strongly with the organisation’s wider strategic aims, to support marginalised young people’s employability, so the organisation was able to support the campaign fully:

… it’s variable - there are things such as the EMA campaign which came very much from young people. Young people said to staff ‘It’s not fair that we don’t get EMA and some of our friends do who are in mainstream training organisations or in education do’, so that was a campaign that we took on board as an organisation, put a lot resources behind; the young people were very central… (Staff interview)

Include Youth discussed the potential conflict of supporting youth-led campaigns when the issues young people identified fell outside the organisation’s priority areas. For example, some of the priorities raised by young people they worked with, such as moving children aged 15-17 from a juvenile justice centre to a young offenders centre (which accommodates young people aged 17-21) or legalising marijuana, were not appropriate for the organisation to pursue given its broader agenda to protect and promote the rights of children and young people.

These issues raise the importance of children and young people’s access to information, particularly about their rights, and the role of adults in supporting this. Include Youth described that capacity building around children’s rights was useful to exploring with young people how issues in their lives could be considered within a children’s rights framework:

… as an organisation we need to be clear that children and young people don’t always hold all the information that is necessary to best represent their best interests, to promote their best interests. So we need to decide as an organisation how we balance that and how we work with that tension. And that’s something that we’re currently doing. (Staff interview)

This ‘tension’ can be resolved from a rights perspective by acknowledging that children and young people have the right to information and adult guidance as they form their views. Indeed, organisations that did not work strictly within a children’s rights framework, such as YouthAction N.I. and Public Achievement, reflected also on a similar process of building young people’s capacity around how to locate their priorities within a framework of accountability. For example, YouthAction N.I. supported a campaign through the youth work apprenticeship scheme that identified the Department for Regional Development as a target.

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211 See for example, Lundy and McEvoy, 2012.
of its advocacy for improved transport services for rural young people. Although the language used in these campaigns differed slightly, each organisation worked to support young people involved in their projects to identify decision-makers responsible for making the change for which they campaigned.

INCLUDING CHILDREN AND YOUNG PEOPLE’S VIEWS IN POLICY-MAKING

The Committee notes that ‘If participation is to be effective and meaningful, it needs to be understood as a process, not as an individual one-off event’. Policy-makers in Northern Ireland are increasingly aware of their obligations to include the views of children and young people in decision-making processes. However, there is a sense among government representatives that public officials do not have the skills to consult with children and young people. In consultation with the children’s sector, the Equality Commission NI (2007) produced Let’s Talk, Let’s Listen guidelines for consulting and involving children and young people.

GRANTEES FACILITATING CONSULTATION

Grantees agreed that ‘It’s an assumption there within government that [consulting with children and young people] is what they should be doing’ (Director interview). However, despite this perception and the development of the Let’s Talk, Let’s Listen guidelines, grantees noted a lack of understanding among policy-makers about how to ensure consultation processes were accessible and inclusive. This was noted particularly in relation to vulnerable and marginalised children and young people. Thus, organisations working with these groups were often involved in facilitating workshops or consultation discussions for policy-makers.

Although grantee staff members recognised the importance of ensuring these engagements were respectful, and particularly that vulnerable and marginalised young people had support, their experiences contradicted the concern among public officials that exceptional methods for engagement were necessary:

No there doesn’t have to be. It can be an enjoyable experience – sometimes for young people, they love all that whole ‘Let’s get the flipchart papers out we’ll debate these things out.’ You see it as they get into more their teenage years, they love that sitting and debating things, so that sometimes is okay for them. The younger ones sometimes to be put into that is not [appropriate] – that’s why you have to create playful modelling. (Staff interview)

In addition to facilitating direct discussions between duty-bearers and children and young people, participation and research staff in some organisations facilitated alternative methods of including children’s and young people’s views in consultation process, such as consulting internally with young people involved in their projects and integrated these views into their own policy responses. In one example, CLC worked with VOYPI’s Independent Advocate at Beechcroft child and adolescent mental health service (CAMHS) unit to assist a young person in submitting a letter to the Head of the Bill Team at the Department of Health, Social Services and Public Safety (DHSSPS). This letter expressed his views regarding the legal obligation to declare a detention for treatment in hospital in the future and the impact that this

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212 Committee on the Rights of the Child (2009) General Comment No. 12: The right of the child to be heard, CRC/C/GC/12, para 133.
213 Byrne, Bronagh and Laura Lundy (2011) Barriers to Effective Government Delivery for Children in Northern Ireland, NICCY.
214 Ibid.
obligation may have on future opportunities including study, work and travel. The young person received a letter of acknowledgement from the Head of the Bill Team indicating that his views would be taken into account as part of the public consultation process.

In some instances, young people submitted their own response to a public consultation. For example, Youth@CLC submitted consultation responses to the DHSSPS Consultation on its Draft Policy for Developing Advocacy Services (October 2011) and the DHSSPS equality impact assessment (EQIA) on the Mental Capacity (Health, Welfare and Finance) Bill in October 2010. The latter was the only children and young people’s response submitted in relation to the EQIA consultation.

When organisations did not have a strong policy and advocacy role themselves, it was less likely that they would be involved with facilitating children and young people’s participation in consultation processes. As one grantee noted, the organisation took their lead from the campaigns and issues the young people had chosen:

… the important thing to understand is that we tend not to drive these things as an organisation, we tend to let the young people take the lead on them and give them all the kind of support and encouragement we can. So often if you say to young people, ‘Do you want to go on a committee to look at such and such?’ it’s about the last thing they want to do… (Director interview)

In these instances, engagement with policy-makers focused on methods other than public consultation processes, as discussed above.

AVOIDING OVER-CONSULTING
Despite the resource demands on grantees to include the views of children and young people in public decision-making, those engaged in policy discussions committed the resources to make sure this happened as regularly as possible. However, staff felt they needed to make decisions about the value of engagement for the children and young people involved. They described feeling that the demand to consult with children and young people through their organisations could become burdensome for the participants, many of whom were involved in other, on-going projects or campaigns of their own. More than a concern about consultations taking up too much time and resources, some staff and young people noted their frustration at feeling what they contributed was not taken on board.

Organisations described that the ‘judgement call’ about whether to reach out to and facilitate engagement with children and young people included how significant the policy would be:

It’s a judgment call… As far as we were concerned there was no point in having a play and leisure policy if children weren’t part of

Consultation ‘Burn-Out’
‘the difficulty we always had was that we went through a phase where we had the department coming down every week looking to consult, get a group of children together and consult and so on’. (Staff interview)

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‘it just gets frustrating because sometimes you tell people basically, you go up to them and you explain your experiences of some organisations… and then they either choose to listen or they completely ignore and just do what they feel’. (Young people’s interview)

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‘... you do have to be careful that you continue to engage [young people] in a way that they see as a meaningful use of their time.’ (Staff interview)
the process, it just made a joke of the whole thing. Why not just sit on a committee and write it and be done, stick it on a shelf. Other issues which are – if it doesn’t have a necessarily direct impact, we wouldn’t at the drop of a hat go out [to consult with children]. (Staff interview)

Policy workers discussed internal negotiation with participation workers to ensure that they were not drawing the young people away too regularly from the work the young people wanted to do or had gotten involved with the organisation to do:

… you do run the risk of total burn out or lack of interest from the young people if they’re not seeing any results or any feedback or whatever, so you need to be careful that it’s an area that they’re interested in, it’s an area that they have capacity to be involved in, and make those decisions with the like of [participation worker] who works with the youth group all the time and… with the youth group too in terms of what they’re interested in. (Staff interview)

Recognising the limitations of engaging solely through policy consultations, all the grantees were using methods beyond traditional consultation responses to influence policy-making. Working directly with policy makers in the development of a consultation document meant that there was a greater opportunity to influence the final outcome. Grantees also used a range of methods of direct engagement (discussed below) between children, young people and decision-makers; employed social media to develop online campaigns and raise awareness about their priority issues with a wider constituency of supporters; hosted and facilitated discussion events with key stakeholders; used Freedom of Information Act requests to obtain information to support their campaigns; conducted research with children and young people to confirm that the priorities raised by young people in the projects were experienced more widely.

**MEANINGFULLY INFORMING DECISION-MAKING**

Although grantees believed policy makers were much more aware of their obligations to consult with children and young people, there were concerns regarding: the extent to which these views influenced ultimate decision-making; persistent lack of accessible consultation documents; the amount of preparatory work needed for decision-makers to engage directly with vulnerable or marginalised groups. Grantees suggested that tokenistic involvement of children and young people had decreased. However, they described a sense among government officials that their obligations to consult with children and young people could be satisfied through quite limited processes. Grantees noted the Participation Network’s role supporting the public sector to engage with children and young people, but they noted that this coincided with a perception that ‘Article 12 has been implemented at one level… has been addressed, even though we would say that it hasn’t really because, you know, it’s a tick box exercise some of the time’ (Director interview).

Directors and staff were concerned about the extent to which policy-makers were influenced by consultation processes. All of the grantees had facilitated children and young people’s engagement with duty-bearers that went beyond consultation processes, although there was a
sense from many that it was still necessary to be involved in selected, strategic consultation exercises.

Grantees that took an active policy and advocacy role raised concerns about the time and resource intensive nature of responding to policy consultations.

… we started to really question how much impact they had. It was really time consuming, and it was nearly like you felt that if you didn’t do them you missed out...
(Staff interview)

This was discussed in relation to staff time, but particularly in relation to their role in ensuring the views of children and young people were represented meaningfully in both the organisation’s response and directly with government representatives. The traditional method of writing consultation responses was viewed as resource-intensive for policy staff, participation workers and children and young people asked for their views. Grantees questioned whether devoting time and resources to these activities were the most efficient way of influencing government decisions.

**CASE STUDY: VOYPIC**

**Review of Minimum Standards for Children’s Homes**

Department of Health, Social Services and Public Safety (DHSSPS) set up a working group in autumn 2012 to support the development of minimum standards for children’s homes. As a member of this working group, VOYPIC encouraged the inclusion of children and young people’s views early in the process, prior to the working group’s drafting of an initial consultation document.

To access children and young people’s views about what they thought it was like to live in children’s homes, VOYPIC conducted workshops with 57 children (aged 10-18) in 21 care homes throughout Northern Ireland, including each of the five Health and Social Care Trusts, as well as conducting an online survey. DHSSPS policy-makers were involved in the workshops, which offered an opportunity to hear directly from children and young people who would be affected by the revised policy.

VOYPIC noted that departmental officials ‘were petrified the first time, and then they went in. And these children were telling them about their life, and their right to privacy, and their right to eat whenever they want to be eating, and all those things weren’t there. And these people went back into the department, and the human bit of them like ‘I am a mother, and I couldn’t have this for my son’.’

In January 2013, young people presented VOYPIC’s recommendations from these workshops to the working group on the following areas: service planning; home comforts, facilities and amenities; support, security and problem solving; shopping, cooking and eating, access to all areas; life skills; and staying in touch.

Both the adult and young people’s versions of the public consultation, launched in spring 2013, were informed by children and young people’s views as a result of engaging these views early in the drafting process.
DIRECT PARTICIPATION
Direct contact between rights-holders and duty-bearers is a process that has been endorsed explicitly by the Committee, which has suggested that:

*It is important that Governments develop a direct relationship with children, not simply one mediated through non-governmental organizations (NGOs) or human rights institutions. In the early years of the Convention, NGOs had played a notable role in pioneering participatory approaches with children, but it is in the interests of both Governments and children to have appropriate direct contact.*

While the Committee has emphasised that participation must be ‘direct’, this does not mean that the contact has to be in person or indeed *in situ*. It does mean that the state actors are seeking children’s views actively (as opposed to being the passive recipients of NGO lobbying).

VARIETY OF METHODS
All of the grantees were supporting children and young people involved in their projects to engage directly with decision-makers and duty-bearers as part of their advocacy work.

These engagements included children and young people:

- Attending and hosting meetings with government ministers (e.g. Youth@CLC members meeting with ministers alongside international guest speakers);
- Presenting research findings to ministers and MLAs (e.g. PlayBoard’s Young Researchers presenting peer research on General Comment No. 17; Young Reps presenting the results of VOYPIC’s CASI survey; Youth@CLC’s mental health counselling in schools report; YouthAction N.I.’s peer research on youth transport needs);
- Giving oral evidence and answering questions at Assembly committee meetings (e.g. Include Youth presenting evidence on Education Maintenance Allowance);
- Sharing experiences with local MLAs in constituency offices (Include Youth);
- Participating in consultation processes facilitated and/or attended by public officials (Include Youth, VOYPIC, CLC, PlayBoard);
- Representing young people on statutory advisory boards (e.g. VOYPIC Young Reps’ involvement on Health and Social Care Board service user groups);
- Representing children and young people’s experiences during training of duty-bearers (e.g. young people involved with Include Youth sharing their experiences with trainee police officers);
- Asking questions of decision-makers at public meetings (e.g. WIMPS crew member raising questions about sectarian attacks at a Policing Board meeting);
- Hosting informal events for children and young people to discuss issues with decision-makers (e.g. YouthAction N.I. ‘Let’s Talk, Let’s Act’ events).

Grantees supported children and young people to participate directly by: working with duty-bearers to ensure participation was meaningful and respectful; working with children and young people to prepare them for direct engagement (e.g. information about how Committee hearings are conducted); encouraging individuals’ participation within other areas of the groups’ work until they were comfortable with direct engagement.

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VALUE OF DIRECT PARTICIPATION

In their observations of the impact of direct meetings for the duty-bearers involved, NGO staff emphasised that it gave the government officials a different but realistic insight into what the issues were for children:

*I think what they would say is it’s a bit of a reality check to a large degree... these guys [civil servants] are so detached at times from the reality of a child’s life. It gives them a new perspective.* (Staff interview)

*... when we meet any person who’s at a government level or in a position of some sort of authority and they come and actually meet the young people face-to-face, they can’t avoid any more dancing around the issues or not really facing up to what needs to happen on behalf of young people.* (Staff interview)

More than just a different perspective, however, staff members explained that hearing children and young people’s views and experiences directly seemed to result in a shift in understanding of the issues:

*As soon as they hear it from young people, somehow it’s different.* (Staff interview)

*The penny drops. This works.* (Staff interview)

Although grantees noted the significance of having dedicated policy and advocacy workers in order to build relationships with public officials (discussed below), they explained that some of the most effective relationships were built when decision-makers met children and young people. Relationships with civil servants were considered critical to making progress:

*... it’s putting the public servants into a space where there’s a physical space or a sort of metaphorical space where they’re challenged to think differently and to realise, ‘Oh yeah, that’s the impact we’re having by doing this -’. You know, it’s those kind of moments of realization. And it can take the time to kind of build that relationship to get to that kind of point.* (Director interview)

Organisations that worked throughout Northern Ireland saw the value in connecting children and young people
directly with their local politicians. For example, Include Youth described arranging meetings between local MLAs and young people in their constituency, rather than lobbying through Stormont in all instances:

"... if I bring him young people from [his constituency], he’ll have a conversation of ‘Oh! I know your granny!’ But also [the young people] will tell them the realities of living in [area]. That’s priceless. That is the feedback that we have had that makes people open to include Youth documents is that they’re going to hear what young people think about these things. (Director interview)"

Some young people argued that decision-makers ‘listened better because it was a young person saying it’ than they would to an adult representative. One young person explained that ‘what struck [her] most’ about engaging directly with a decision-maker was that ‘it was us being able to ask about decisions that were being made about us’. As one young person pointed out:

"This is a person making decisions about me every day of his life but I’ve never spoken to him. So I think that was what I liked the best, getting to speak to the people that are making the decisions because it never happens really."

A potential advantage of direct engagement is the fact that they are more personal, both duty-bearers and rights-holders were able to put a human face to decision-making. The immediacy and opportunity for interaction were identified as positive consequences of direct meetings.

**CASE STUDY: Children’s Law Centre**

**Mental Health Counselling in Schools**

Youth@CLC chose to present the findings of their peer-led research on mental health counselling in schools through a drama production at the MAC theatre. The Minister for Education was invited to sit on a panel following the second night’s production, and Youth@CLC members and other pupils invited from participating secondary schools had an opportunity to pose questions directly to the Minister during this discussion. The group later hosted a formal launch of their report in the Long Gallery in Stormont, at which they asked the Minister direct questions about how he and his department would take forward the findings of their research. The Minister subsequently wrote to CLC addressing the key recommendations highlighted in the drama and report and detailing the steps that he would be implementing to address their concerns.

Direct engagement creates opportunities for rights-holders to meet those who are responsible for making decisions that affect them. Provided that the ‘right’ people (both children, young people and decision-makers) are in the room, such engagement seems to lead to better understanding of the issues by decision-makers and greater understanding of the wider picture of decision-making for children and young people. Some young people felt that because they had shared their views and experiences directly, individual decision-makers seemed more accountable for addressing their concerns.
Equally, when adults do not listen, are dismissive of children and young people’s views, use inaccessible language or do not engage responsively with relevant questions or follow-up actions, these experiences are likely to frustrate or dishearten participants. Many young people who had been involved with projects for three or more years felt that little had changed despite the work they had done to bring particular issues to the attention of duty-bearers. Conditions should be put in place to ensure that all children and young people feel their views and contributions have been acknowledged, valued and taken seriously by others in the room.

Staff members explained that young people’s direct attendance at meetings with duty-bearers was not always considered appropriate, strategic or in line with the best interests of the child as required by Article 3 of the UNCRC.

_There are groups of children who don’t want to consult or don’t want OFM[DFM] there, they’re happy to give their views but they don’t want to make their views known. And that would be more minority groups I think... They want their voice heard but I just don’t know at what level... I think it is that relationship. I think it is trust._

(Staff interview)

Indirect engagement, such as organisations representing young people’s views in written consultation responses or in their professional engagement with decision-makers, was considered useful and important in many instances. When determining the value and appropriateness of children and young people’s direct engagement, grantees balanced logistical barriers, such as children and young people being in school or employment when government officials and politicians usually meet, the desire to advocate successfully for change and consideration of whether participation was in the best interests of the child or young person.

**SUPPORT FOR CHILDREN AND YOUNG PEOPLE’S ENGAGEMENT**

**LEGAL CONTEXT**

The Committee recognises that ‘NGOs and civil society organizations have developed practices to support children, which safeguard the transparency of representation and counter the risks of manipulation or tokenism’.

**PRACTICAL SUPPORT**

Children, young people and adults all raised the practical need for support to facilitate children and young people’s meaningful engagement in advocacy. Basic but essential support was provided, for example, through staff members arranging meetings with politicians and other decision-makers. As one young person noted:

... there’s certain things that we as young people can’t really organise, like things to do with politics or things that need to be done like during the day for our campaign - we’re at school during the day so we obviously can’t be involved in that aspect, and so I think it’s more a joint kind of thing. (Young people’s interview)

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216 Committee on the Rights of the Child (2009) _General Comment No. 12: The right of the child to be heard_, CRC/C/GC/12, para 129.
Staff members noted the significant time and relationship building that was necessary to support many of the young people they worked with to participate meaningfully:

‘... the whole process, we work with young people, we inform them the whole way through, so they are very, very well informed of what they’re getting involved in and what the participation actually means, so they know that if they are involved in something like consultations, they know that process, that they’re getting involved, their voice is going to be heard, this is going to be actioned and then the feedback then that they also get are reciprocated kind of informed feedback from whoever the consultation is for or on behalf of...’

(Staff interview)

Barriers to children’s and young people’s involvement include the unspoken cultures of adult formats, such as what to wear and when to speak at Assembly Committee meetings. These barriers can become prohibitive for young people who do not have support from adults whom they trust. Young people explained that encouragement from trusted staff members was critical to their participation:

‘... she texted me on both of the days that I was in it [as a delegate to a conference] to make sure that I had arrived okay, and texted me at the end to see how it went. Even though she wasn’t there, she was just making sure that I was okay in that day.’

(Young people’s interview)

Since many organisations were working with young people who were marginalised from formal mechanisms for participation, these small-but-essential signs of support were considered crucial to their continued and meaningful involvement.

**Supporting children and young people to express their views**

‘... you need to have built their confidence prior to [public engagement]. You’re not sending them into a situation where they’re going to absolutely freeze and think, ‘Well here’s another thing in life that I’ve been bloody rubbish at, and this is horrible and I hate this and I feel under pressure and why did I come here anyway? I shouldn’t be in that group anymore. In fact I’m just going to stay at home now.’ Because that’s actually going to happen if you throw them in, they just completely back off, disengage, and think, ‘Why would I even take part in that? That’s really not for me.’

So you've got to make sure that they have come through and that they’re interested, that they’re telling you they’re interested, that you’re planting a seed of a suggestion, that it’s not in any way a demand or a direct request. You’re planting a seed early on that these might be the sorts of things you can do and join in if you want, but nobody’s going to come and be like, ‘We need somebody to do a presentation. How do you feel about doing a presentation?’ You’re really, really bringing them on a journey where you’re showing them little glimpses of what it is we do as an organisation and that other young people have done and that, well you could do that too, you know.’

(Staff interview, VOYPIC)

**ENGAGING MARGINALISED GROUPS**

Some of the grantees worked to engage younger children or particularly vulnerable or marginalised groups, such as those in care, those who were not in employment, education or training or those involved with the criminal justice system. Young people from these groups experienced additional barriers to participating in public decision-making often, such as being more familiar with adults making decisions about even basic aspects of their lives (e.g. for young people in care), not being accustomed to talking about their views or being averse to standing out. Moreover, some
grantees suggested that marginalised or vulnerable children and young people needed additional support to be in place in order to participate meaningfully:

*They don’t always slot in well. They get very uncomfortable in certain environments.*

(Director interview)

Organisations working with marginalised groups explained that facilitating engagement between these groups and duty-bearers required capacity-building for all those involved:

*Any meeting our young people go to they’re prepped for twice as long as the meeting before they go, and... they’re debriefed for the length of the time of the meeting afterwards.* (Director interview)

*... when you’re getting [politicians] to do engagements, it’s actually a hell of a lot more work than people think. One, to prepare the young people, and secondly, to prepare the powerful person, the decision-maker... often, the best way we do it is to facilitated conversation.* (Director interview)

This behind-the-scenes work to build the confidence and capacity of young people, as well as duty-bearers, to engage was described as resource intensive, particularly in staff time. However, without this work to facilitate such engagement, staff members suggested that the gap between adult decision-makers and vulnerable or marginalised young people could not be overcome.

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**Confidence through Participation**

I felt nervous before but after it I felt better because I got my point across, not just for me but for other people. It was really good.

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I was like really nervous about doing it. It went really well, I felt brilliant afterwards for doing it.

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It felt great... you were making other people feel happy... what you were doing... They were like, all the people I asked, do you know? And like just even asking about them they were like, ‘Oh, this is sweet, you’re doing this for me,’ and all. I like doing things for other people, so.

(Young people, Include Youth)

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**CONFIDENCE THROUGH PARTICIPATION**

Many of the grantees discussed the increased confidence young people gained in themselves and their interest and capacity to express their views through supported practice engaging in participative processes:

*... you find young people come into the project and they may have low self-esteem... and they may have a limited sense of what they can accomplish with their lives. What you tend to see through the project is that people’s aspirations start to change.* (Staff interview)

For groups working with particularly vulnerable young people, this process of confidence building could take months or years of sustained support. An important feature of the support described by both staff and young people was that the organisations encouraged children and young people to take on more active and direct roles in expressing their views, but this was through invitations to practice in supportive environments.

Some grantees discussed the role that crediting young people’s involvement and participation in various aspects of the work had in sustaining their
engagement as well as building their confidence to take on other challenges:

... there were some young people in our Young Reps [programme] who may not have achieved education and have achieved in other aspects of their life, but through being a Young Rep they’ve been involved and they’ve been given certificates, they’ve been given appreciation, they’ve been given adulation, and it really does build their self-esteem and confidence and being a part of something and something really positive. (Staff interview)

Young people agreed that opportunities through their work with the organisation had built their confidence:

... that real issue of confidence because the likes of having to go to Stormont and speak to MLAs and the DRD [Department of Regional Development] Committee and things, I would never have done that! I would never have dreamt of doing that, I never thought it was something that I would be involved in, so I suppose confidence in that sense. (Young people’s interview)

VALUE AND CHALLENGES OF ORGANISATIONAL SUPPORT

Grantees described clearly some of the limitations for engaging children and young people in public decision-making. The timescale involved in policy-making means that children and young people are consulted often on issues that will not change at a rate that would make a difference in their immediate circumstances. Part of working with children and young people during these processes for grantees, then, is helping to build awareness about the broader effect of their participation on other children and young people’s lives:

Those individual young people who are consulted, it won’t change for them and they need to be able to realise ‘What I’m doing is going to have a positive impact for a much wider group of young people’. (Staff interview)

Many groups identified persistent concerns about the level and appropriateness of feedback from decision-makers after children and young people were involved in a consultation process. Related to the issue of timescale, grantees highlighted the importance of formal acknowledgement of children and young people’s contributions to these processes, even if the decisions would be taken after the young people had left the projects:

We can go back to them and say, ‘This is what has been happening,’ but the government doesn’t tend to come back to us, and that’s a flaw in the consultation process because obviously they’re supposed to get feedback in terms of their obligations but they don’t. (Staff interview)

Grantees and young people raised the concern that an increasing awareness of the importance of including children and young people’s views has meant that their views are sought often on issues they did not feel were relevant to their lives or experiences.
Many grantees noted the challenges for facilitating meaningful participation of children and young people included the *time and resources* the organisations dedicated to supporting those with whom they worked. Firstly, policy workers were conscious that they did not want to ask too much of the young people’s time. Secondly, staff members recognised the challenges of reaching a wide audience for consultation or engagement on a particular issue:

… *that practice work, it’s very time intensive, small, how does that compare to if we take a massive approach that we send questionnaires out to primary schools…* (Staff interview)

… *our funding is limited in terms of how you would access all young people from across different groups and from across Northern Ireland.* (Staff interview)

Finally, grantees noted considerable resource demands required to employ dedicated participation staff members who had the capacity and skills to engage young people meaningfully on policy-related issues:

… *it’s not resource neutral - it’s about getting funding to actually do it, and at the current time it is very difficult, unless you have somebody like the AP who sees that.* (Director interview)

… *you will get funding to provide services to young people, but to engage in the way we would like to do, to empower people and to vindicate their rights - in terms of employing youth, participation work - it’s actually quite hard.* (Director interview)

As discussed elsewhere, many grantees raised a concern that their current capacity to work with children, young people and decision-makers to build capacity for meaningful engagement was limited. Many believed it would be difficult to find other funders beyond Atlantic Philanthropies to support dedicated staff resources to this kind of work, despite the notable contribution made to the organisation’s strategic advocacy work, as well as their promotion of children’s rights.
BUILDING EFFECTIVE AND STRATEGIC ORGANISATIONS

INTEGRATING POLICY AND ADVOCACY

DEDICATED POLICY AND ADVOCACY STAFF

Although many of the grantees received funding to support policy and advocacy work, this created a new opportunity to focus on political change for the first time for some organisations. PlayBoard received funding in 2009 to develop a strategic and operational play advocacy programme, which included the hiring of two play development officers, a senior research and policy officer and a senior advocacy officer. This play advocacy programme ‘operated during a period of economic insecurity and cuts to public services - bringing added significance to the Programme as play and leisure often are not considered essential services and without consistent lobbying are likely to slip from the policy agenda’.

I suppose we had a concept that we, as an organisation, didn’t have the capacity to act, and we didn’t have the expertise either, in fairness to take on an advocacy role. But we knew that was something that was very much missing... [we] actually started off looking at research - the evidence of an informed framework etc. ... we wanted to strengthen the capacity of this organisation to be able to take on that role and to build the research agenda and the advocacy agenda into court. Then using that as a tool we wanted to have a great strategic understanding of the benefits of play. So that was what we got funded for. (Director interview)

Having dedicated policy and advocacy staff members meant that organisations could build relationships with duty-bearers and sustain their engagement with decision-makers:

I think having that [advocacy] post made a huge difference, and I suppose that’s why it was successful in that I was able to spend time kind of making relationships with MLAs or policy advisors within parties and all of the key people, that was something that we couldn’t – we did it before but very ad hoc, whereas because the post had been created it meant that it was part of my role to go and do that. And I think that’s why it was successful. (Staff interview)

Relationship building also helped grantees become more effective as policy workers learned where the levers for decision-making were:

... where you have officers at a certain level who maybe aren’t as interested in children’s rights... we have the senior people have bought into it, we’re able to exert a different level of pressure so you’re able to constantly keep the issues [on the

Building Rights into an Organisation

‘A piece of what we’re doing is formalizing our systems and processes... so that staff are confident in using language of rights, and most importantly young people understand what their rights are and that their rights are being fulfilled.’ (Director interview)

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agenda] – drip-feed them in, constantly raise them up the departments’ agenda. (Staff interview)

PlayBoard suggested that without the dedicated policy and research and advocacy posts, it would have been unlikely to have achieved Northern Ireland’s Play and Leisure Policy. Staff members stated that the organisation would have been involved in advocating for the right to play, as it had done previously, but the dedicated staff allowed for more strategic influencing, which resulted in the successful development of a regional policy.

Mainstreaming Advocacy

Some grantees were funded to develop policy and advocacy teams that would both consolidate their advocacy position within the sector and develop the role of research, policy and advocacy throughout the organisation. As one staff member explained, ‘We are really trying to achieve a full organisational approach to what we’re trying to do around children’s rights’. For example, Atlantic Philanthropies funded PlayBoard to employ play development officers, whose capacity was built to facilitate and support research for the new policy and advocacy team. VOYPIC also described the strategic restructuring the organisation undertook as part of its child rights advocacy funding:

… what we wanted to do is to get us to be a policy advocacy organisation... what we were able to do was to look at how we restructure our organisation. Phase 1 was to separate policy research from operations and build that policy model... (Director interview)

Include Youth noted that the role of influencing decision-makers had been held previously by the director and a senior policy manager. The new staff structure meant that policy and advocacy responsibilities:

… expanded first to include policy team staff and now that is even filtering out more where we’re getting practitioners I think doing some more of that face to face work as well. So there’s a massive change from it being potentially the director with a decision maker, and I think that’s how it worked a lot. So that has all dispersed. (Staff interview)

Staff members felt this created greater opportunities for consolidating the organisation’s messaging and influence, because individual policy officers could dedicate more time to developing specialist knowledge of the key areas of work and practitioners could be supported to speak on issues from their own areas of expertise – ‘there’s now a much wider team of people really specialising on just a few issues’ (Staff interview).

One grantee noted that the most powerful advocacy tool was drawing on the resources available within the organisation to bring the direct experiences of children and young people forward. The rationale for mainstreaming advocacy was informed also by recognition that funding for dedicated policy and advocacy staff was likely to diminish when AP completed its funding. Building the capacity of practitioners to see their work as advocacy work as well was part of a sustainability strategy for three of the organisations.

Challenge of Sustaining a Policy and Advocacy Presence

Organisations were clear about the benefits of mainstreaming advocacy and building the direct knowledge from practitioners and the children and young people involved in their services into the advocacy positioning. However, some grantees noted the potential danger of this approach from a funding perspective. There was a sense among many grantees that
advocating too firmly could threaten funding for other parts of the organisation. Many noted the significant role of Atlantic Philanthropies’ funding of policy and advocacy staff teams for this reason.

In addition concerns about how to sustain funding for policy and advocacy workers, grantees noted the external challenges of sustaining relationships with decision-makers. While these relationships were considered critical to potential advocacy ‘wins’ and progressing the implementation of children’s rights, many of the organisations raised concerns about the high turnover of staff in government departments. As one director noted, this could disrupt otherwise successful campaign work:

… the problem is if you turnover a staff - you get it right with people and then someone changes, and they don’t understand what’s going on. Then you’re back to the beginning again.

One grantee noted that Assembly elections and changing mandates for departments exacerbated these challenges in sustaining government priorities since Ministers are not bound by the previous Minister’s priorities or commitments. Although they described the value of building relationships with those involved in writing public policies, this left them vulnerable to losing ground developing a relationship with new officials.

CHILDREN AND YOUNG PEOPLE ENGAGING IN GOVERNANCE

LEGAL CONTEXT

The Committee states that ‘structures for formal representative participation in local government should be just one of many approaches to the implementation of Article 12 at the local level, as they only allow for a relatively small number of children to engage in their local communities’. Opportunities for young people to participate in the governance of organisations advocating for their rights can facilitate greater accountability to children and young people. Mechanisms for including children and young people meaningfully in such governance structures and more informal advisory roles varied greatly within the grantees. Common strategies included direct involvement on advisory boards or panels and contributing to the development of policy positioning in formal and informal ways.

ADVISORY BOARDS

Grantees employed a variety of methods for engaging children and young people on advisory boards. For example, VOYPIC supports a group of Young Reps in each of the five health and social care trust areas in Northern Ireland. Young Reps are supported to raise issues from their peers with VOYPIC and to develop and shape their own projects, within their areas and on a regional basis with other Young Reps groups.

They work very much to kind of advocate from a peer perspective for young people.

A lot of the young people would feel very strongly about all young people who are marginalised, so they do a lot of work in terms of citizenship and identity and things like that which are very pertinent issues for young people in care, whether that’s through extreme identity or lack of identity… a lot of the times they would try and do kind of wee help things for their younger peers. (Staff interview)

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218 Committee on the Rights of the Child (2009) General Comment No. 12: The right of the child to be heard, CRC/C/GC/12, para 127.
Public Achievement includes young people directly on its board. Include Youth’s central advisory group advises on projects such as reforming class times and sizes for the Give and Take scheme. PlayBoard took a decision not to have a children’s advisory board or reference group and focused instead on building the capacity of staff working within the practice dimension of the organisation to inform the research and policy direction.

**INFORMING POLICY POSITIONS**

Grantees that employed policy and advocacy workers as part of a multi-disciplinary approach to advocate for children’s rights, described a range of methods for ensuring that children and young people’s views were included in their policy positions. Children’s Law Centre, Include Youth, PlayBoard and VOYPIC took specific efforts to ensure the experiences and priorities of the children and young people they worked with through other strands of their organisation, such as education and training, play work, advocacy or legal advice, fed into the organisation’s strategic policy direction:

... the paradigm was that practice informed a research agenda which would inform a policy agenda, so coming back from that child’s eye view, so anything that we were doing as an organisation we were engaging directly to it. (Director interview)

... we’re getting the relationship better where we are working together and young people are the experts and I feel I would go to them a lot and I would go through participation teams and they would help inform the response of VOYPIC in terms of consultations. (Staff interview)

Some policy staff members worked directly with young people involved with the organisation when developing specific consultation responses. For example, with the support of participation workers, Youth@CLC informed policy consultations and developed their own responses in some instances:

... we wouldn’t be consulting Youth@CLC on every single consultation response that is done, but you would absolutely be consulting and facilitating Youth@CLC to make their own consultation response or feed into our consultation responses if it’s an area that they’re interested in. (Staff interview)

**CASE STUDY: Include Youth**

**Informing Policy Positions**

Include Youth’s Young Voices project aims to draw upon the direct views and experiences of young people involved in their programme work, such as the Give and Take scheme, and involved with the criminal justice system. Include Youth considers this consultation ‘as a means to improving the effectiveness of our services and gaining young people’s insight to assist in the development of our policy positions’.

‘Central to [Include Youth]’s success has been its direct involvement with marginalised young people and the use of this engagement in collecting evidence to support its policy positions and also to facilitate young people’s direct engagement in advocacy processes.’ (Martynowicz & Moore, 2013)

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219 For VOYPIC, PlayBoard and Include Youth, this work developed as a result of Atlantic Philanthropies’ Objective 2 funding.

220 Youth@CLC has submitted its own consultation response to the DHSSPS Consultation on its Draft Policy for Developing Advocacy Services (October 2011) and the DHSSPS EQIA on the Mental Capacity (Health, Welfare and Finance) Bill (October 2010). The group will submit a response to the Department of Health,
Children’s Law Centre noted the critical role of Youth@CLC in developing policy responses:

> I often think that I know what they think, and I know what they would say, but I’m always wrong about that... it is an incredible eye-opener, and there are times that they say things to me that not only did I not think of but I couldn’t have put it as well actually. (Staff interview)

Include Youth has a target that 90% of its policy work will be informed directly by the views of young people, primarily through including their views in consultation responses. The inclusion of marginalised young people’s views in Include Youth’s policy responses stood out as a critical way to engage the views of harder to reach groups. 

**CONTRIBUTION TO ADVOCACY**

Grantees that engaged with children and young people on a consistent basis, through participation workers or supporting representatives in an advisory capacity, discussed the significance of longer-term and sustained involvement. This allowed for relationships to be built with children and young people, which in turn enabled the grantees to negotiate what issues the children and young people wanted to be involved with.

From an advocacy perspective, grantees explained that policy-makers listened to them more when the organisation included the direct views and experiences of children and young people affected by the issues. For example, Include Youth noted that:

> … what some decision-makers like about Include Youth - was that it was practical, the young people were involved and the local staff were involved. People who knew what it was like to live in those communities. Particularly with politicians, who really care about what their constituents think...

(Director interview)

Findings from Include Youth’s evaluation demonstrate that politicians found this strategy influential in their decision making, noting ‘as one MLA put it, while written briefings are useful, ‘statistics don’t speak as loud as young people’s direct experience’. 

**PRACTICAL CONSIDERATIONS**

Organisations were considering the most effective and rights-based methods for engaging children and young people in their governance. They considered in particular the constraints of adult forums, such as strategic planning meetings, which do not offer opportunities for meaningful participation:

> … that’s my concern because they’re adult constructs. And there are different ways. There are ten different ways of skinning a cat and if you want young people to express their point of view then you've got to do it in a way that they’re going to engage with it, and you can’t use adult constructs to get that information. (Staff interview)

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Social Services and Public Safety and the Department of Justice’s Consultation on proposals for the Draft Mental Capacity Bill NI.


Include Youth was engaged in a review of young people’s involvement in the governance of the organisation. At the time of the research, they had young people’s advisory groups in all regional offices, and a central advisory group for the Give and Take scheme.

Although organisations pointed to the importance of engaging young people’s views effectively in their policy work, some noted the challenges associated with this. Concerns about funding for rights-based advocacy are discussed (above/below), but having a practice dimension to the work was both a strength, because it meant the policy and advocacy could be grounded directly in young people’s experiences, and a liability for being able to take strong policy positions against government departments that often had a role in funding these services.

**WHOLE ORGANISATION APPROACHES**

Four grantees employed a whole organisation, or multi-dimensional, approach to advocacy, which foregrounded the experiences and views of children and young people. These organisations had received funding through Objective 2 to develop systematic approaches through which practice workers facilitated the inclusion of children and young people’s views in internal and external policy development and policy staff built the capacity of practitioners to employ children’s rights language and tools in their work ‘on the ground’. Part of ‘taking people on a journey’ as described above, was to build the capacity of youth workers and participation workers in these organisations to see their role in advocacy for children’s rights.

I think it’s important if you are informed and you do kind of embed it into your practice and increasingly so that it’s really important to dispel any myths or misunderstandings, I think it’s a duty almost to kind of not be afraid to do it sometimes. (Staff interview)

**COORDINATED APPROACH**

The organisations that worked in this way explained the importance of being able to draw on the direct experiences of the children and young people involved with other aspects of the organisation. For example, the VOYPIC policy team described the role that participation and advocacy workers had of hearing the issues of significance within the young
people they worked with and filtering those to the policy team to take forward. Include Youth staff also worked to build on individual experiences of young people involved with their programmes, such as the Give and Take Scheme, to influence at a more strategic level:

... it is linking it, from the individual to the big picture, and that is where policy and practice link in, and that is when we are most effective, when we link both those disciplines.

(Staff interview)

The Include Youth communications officer’s role has been to ensure all aspects of the organisation’s work contribute to a clear and consistent message related to the change objectives established through the children’s rights situation analysis. This relates to formal media outlets, but staff members explained:

... if we’re doing written briefing papers or oral briefings, how you actually do that and what’s the most effective way of doing that, those skills, and whether it's [communications officer] you brought in people to do actual training with us now... as an organisation, being effective in our communication. And the fact that we’ve got an excellent website now and just getting our message out and making it very timely, up to date, accessible, all of that.

VOYPIC has developed an online survey seeking the views of children and young people in care on the issues affecting their lives. Based on these surveys, VOYPIC has recommended, for example, that children and young people in care should: be encouraged and supported to contribute to their care/ pathway plan; enjoy safe and beneficial contact with their family and friends; and be encouraged and supported when leaving the care system, i.e., to find work etc. VOYPIC also recommended that data analysis should be undertaken to

CASE STUDY: VOYPIC

Political Manifesto based on CASI survey

The ‘Our life in Care’ survey results informed VOYPIC’s policy manifesto (2013), which called for a situation in which all children and young people in care:

1. **Voice** their views and wishes in the planning and decision making for their lives
2. Have a statutory **right** to independent **advocacy**
3. Are supported to keep in touch and enjoy **contact** with family and friends
4. Enjoy appropriate, settled and secure **placements**
5. Are protected, **safe** and never exploited
6. Are reflected in positive **images** and news stories that challenge and correct stereotypes
7. Are supported to succeed in **education**, training and employment
8. Are supported to make successful transitions to **independence**, adulthood and economic stability
9. Are supported to address risky behaviour and minimise contact with the **justice** system
10. Enjoy good **health and well-being** while living in and after leaving care


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223 VOYPIC (2013) *Our Life in Care: VOYPIC’s second CASI survey of the views and experiences of children in care (2012).* Since 2011, the Computer Assisted Self-Interview (CASI) survey has included the views of 258 young people (8-18 years). Young people reported that the issues most important to them were: contact with birth parents/ family; having enough support, e.g., someone to talk to within the care system; being placed in the right home; being treated equally; being listened to and having their interests and views heard; and information, i.e., understanding and discussing with their social worker why they are in care.
further understand multiple placement moves and that the DHSSPS and DE should provide a coordinated progress report on the personal education plans provided to young people.

Grantees acknowledged that despite the intention of using a coordinated approach to progress children’s rights, there were challenges to joining the work of practice and policy staff members. At times, the language used by these teams could be unfamiliar to the other, and demands on time and resources made it difficult in some circumstances to ensure that all staff members were supported to work in a more integrated manner.

**RECRUITMENT AND TRAINING**
Explicitly rights-based organisations explained methods they used to build a culture of rights across the organisation. This began, in most cases, with recruitment and job specifications that included a commitment to and/or understanding of children’s rights. In some organisations, children and young people were involved on recruitment panels to assist with shortlisting and interviewing applicants. Practice staff were often trained as youth workers or play workers, and grantees explained that these disciplines prepared practitioners well for working in a rights-based organisation. These professional backgrounds tend to be child-centred and are focused on supporting children and young people to develop and participate fully in their families and communities.

…”if you come to Include Youth to work on our projects, which is about 80% of our staff—not only do you come to work and impact on the lives of individual young people, you come here to impact on the broader picture. That’s what you sign up for when you come to Include Youth, and we test that.” (Director interview)

Grantees noted that a challenge for taking this ethos and commitment to children and young people’s participation through to a fully rights-based framework was primarily around practitioners’ awareness and understanding of the UNCRC. Developing a rights-based organisation, then, required sustained support at all levels of the organisation for staff members to use key rights principles and standards.

**STRATEGIC POSITIONING**

**SUPPORTING OTHERS AND BEING THE LEAD ORGANISATION**
As discussed above, grantees involved with policy and advocacy questioned the level of time and resources it takes to develop responses to all consultation exercises related to the children and young people with whom they worked. While some organisations simply did not dedicate resources to responding to consultations, others suggested their strategies for managing the heavy workload included sharing the burden informally within the sector. As ‘lead organisations’ on a particular issue, such as youth justice or young people in care, grantees understood that, as they did with other issues, other organisations would expect them to be at the forefront of the research, analysis and advocacy on these issues. For example, Include Youth has ‘become one of the main “go-to” organisations on youth employability and youth justice and has exerted considerable
influence over decisions taken by policy-makers’.

The mutual support within the sector was described as ‘coming in behind people’ or supporting a lead organisation that would be considered most likely to have the resources to dedicate the time and resources to developing a strong campaign or response to an issue. For example, one director noted:

I’m not going to do much work with children with disabilities- I might sign a petition. I’m not going to do much work on poverty- I will do whatever [Save the Children] tells me I have to do with children in poverty- but I’m not going to put in massive responses. I mean they come to me and say ‘let’s do a response on...’ and NO. Let’s just send a letter supporting what Children in Northern Ireland have done and Save the Children [have done]...

This model of working was considered particularly important for organisations that had few policy staff members, or who had recently developed a policy and advocacy role.

Although this appeared to be a common way of working, these relationships were not formalised. One director suggested that a coalition through which responsibility for taking the lead on policy responses would be a useful collaborative opportunities:

We can add in our bit. Now, why can’t we have a coalition that we say to them that ‘if you take the load in this one... will you direct us of what could be in there?’ Why can’t we have one response [as a sector]?

(Director interview)

On a more general level, the Children’s Law Centre is considered the lead organisation in Northern Ireland on children’s rights issues, in partnership with Save the Children (NI). In terms of legal expertise in children’s rights, one director noted:

We wouldn’t have that strength [children’s rights expertise]. We would have stuff to add to it... But I don’t think at this level we’re sophisticated enough to be a leader. We are a contributor with the stuff that we have. The bits we can lead out on are very much the focus in our own bit of it, and using that language, but we wouldn’t be leading it. (Director interview)

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In recent years, the Children’s Law Centre has taken an active role in engaging with international experts by hosting UN Rapporteurs and members of the UN Committee on the Rights of the Child through its annual lecture series. The Children’s Law Centre was also working with Save the Children and the Centre for Children’s Rights at Queen’s University Belfast to develop the next NGO alternative report to the UN Committee on the Rights of the Child for the next examination of the United Kingdom in 2015/6.

**COLLABORATION**

Although all grantees were involved in networks that included children’s voluntary sector organisations, their primary partnerships were with NGOs focused on human rights or youth work. There was a distinction within the grantees, between those who worked more regularly with organisations focused on human rights and equality and those focused on youth work. As one organisation explained:

> We engage more with the human rights NGOs than other children and young people’s organisations do. We live in both the human rights sector and the children’s sector. This is a natural home for a children’s rights NGO... We encourage children’s organisations to engage with the human rights sector and encourage human rights NGOs not to forget children when they are talking about human rights. (Director interview)

This contrasts with grantees that aligned more regularly with youth sector organisations:

> I think our natural affinities are with other youth work organisations because we tend to find the ethos is closer. (Director interview)

Grantees explained that their primary collaborative partners were with organisations in which they had built a relationship of trust and shared principles: ‘I’m going to work with you, and this will then demand a higher level of trust, and honesty’ (Director interview). They noted the challenges associated with competing for the same funding, the impact of the recession and the potential for the cessation of AP’s funding to exacerbate these challenges.

**BENEFITS AND CHALLENGES OF WORKING TOGETHER**

All of the grantees recognised the need for strong collaborative working and discussed their involvement in both formal and informal partnerships. These included within the voluntary sector (children’s, youth and human rights/equality) and with the community, statutory and business sectors. Recognising that organisations had particular strengths and approaches, grantees developed collaborative relationships to avoid duplication of work and draw strategically on existing expertise.

> There’s no need for us to try and achieve it alone and I don’t think we could if we tried. (Director interview)

In relation to children’s rights, the need to distribute responsibility was felt even more acutely by organisations with a specific focus, such as VOYPIC’s focus on issues facing young people in care:

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225 YouthAction N.I. described working with the business sector to build capacity of young people through CV writing and mock interviews.

226 The Children’s Law Centre and Include Youth were seen as strong organisations for holding duty-bearers to account by ‘being out of the traps’ on rights issues while other organisations emphasised more their behind-the-scenes work.
I want the UNCRC to be implemented in Northern Ireland! There’s no way, I could work to achieve all, however many there are- 40 articles. There’s no way. I need to concentrate on the ones I need to concentrate on. (Director interview)

Grantees were clear about the need to prioritise where they used their resources, and all grantees explained the practical benefits of collaborating with organisations that held a shared vision for bringing about change for children and young people.

A considerable contribution of the Objective 2 funding has been the opportunity for organisations to develop policy and advocacy resources from a children’s rights-based approach. As they worked to build the capacity of their organisation to do rights-based policy and advocacy work, they noted that while it was important to work in partnership, there could be challenges in working with organisations that continued to use well-being, youth work and social work principles.

One of the things that you notice when you have [NGO] and other youth organisations is that most youth organisations aren’t children’s right organisations, they’re about youth work and although a lot of them are doing what could be children’s rights work they wouldn’t describe themselves as that. (Staff interview)

For grantees working to develop their organisations from a rights-based approach, it could be challenging to align their priorities with others working with different frameworks. Regardless of shared ethos, the financial climate created potential challenges by encouraging competition rather than collaboration. For example, one director noted that:

I think people are pushed into collaboration a lot of the time now, a lot of the time by funders or funding opportunities, and we get all sorts of weird invitations from people we’ve never met asking us to collaborate on funding bids and that kind of stuff and we generally ignore it. And we’ve also had experience of people coming together to get funding and then splitting the money up between them and going off and doing their own thing... But people underestimate how difficult it is and that you have to get people at every level involved in that process and you’ve got to work in all of the kinds of relationships. (Director interview)

While many grantees worked regularly with key partners, and discussed the benefits of doing so, there was a perception among many organisations that the requirements from donors to develop partnerships in order to receive funding could lead to unsustainable and unproductive relationships that did not improve their delivery or advocacy programmes of work.

**COMPETITION**
Grantees described considerable pressures within the voluntary sector, with one director noting that ‘there’s never been more pressure to collaborate, but also I don’t remember ever operating in such a competitive environment, and those two things jar quite badly with each other’. One director explained that seeking funding was a constant and continuous challenge that exacerbated the barriers to collaborative working:

So a lot of the time that I would like to put into some of the more collaborative and strategic stuff I’m often having to spend firefighting [to continue to find funding for the organisation], and I think now increasingly the other organisations are experiencing that, and some of them are experiencing it for the first time. (Director interview)
Another director explained that this was more than managing the time needed to apply for funding, but that organisations that were in direct competition for funding may be less likely or able to collaborate:

*I think the problem is that we are... particularly now in an incredibly competitive environment, so there are less and less resources available and we’re competing for them. So even when we have good relationship... we’re still conscious that we’re competitors and that we’re probably going to be chasing the same pots of funding at times.*

This grantee suggested that if organisations could trust one another, this competition could actually contribute to strengthening their collective bid for reduced funding.

*We have been able to do some of that together... collaborating and putting stuff in together, which makes kind of things a little bit easier.* (Director interview)

There were also financial incentives to ‘get a win’ on an issue independently. An element of tightening funding opportunities was the perception of the importance of being able to ‘claim’ an advocacy success for the organisation:

*... the other thing about policy work - you can’t claim. You can’t claim the change for yourself.... Because everybody’s doing everything... because you can’t always claim 100% attribution of the change, what you then- what you should be able to do, say ‘well, I was part of that process’... I’d like to pretend there wasn’t. But there ABSOLUTELY is a jockeying of position.* (Director interview)

This creates additional barriers for collaborative working as organisations feel the need to ensure their name is associated with a particular success. This raises a concern from a longer-term advocacy perspective, as one director noted:

*The children’s sector is a very highly competitive area. And that sometimes can get in the way of getting a collective voice, and a stronger voice and the right voice, and right message.*

Organisations were managing this tension by working to be more strategic about which issues they would try to pursue as lead organisations versus allowing others to take the lead, and potential ‘win’.

*You need to be in. And it is about protecting the position or trying to gain ground for the organisation and I kid myself – it’s because we’ll get better outcomes for the young people, but we need to get better saying ‘Step back, let them do it, it’s fine’.* (Director interview)

**CONSIDERING A CHILDREN’S RIGHTS ALLIANCE**

In advance of the UK’s second examination by the Committee on the Rights of the Child, members of the children’s sector established a Children’s Rights Alliance in Northern Ireland.\(^{227}\) This alliance ‘brought together a quite broad range of interests, academics, voluntary sector, and through that process Northern Ireland made its first contribution to alternative reporting, albeit as part of a UK report’ (Stakeholder interview). With recognition of the harm experienced by children and young people during the conflict recognised in the Belfast/Good Friday Agreement, the Alliance articulated measures it believed ‘would be

\(^{227}\) Chaired by Childcare Northern Ireland, now Children in Northern Ireland.
required to turn that recognition into reality’ (Stakeholder interview). Under the Putting Children First campaign, the children’s sector advocated for ‘an independent legal advocate for children’s rights in the form of a children’s commissioner, a minister for children, the correct interpretation and application of the equality obligations, so that age included children, a standing committee in the assembly for children’ and a children’s strategy within the newly devolved administration. Directors described this campaign and strategic alliance as a particularly successful example of collaboration across the sector:

I think there’s evidence that there’s strength in numbers. And if you look at some of our most successful campaign, which WAS to have a Commission... I mean it may come down to the Putting Children First campaign that we had, at the turn of the century - we had some very clear asks - most, not all, have been met. And that was because we had a movement. You know, and we came together around particular change. (Director interview)

In recent years, there has not been a formal alliance within the voluntary sector to consider children’s rights issues generally. NICCY hosts a Children’s Rights Implementation Group with voluntary sector organisations, academics and some statutory bodies, including the Equality Commission NI and initially the Children and Young People’s Strategic Partnership. Some grantees mentioned the role of Children in Northern Ireland’s policy strategic alliance and Save the Children’s child poverty alliance, but they noted that these were not specifically rights-based or flexible enough to respond to general children’s rights issues. Grantees noted that an emphasis on early intervention and prevention had shifted the focus of many children’s organisations from the previous attention to a rights-based alliance.

Directors suggested they felt they and their policy staff members were attending too many networks and meetings without the same level of focus that the Putting Children First campaign had. Some believed that without Atlantic Philanthropies’ supporting a network, no one organisation would have the capacity to generate the necessary resources:

I think there would be merit in a children’s rights based network working collectively on key issues like a rights based children’s strategy; but we would have to be careful that it does not cut across ongoing work of particular organisations. The challenge is, in the current climate when people are stretched and funding is tight, where do you find the resources to co-ordinate such a network? AP’s funding for children’s rights organisations was probably the best opportunity to focus organisations attention on adopting a rights-based approach in all of their work. (Director interview)

Thus, there remains a question about the value and opportunity for formal networking and alliance building to advance children’s rights in Northern Ireland.
CONCLUSION

The Atlantic Philanthropies Objective 2 grantees incorporate a diverse range of non-governmental organisations, working with varied groups of children and young people in a multitude of ways. What is common to all is a commitment to effecting social change for children and young people in ways that ensure their active involvement. Having spoken to directors, staff and children and young people involved in these projects across Northern Ireland, key lessons from their experience of advancing children’s rights are as follows:

The understanding, use and value of using a child rights framework for these purposes differs between the projects considered within this study. There are organisations for whom it is up front and centre in all of their activity; those for whom it is used intermittently, sometimes more overtly than other times; and those for whom it underpins their activity, particularly their work on child and youth participation, rather than the language they use. Grantees provided interesting insights into the ways in which they perceived it to be easier to use a rights discourse when undertaking advocacy for some issues and not for others; for some children and young people and not for others; and with some duty-bearers and not others. This nuanced understanding of the added benefits and challenges associated with a rights discourse meant organisations had developed strategies based on achieving the best outcome for the children and young people they worked with, rather than adhering to a particular framework. In this way, grantees were using children’s rights consciously (or choosing not to so overtly) as a means of working strategically, and responding to changes, within the social and political context of Northern Ireland.

All of the grantees were working with children and young people to support them to advocate for change. Most children and young people interviewed recognised that their involvement would not benefit them as individuals, yet they sought changes in policy and practice that would affect the experiences of other children and young people. Grantees had the opportunity to develop and implement a range of rights-based methodologies, many of which are highly innovative and will be of interest to other organisations in Ireland and Northern Ireland and could be adapted and adopted elsewhere. The factors that grantees perceived to be important to their successes (e.g. capacity building on the issues, strong and inclusive adult support and continuity of engagement rather than one-off processes) resonate with what is now well-established in literature and practice elsewhere about effective participation. However, the research undertaken with AP grantees in Northern Ireland provides some additional insights into what works in this context, particularly from the perspective of children and young people themselves. One message, in particular, rings out clearly - children should be working on issues of their choice and not those allocated to them as part of an adult agenda. Adults and children alike attributed significant value to face-to-face contact between young people and adult decision-makers, especially when this leads to ongoing dialogue and relationships.

An important aspect of the learning from the grantees was in relation to the value of advocacy itself, and what rights-based advocacy means in practice. While this was undertaken in different ways across the organisations, strategic advocacy was afforded high priority in each of them. Those grantees that had not previously had an explicit research/policy/advocacy strategy recounted the significant benefits to the organisation of developing this work through dedicated staff resources, as well as to the issues that they promoted through a deliberate
focus on advocacy. Several emphasised the value of advocacy being undertaken through a whole-organisation basis, by building the capacity of all members of staff, not just advocacy and policy officers, to understand their role within the framework of the organisation’s advocacy objectives.

All of the organisations identified their unique and particular role in the broader field of child and youth advocacy. These distinctive objectives related to specific issues or groups of children and young people are perceived to position them as the ‘go-to’ bodies in their fields, ensuring that they have credibility and expertise that enables them to wage influence on the issues that matter to them and the children and young people with whom they work. While each of the organisations was aware of its distinctive role and contribution, grantees offered many examples of instances where they had co-operated with other NGOs in the child, youth and human rights sectors to campaign for change. Indeed, collaboration and ‘coming in behind’ others was considered a key strategy for achieving change across a range of issues. Such collaboration, however, appeared to be operating on an ad hoc basis. There is no single umbrella child rights alliance in Northern Ireland, unlike neighbouring jurisdictions. Some suggested that this would be beneficial, recalling previous campaigns that united organisations under such a call, while others thought that the current informal alliances were working effectively. Many grantees acknowledged that children’s sector organisations were at times in competition with each other for funding and recognised that this could, on occasion, undermine a willingness to collaborate.

The funding given to NGOs in Northern Ireland under Children & Youth Objective 2 has undoubtedly strengthened the organisations’ capacity to engage in children’s rights advocacy and to do so in ways that are robust, innovative and, importantly, involve children and young people themselves. Grantees reported on the ways in which the many strategies adopted over the course of their projects have become mainstreamed in the organisations. That said, concerns for the future were apparent, not least because of the current adverse financial climate and the fact that funders, in particular government, are perceived to be more inclined to direct available resources to services rather than advocacy. Negative attitudes towards children’s and indeed human rights were identified as another potential barrier to progress, as well as a key focus for ongoing advocacy. Nonetheless, all grantees reported that their organisations’ capacity to advance the rights of children and young people had been strengthened through their Objective 2 project funding and each had a clear sense of future direction, both in terms of the issues on which they wanted to work and the ways in which they would do so. In this respect, a significant future opportunity is the opportunity to collaborate on preparation of the NGO alternative report to the United Nations Committee on the Rights of the Child in the forthcoming year.
APPENDIX 1: INCORPORATION OF THE UNCRC IN NORTHERN IRELAND’S DOMESTIC LAW

Explicit incorporation of the UNCRC standards in domestic law in Northern Ireland has been slow and somewhat piecemeal. In the wake of the adoption of the Convention, the Children (NI) Order 1995, a piece of legislation which was influenced heavily by and to a large extent replicates the Children Act 1989 for England and Wales, was enacted. Notably, Article 3 of the 1995 Order contains the so-called ‘welfare principle’. This requires that children’s welfare should be ‘the paramount consideration’ when courts are deciding issues relating to their upbringing. It also directs courts to a list of things that should be taken into account, including ‘the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding’) when determining specified issues, including decisions relating to contact and residence.\(^{228}\) The best interests principle is not explicit in other legislation applying to children. The Justice (NI) Act s. 53 (2), which defines the aims of the youth justice system, contains a provision requiring bodies to have ‘regard to the welfare of children affected by the exercise of their functions (and to the general principle that any delay in dealing with children is likely to prejudice their welfare), with a view (in particular) to furthering their personal, social and educational development’. A recent review of Youth Justice includes a proposal to amend s. 53(2) this to include reference to the best interests of the child.\(^{229}\)

The requirement to give children’s views due weight has been similarly ad hoc in terms of its incorporation in law. Aside from the reference in Article 3(3) of the Children (NI) Order 2005 noted above, specific statutory obligations to consider children’s views are scarce. One exception is the duty on Boards of Governors of grant-aided schools to consult pupils on school discipline and bullying policies.\(^{230}\) In the area of health decision-making, the Gillick principle, determined in an English Court case, is used to guide decision-makers as to when a child might be capable of autonomous decisions.\(^{231}\) Elsewhere, the onus on public bodies to give children’s views due weight is generally a matter of guidance rather than law. Moreover, children in Northern Ireland do not have a right to independent representation and/or advocacy in many areas that affect them significantly, including significant decisions that can be made in relation to care for children and young people with mental health difficulties and in relation to domestic violence.

Children are covered by a number of pieces of legislation prohibiting discrimination, including the Sex Discrimination (NI) Order 1976, the Race Relations (NI) Order 1997, Fair Employment and Treatment (NI) Order 1998 and Disability Discrimination Act 1995 (amended by the Disability Discrimination (NI Order) 2006. In addition, the Special Educational Needs and Disability Discrimination (NI) Order 2005 prohibits discrimination in education. Under section 75 of the Northern Ireland Act 1998, there is a statutory duty on public bodies (not including schools) to have due regard to the need to promote equality of opportunity across a range of categories which includes age. Age has not been included in the prohibited heads of discrimination in proposed age discrimination legislation relating to goods, facilities and services.

\(^{228}\) Art 3(3).

\(^{229}\) Department of Justice (2010) *A Review of the Youth Justice System in Northern Ireland*, p 156.


\(^{231}\) *Gillick v West Norfolk and Wisbech Health Authority* [1986] AC 112 House of Lords.
There are many substantive rights in the UNCRC that are covered in other specific pieces of legislation, for example on health and education. Often these are not specific to children. Moreover, there are several areas where there are current and ongoing concerns about the lack of explicit statutory provision implementing the standards and principles in the UNCRC. Some key areas for children’s rights advocacy, identified by grantees in the course of this review, are as follows: the reduced minimum wage for those under 18; the exclusion of children under 16 from proposed mental capacity legislation; the lack of statutory obligations in relation to the right to play; no independent right to withdraw from religious education in school; no independent right to appeal school exclusions; proposed restrictions on young drivers; differential approach to bail; the ongoing legality of corporal punishment in the home; refugee/asylum seekers are excluded from NICCY’s remit; the Unauthorised Encampment (NI) Order 2004 does not include best interests of Traveller children; and the reduced protection for children with special educational needs in the review of this area.
APPENDIX 2: NORTHERN IRELAND GRANTEEES

For more information, visit:

- Children’s Law Centre: http://www.childrenslawcentre.org.uk/
- Include Youth: http://includeyouth.org/
- PlayBoard: http://www.playboard.org/
- Public Achievement/Where is my public servant? (WIMPS): http://www.publicachievement.com
- Voice of Young People in Care (VOYPIC): http://www.voypic.org/
- YouthAction N.I.: http://www.youthaction.org
APPENDIX 3: BILL OF RIGHTS FOR NORTHERN IRELAND

Northern Ireland Human Rights Commission’s advice to the Northern Ireland Office related to children’s rights:

Provisions should be drafted to ensure that –

1. For the purpose of benefiting from any of the specific rights of the child in a Bill of Rights for Northern Ireland, a child means every human being below the age of eighteen years.

2. The rights in a Bill of Rights for Northern Ireland must be guaranteed to every child, without discrimination on any of the grounds listed in Recommendation 2 of the Right to Equality and Prohibition on Discrimination, whether the ground of discrimination applies in respect of the child or the child’s parents or legal guardians.

3. Public authorities must ensure that, in all actions concerning the child, whether undertaken by public authorities or private institutions, the best interests of the child shall be the primary consideration. In adoption, or any other child placement proceedings, the best interests of the child shall be the paramount consideration.

4. Public authorities must take all appropriate measures to ensure the right of every child to access safe and appropriate play and leisure facilities.

5. Every child who is temporarily, or permanently, deprived of his or her family environment has the right to special protection and assistance for as long as they need it.

6. Public authorities must take all appropriate legislative, administrative, social and educational measures to protect every child from all forms of violence, maltreatment, neglect, exploitation and harassment.

7. Public authorities must take all appropriate measures to ensure the right of every child to be informed of their rights and to have his or her views respected, considered and given due regard in all matters affecting the child, taking into consideration the child’s age, level of understanding and evolving capacities.

8. Public authorities must take all appropriate measures to ensure the right of every child to be protected from direct involvement in any capacity in armed conflicts or civil hostilities including their use as intelligence sources.  