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Getting the 'Right' Youth Justice

...engaging with the findings of
the review of the Youth Justice
System in Northern Ireland

Response to the findings of the Review of the
Youth Justice System in Northern Ireland

Conference
REPORT

Response to the findings of the Review of the Youth Justice System in Northern Ireland

Sara Boyce, Research & Information Co-ordinator, Include Youth

Sara Boyce has worked for Include Youth since 2010 as their Research and Information Co-ordinator. She has over ten years experience of working in the human rights and voluntary sectors in Northern Ireland having previously worked for the Northern Ireland Human Rights Commission, the Children's Law Centre and Save the Children.

Her areas of interest include employability, youth justice and policing, international children's rights and human rights standards and mechanisms and the application of human rights based approaches to policy and practice.

Sara has a BSc (Hons) in Clinical Speech and Language Studies from Trinity College Dublin and worked as a Speech and Language Therapist for over a decade before returning to further study. Having gained a Master Degree in Equality Studies in University College Dublin she then worked as a Community Development Worker with Travellers.

Sara's role in Include Youth's Policy Team is to ensure that the knowledge, experience and expertise of its practitioners and the young people they work with contributes to and strengthens Include Youth's advocacy work.

“ Thank you Debbie. I would just like to say again that we are really pleased that both John and Kathleen have been able to join us today to share their findings and recommendations from the review. Also to participate in this really important discussion and conversation today. It is really good we have the Review Report but it has been really good to have both John and Kathleen back to bring it to life for us.

Include Youth welcomes the fact that the Minister for Justice has put out the full report for consultation and we will be making a written submission in due course. It is our intention that the outcomes of this event today will help to inform our response, we're continuing to assess the review's findings against the recommendations set out in the terms of reference in the Hillsborough Castle Agreement but also against our own analysis and recommendations that we heard about earlier from Edel.

What we are going to share with you today is our initial but as yet incomplete response to the Review Report and we do hope it will trigger discussion on the panel and the workshops this afternoon. We are very keen to hear the views of others on this report.

There is much to be welcomed in this report, there are a number of recommendations which we fully endorse, there are also a number of important areas where we believe that the report fell short of what was required and finally there are a small number of significant and

disappointing gaps in the report.

Looking first of all at the recommendations that we welcome. On international children's rights standards, as outlined earlier, we believe, based on very sound evidence, that the broader youth justice system is not compliant with the international children's rights and human rights standards. The absence of Article 3 of the UN Convention on the Rights of the Child, the best interest principle as a principle aim of the youth justice system has been at the core of this assessment, so not surprisingly we fully support the report's recommendation that section 53 of the Justice (Northern Ireland) Act 2002 should be amended to fully reflect the best interest principle.

There are additional steps on building on this that needs to be taken including child's rights proofing, all relevant legislation and policy.

On the removal of under 18s from Hydebank Wood, again we fully support this recommendation and the need to accommodate them in Woodlands Juvenile Justice Centre, and we are also in agreement that the review teams analysis of the practical and legislative steps required to make this happen and on that note we were pleased to see in the Prison Review Report earlier this week that they also recommended that under 18s should never be held in Hydebank.

We were encouraged to hear the Minister state in the Assembly on 26th September that work is already in hand to implement this recommendation but there are a number of questions that arise including; given that work has already commenced does the Department plan to complete this transition in a shorter time frame, has there been a specific timescale set? What are the legislative and practical steps involved in the transition? Who will be responsible for ensuring adherence to the actual plan? What bench marks will be established to measure progress against and what measures will be in the action plan to ensure best outcomes for under 18s during the transition phase.

Looking at the minimum age of criminal responsibility recommendation. As Edel outlined earlier our considered position is that this age should be raised to 16 in line with international standards. However we welcome the report's recommendation as a step in the right direction and were pleased to note that the recommendation specifies that the age should be raised to 12 with immediate effect. And we are encouraged by the recommendation that following a period of review of no more than three years, consideration should be given to raising it to 14.

However, we believe that before the age of criminal responsible can be raised to 12, it is essential that the necessary services and supports for children, their families and their communities are already in place. So we think it is vital that the link recommendation, number 30, on the need to develop these services and programmes for children who would otherwise

be in criminal justice system, is acted on with urgency and that includes drawing on universal services and the use of restorative intervention. Families, communities, the public and the body politic need to be confident that there is a sufficiently robust child care system in place to be able to address the needs of all concerned. I can't emphasize that point sufficiently.

Looking at some of the other positive recommendations on early intervention and prevention that John talked about. We much welcome the prominence given in the report to early intervention and prevention. It is widely accepted now that intervening early in a child's life through the provision of health, education, family support has a significant impact on their future life chances. So we would like to see primary responsibility for policies and service delivery belonging to social care and education, obviously with support from others such as the Department of Social Development and the Department of Justice of course.

Within that recommendation we would draw attention to recommendation 3(b) on the identification and removal of barriers to pooled funding and collaborative working. We believe this is absolutely critical to the effectiveness of an early intervention and prevention strategy.

Looking at tackling delay. We agree with the review team's recommendation on the need to introduce statutory time limits for the reasons John outlined and we would draw attention in this recommendation to the detail and precision contained, we felt that was very helpful.

As John also said we were disappointed to hear the Minister reiterate his earlier position that the system is not still at a stage of functioning well enough to introduce statutory time limits. We do believe the only way of getting this to happen is to introduce them and we hope the Minister will give further consideration to this recommendation.

On bail and remand. Again we support the recommendation on the development of a range of appropriate, supported and if necessary, secure accommodation accessible at short notice to reduce the use of Woodlands as a place of safety under PACE. However we believe the report should have gone further in saying that Woodlands, its use should be reduced to a minimum and that it should be recommended it should never be used as a place of safety as there is a danger of a backward slide with the use for PACE gradually increasing again.

Moving on to look at some of what we see as missed opportunities. The first one I would like to look at is around diversion from offending. We are in full agreement with the narrative running throughout the Review Report underpinned by the principle of proportionality of keeping young people, including those involved in low level offending out of the criminal justice system whenever and wherever possible. So while the Review Report correctly places significant emphasis on the need of diversion from the criminal justice system, we would have liked them to have gone further in their thinking and their recommendations in this regard, particularly in relation to diversion from police led diversionary disposals and intercommunity

based responses. Clearly the PSNI constitute a criminal justice agency so given the analysis within the report and the recognition of this, we would have expected a conclusion that less rather than more of PSNI involvement in the lives of children and young is what is required. We draw your attention to the findings of the Edinburgh study on youth transitions on crime of which we will hear more this afternoon from Doctor Lesley McAra, a codirector of the study and our conference's keynote speaker. And I quote from that report: "The key to reducing offending lies in maximum diversion and minimum intervention", I think that succinct phrase is very, very important.

In light of this evidence we would wish to see a greater emphasis within the report on prioritising resources in community based supports and interventions for young people who are at risk of offending or who are engaged in low level offending. We believe the PSNI, rather than being seen as the first tier in a series of implemental disposals available to respond to such low level nonpersistent offending, they should be focused on diverting these young people and their families to welfare based support services within the community.

Moving on to look at diversionary youth conferencing. There is an area where we believed there was a missed opportunity within the review to critically evaluate both the model and the operation of diversionary youth conferencing, as it has been rolled out here. The report does acknowledge that after five years it is time to take stock of how well youth conferencing is working and it does make a number of recommendations. However, its over all assessment is that youth conferencing as it has been developed and delivered here, represents a model of best practice internationally. And as you heard earlier, while we are very supportive of the principle and development of restorative approaches both within the statutory and community sector, we have taken a somewhat more critical view of diversionary youth conferencing.

We support what is in recommendation number 10 in relation to diversionary youth conferencing, however, we were disappointed that a number of concerns that we raised in our submission weren't addressed, as Edel outlined earlier. So we are not saying that we think diversionary youth conferencing should be removed from the menu of disposals available, certainly not, but we would have liked the Review Team to have given serious thought to directing resources away from what we believe is a very expensive process towards greater investment in noncriminalising community based interventions.

Looking at some of the other limitations. We were very surprised not to find any examination of the issue of demonisation within the report. It's widely recognised that it is a worsening phenomenon and does form the backdrop to a general climate of intolerance towards children and young people. So given the challenge involved in shifting both media and political debate away from the negative stereotyping of young people towards a serious and balanced discussion of the underlying causes of antisocial behaviour and offending behaviour amongst some young people, it appears to Include Youth that it would have been hugely important to

have addressed this issue within the review. There is a need for an urgent joined up strategy and this has been said for quite a number of years now, not just by voices here but by the UN Committee on the Rights of the Child and by others at an international level. So we are hoping, we would like to see this addressed within the current consultation.

On policing. We believe the report didn't go far enough on the issue of policing and children and young people. As John talked about the report gives emphasis to the importance of getting policing right with children and young people and that can't be stressed enough because police are the main gate keepers into the criminal justice system but it is around the legitimacy and the acceptance of the PSNI. It does continue to be a critical factor in ensuring that peace is secured for future generations.

The report does examine the PSNI's role in diversionary processes. It also looks at the relationships and perceptions between children and young people and the police and it does make some helpful recommendations within recommendation 4 around improving those relationships. What it doesn't do is address many of the serious policy and operational issues in relation to policing and children and young people, and they are the issues that underpin the negative perceptions by the young people of the PSNI which the report talked about. Many of these represent serious breaches of children's rights and they include the release of images young people, the use of stop and search powers and the use of ASBOs.

The report's failure to address these issues was all the more difficult for us to understand given the comprehensive thematic report produced by the Policing Board in January of this year. We were glad to hear John say that they would endorse this but we were disappointed that its recommendations weren't examined within the context of the actual review.

So we believe that the set of recommendations in the body of work that was done by the Policing Board needs to be revisited within the consultation.

On reintegration and rehabilitation. Include Youth sees this as a critical element of the youth justice system. So it is one that we would have expected the Review Report to have been much stronger on. In our view the inadequate focus on this issue does constitute a significant limitation within the over all report. Notwithstanding the report's recommendation that legislation on the rehabilitation of reoffenders should be overhauled, which we obviously very much welcome.

The one recommendation in the report in relation to reintegration and rehabilitation we felt was very general and lacked the kind of useful detail that the earlier recommendation on tackling delay contained. The report does recognise that the deficit and provision of properly funded and appropriate training and preemployment programmes to work with custody experienced young people to achieve positive outcomes, that there is deficit there but disappointingly it

omits to address this issue within its recommendation.

Another issue that we felt should have been addressed within the report, there wasn't any assessment within the report of the efficacy of the work that the Youth Justice Agency, the Probation Board and their partners in the voluntary and community sectors undertake in relation to the prevention of reoffending. That was of a concern to us. Obviously its right to emphasise prevention and diversion but we can't overlook those young people for whom offending and the criminal justice system are significant features of their lives.

Other limitations, on participation, the report does look at issues around participation within particular processes within the youth justice system, but what it didn't do and we would have liked it to have done was look at the systemic failure across the youth justice system to ensure the views of young people are heard and accommodated. This is particularly an issue within the custodial setting so we are hoping this will be addressed within the current consultation.

On complaints. The report confines its assessment of complaints from young people in relation to the PSNI only and not other aspects of the system. We do welcome acknowledgment in the report of the Police Ombudsman's Office failure to provide a successful and effective complaints mechanism for young people. This has been highlighted in numerous reports. And it is an issue that Include Youth is working with the Ombudsman's Office to address. We were concerned at the apparent shift in focus within the recommendation away from addressing this issue to a recommendation around a development of a locally based complaints procedures. The Office of the Police Ombudsman was established pursuant to Patton and it was a key component of the Peace Agreement through the provision of an independent, impartial and effective mechanism to investigate and deal with the complaints of the PSNI. So we believe the focus needs to remain firmly in challenging the Police Ombudsman's Office to become an effective complaints mechanism for children and young people as was envisaged in the legislation.

Moving on then to look at what the report said on delivery mechanisms. We were pleased that the report did address this in some detail. We wholly support the recommendation of an establishment of a ministerial committee. We do believe it should be chaired by OFDFM ministers. We would also like to the Department for Employment and Learning added to the committee, given their role in relation to training and employment. We also support the recommendation that a newly formed children and young people's strategy partnership, that they should become the locally delivery mechanism. However, for this partnership to be effective and for that crossdepartmental strategic approach to be effective at an agency level, it must be mirrored and supported at the highest level of government within the ministerial committee.

We were disappointed to know that the report, having considered the need for a statutory duty

to cooperate, doesn't recommend its introduction at this time. In spite of a clear commitment by the Northern Ireland Executive to improve outcomes for children, the evidence of recent years has demonstrated a genuine cooperation which is piecemeal and inconsistent at best. We believe that it is only through a statutory duty to cooperate that this type of cooperation required will be imbedded in the culture and practices of government departments and its agencies.

In conclusion, we very much welcome the publication of this report and the opportunity it provides for government to make the necessary changes to ensure a child rights compliant youth justice system, one which is fit for purpose.

While we welcome a great many of the reforms recommended are long over due and now require urgent action, not only by the Department of Justice but by a number of other government departments, including DHSSPS, DE, DEL and DSD, the need for a crossdepartmental response taking forward the recommendations of this report cannot be over emphasised. We welcome the initial indication from the Minister for Justice that work is ongoing in a number of areas in which the report made recommendations including the removal of all under 18s from Hydebank Wood. However, without more detail from the Department on this work in relation to timescales, implementation plans, it is difficult to make an informed assessment of it so we do look forward to being provided with the necessary detail.

We also look forward in engaging in discussion with all you today and all stakeholders and in the weeks and months ahead. We are going to be making a submission to the consultation as I said and would urge others to do likewise. We plan, in partnership with colleagues in the Youth Safety Network, to continue to support young people in both community and custody settings to engage with the findings of the review and we do look forward to receiving a child friendly version of the consultation document which would help us in this regard.

I hope this presentation succeeded not only in sharing with you Include Youth's initial response to the Review Report but has also helped to raise a number of questions which we would encourage you to explore during the day. ”

Dave Weir, Director of Services – Family and Children, NIACRO

Dave Weir is Director of Services - Children and Families with NIACRO - the Northern Ireland Association for the Care and Resettlement of Offenders. He is a social worker by background and has worked primarily in the youth justice sector - in Whitefield, with the Juvenile Justice Board and latterly with the Youth Justice Agency where he was Director of Community Services. His areas of particular interest include early intervention for the prevention of offending by children and services for the children and families of prisoners.

“ I do understand it in your head lunch is it at one o'clock and anything that is said after one o'clock doesn't get heard.

I am going to hit a number of points, and you will forgive me if I use the royal "we" because sometimes I am speaking on behalf of NIACRO and sometimes I am speaking exclusively on behalf of myself. If you want clarification you can ask me afterwards.

I am neither policy commentator nor am I a lawyer, I am a practitioner manager, my experience has been in detached street work, in early intervention and support in remand fostering and I did supervision in the community and it is on those points that I want to focus.

In welcoming the report, which I do, I am still bemused as to why Hillsborough cared that much, I really didn't think politicians weren't that interested in youth justice, but nevertheless, we did achieve with the Justice Committee an independence of body in the Review Team which we welcome.

We are also welcoming the Prisoner Review Report and briefly note that it chimes with the issues of young people in the offenders centre. We note to that the Prisoner Review Report is actually thinner than the Youth Justice Review report.

Early intervention, issue number 1. Welcome the emphasis on early intervention and we note that it is not early years intervention, it is an early onset intervention and despite references to nurse parent partnerships and so on, that is to keep in your heads because I have already heard the DHSSPS Minister referred to early intervention as to which it only applied to under two year olds.

I welcome particularly the cross reference to the children and young people strategic partnerships and as a member of the (inaudible) children and young people in offending, particularly welcome that and have already resisted a temptation by that committee, it is children and young people and offending and in my eyes children affected by offending.

I hope that the proposal in the children and young people's plan for Northern Ireland to become a site for early intervention does actually keep us on tracks with politicians, it chimes perfectly with the review.

I appreciate the significance of the proposed Ministerial Committee for Children and we like the idea of addressing the incapacity of departments to cooperate with each other by having a ring fenced budget top slicing departmental budgets and one way of delivering it is through the Children and Young People's Strategic Partnership. Dare I suggest that the pooled budget be called the Children's Fund. And that it be open to the community and voluntary sector to apply for funds.

Diversion. Early intervention, absolutely yes, but diversion, I want to read a couple of quotes

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from the report which I love: "Children and young people learn by their mistakes which is part of growing up but to do so they need to be able to move on".

"A wise society is one that allows youth some latitude but firmly expects them to learn from their mistakes".

"One of the most disconcerting facts about the formal responses to youth justice is their lack of success".

"The system brings them in too quickly, takes too long and deals too harsh".

"Youth Justice is an expensive way to make a bad situation worse". **So, divert, divert, divert.**

We are aware that the number of young people in the Youth Court has grown over the past number of years. In part it is as a result of 17 year olds entering the Youth Court system but we are concerned that the growth in diversionary youth conferencing has not resulted in the reduction of the numbers of young people going to court, it has resulted in a reduction of the number of young people receiving diversionary measures from the police. And on that I might differ slightly from my colleagues. I know there is anxiety about the levels of confidence that people have in the police but with the levels of monitoring, accountability that are indicated in the report and with the growth and movement that is shown, could we not just trust the police a little bit more. I want to offer a quote from a Scottish colleague that a couple of people may recognise. His academic assessment is that "...the most effective intervention and the one with the lowest reoffending rate is being taken home to your mummy by the Police".

I accept the concept of triage so long as it doesn't become an industry in itself. To take another quote from the report "Children need support and discipline and to be held accountable for their behaviour but this should not be through a criminal justice system that further damages them". **So divert, divert, divert.**

Currently our own intervention projects run by ourselves, Extern and Action for Children stop at the point of caution. We need to revisit that. It is a purely arbitrary threshold and we have gone long beyond that point, maybe with the help of the "Children's Fund" that I referred to earlier.

The report doesn't dwell heavily on practice of intervention and supervision in between the youth conference and custody. I was a bit disappointed about that given that that's where I spent a large part of my career. But what might it have said, I would have liked it to have said that a young person's experience of being under supervision should be a learning and developmental one that contributes to increased maturity, growth of empathy, ability to contribute positively and puts the interests of the child first, adopts an individualised approach based on the rights and needs and recognises that children are different from adults.

On page 96, in the context of local delivery, it does come close to that. An integrated approach to supporting families, investing criminalistic preventive interventions, building

individual resilience, support transition and (inaudible), fostering assistance and encouraging positive relationships. Some of you might recognise some of those phrases that as the youth justice system has developed over the past eight years, some of those very services were the services that were squeezed out. Perhaps they could be revitalised and perhaps those things could apply not only to early intervention but to intervention after the event.

To refer to the last point, maybe we can revitalise in the multidisciplinary multiagency projects like the adolescent partnerships which were supported to varying degrees by the then Northern Ireland Office and a range of voluntary sector comments.

Bail and remand I want to make one tiny point. At one time I was responsible for a bail fostering scheme and the net result was that we didn't reduce the number of young people in custody what we did was reduce the number of people in local authority residential care. It had a perverse effect. That is something to note in offering alternatives to remand and custody.

Rehabilitation of offenders legislation. Thrilled and delighted with the proposal that young people should be able to apply for or that should be the default position with some reservations.

Age of criminal responsibility I have left to the last and it is a debate I have had with my colleagues at the table from time to time and I have always been in a minority of one. The report suggests 12 extend to 16, Edel has mentioned 16, I have no idea what Paddy is going to say. The debate alarms me and it is an alarm which was reinforced by the reaction of some of the members of the Justice Committee when they presented their report, it began to seem to me that the issue was really about when is it okay to punish them. And judging from the emotions that were expressed I would be alarmed if that was any age at all. The alternative argument I would like to propose is when is it okay to shift from a welfare based system, a childcare system in fact, to a justice system. It has been noted quite eloquently I thought by John in front of the Committee, was that it wouldn't really have mattered whether Thompson and Venables had been 9.5 year olds or 11.5 years old, exactly the same things would have happened with the singular exception of appearing in the Crown Court.

So, leaving aside that we have not had a similar crime in Northern Ireland in living memory, can I suggest that the age of criminal responsibility is a little bit of a red herring. My position, which is not necessarily NIACRO, is that if we had a system for children which encourages learning, meets their needs, promotes development, ensures access to services, presumes bail, is restorative, deprives liberty only on the basis of protection from self or others, removes a lifetime stigma for the offender, strengthens families, builds strengths, meets special needs, that if all of those things were in place in my view the age of criminal responsibility should be 18. 99

Paddy Kelly, Director, Children's Law Centre

Paddy Kelly is a Queens University Belfast Law graduate and has an LLM in Human Rights (Distinction) from the same University. She is a Barrister by profession. She established the Children's Law Centre in 1997 after the first examination of the UK government by the UN Committee on the Rights of the Child and is currently its Director.

After practising as a Barrister, Paddy worked for a number of years with voluntary sector organisations including Gingerbread and Save the Children. Paddy has sat on the Executive Board of the Committee on the Administration of Justice and was previously on the Management Committees of the Law Centre, NIAPN and a number of women's and community organisations.

Paddy was appointed as a Commissioner on the Human Rights Commission in 1999 and was involved in its establishment. During her term as a Commissioner, in addition to working with the Bill of Rights Working Groups on Children and Young People's Rights and Language Rights, she convened the North/South Joint Commissions' Working Group established to consider the Charter of Rights. In her role as Director of the Children's Law Centre she has been active in working to ensure full delivery of the UNCRC in this jurisdiction including by advocating for the maximum protection for children's rights in the Bill of Rights. She represented the Children and Young People's sector on the Bill of Rights Forum established to progress the work on the development of a Bill of Rights for Northern Ireland. Paddy sits on the Strategy, Planning and Review Group established by the Office of the First Minister and Deputy First Minister to provide advice on and monitor the implementation of the 10 year Children's Strategy.

Paddy currently sits on the Board of the Human Rights Consortium. She sits on the Advisory Board of UNESCO's Children and Youth Programme in Ireland. Paddy also represents the voluntary sector on the inter-agency Criminal Justice Issues Group established on foot of a recommendation of the Criminal Justice Review.

Paddy sat as a member of the Human Organs Inquiry established by DHSSPS to inquire into the removal, retention and disposal of human organs. She has undertaken a number of electoral observations missions for the UN and the EU.

“ Good afternoon, can I start by congratulating Koulla and Include Youth for organising today's conference. It is very important conference, very timely and focuses on a very important review. Can I also hope that Koulla appreciates the great effort to which I went to appear in Include Youth's corporate colours today. The other thing I would like to throw in here because somebody made a comment to me at the break, this conference reminds me of a similar conference that some of you may have been at 10, 11 years ago where we were having the same discussions in the Europa Hotel on the back of the Criminal Justice Review, I think

we need to keep that in mind when we are talking about timescales and moving forward and everything else. We had this conversation, a very similarly conversation 11 years ago. So we need to keep that focus in mind.

Can I think you Koulla for inviting me to speak here today and to be on the panel. She then gave me the impossible task which to me is equivalent to reciting the works of Shakespeare in ten minutes, and I will try to do that but probably not succeed. You will be relieved to know I am going to take a slightly different approach, I am not going to go through the recommendations but I am going to give some general views and some general comments in relation to the review and the Review Report.

The Children's Law Centre like Include Youth made a very detailed response to the Youth Justice Review, there are executive summaries outside and for those of you who want we can give you a copy of the full report which stretches to about 150, 160 pages.

Can I congratulate Kathleen and Stella and John on their report. It was a huge undertaking in a very tight timescale and with very limited resources. We very much welcomed the openness with which they listened to us and boy, have we a lot to say, as I know that a lot of you had a lot to say. We had a number of very open and frank discussions with them and they were very open and receptive to what we were saying and we would like to thank them for that. Can I also congratulate them on the effort they made to listen to the voices of children and young people and I think a lot of our public authorities should learn lessons from that. The importance of listening to children's voices it was very much reemphasised this morning by the powerful testimonies of the young people here today. In a sense after they had spoken the rest of us could all have gone home because that sums it up, the problems that exist in our youth justice system.

This review is of constitutional importance. It is on the back of Hillsborough Agreement which is part of our Peace Agreement flowing directly from the Good Friday Agreement and taking forward the failings and failure to deliver for children and young people, of the Criminal Justice Review and the Patton Commission. In that context the Children's Law Centre was very clear, as were NIACRO and Include Youth, that this had to be a root and branch review of the youth justice system to include the full spectrum of issues engaged. Children, we believe, deserve more not less from our Peace Agreement.

We think that given the limitations of time and resources, the Review Team have done an excellent job in trying to address some of the concerns that were raised. The report itself is the significant next step in moving us forward in respect of the Peace Agreement reforms as they relate to children and young people in the youth justice system, which we all collectively need

to build on. And I would like to thank the team for the very obvious work and time they have invested in this process and report.

However, the team themselves recognise that time and resource constraint prevent them undertaking the root and branch review of the youth justice system which was necessary and which the Children's Law Centre therefore, now believe that the Department of Justice must layout how it intends to engage fully and fulfilling what is provided for in Hillsborough and to independently review those issues which remain outstanding. And by way of example I would like to highlight the issue of ASBOs, the issue of access to justice and policing issues, including the technology used by police.

The next steps are critical in this process. Any consideration of building the peace here is demonstrated when substantive change has been brought about. There is much to be gained by not only the independence of the process but also the perception of independence. This was an issue we raised with the Minister, the Justice Committee and the Review Team, when the review was being established. It remains our considered opinion.

As the consultation process is an integral part of the Youth Justice Review, the consultation process must not only be seen to be open and transparent, it must also be conducted independently of the Department of Justice and perceived by all stakeholders to be so. We have not been informed by the Minister as to how he has instructed the consultation to be managed, but we hope that the commitment that he gave in respect of the independence on the establishment of the review, will be followed through to the consultation stage of the review process.

As part of that independent and transparent process the Children's Law Centre believes that it is imperative that the criteria for evaluating the responses should have been developed alongside the consultation document and should be freely available now.

The Department of Justice is a public authority for the purposes of Section 75. We do recognise that the Review Team's recommendations are high level, which, when built upon will give birth to significant detailed policy. However, Section 75 requires duty bearers to consider equality implications as early as possible in the development of policy. And there the discharge of the Department's Section 75 duty requires the DOJ at this stage to screen the recommendations to determine any potential adverse impact. We are concerned that the consultation documents suggests that the DOJ may not have taken cognisance of this element of their duty and have not as yet undertaken this screening exercise.

In discharging their Section 75 duty and Article 12 duty under the UN Convention on the Rights

of the Child, there must be consultation directly with children and young people. We presume that is already happening, however, the Children's Law Centre have not received or have been able to find a child accessible report or consultation document. This is very concerning because time is ticking on the consultation period, and in fact children and young people should be given extra time to respond to such a consultation rather than less time.

Kathleen has provided us with an excellent benchmarking of the recommendations against international human rights obligations which I will unashamedly be drawing on, not just in relation to the Youth Justice Review, but again in the future. Like Include Youth, the Children's Law Centre particularly welcome recommendation 28 in respect of amending Section 53 of the Justice (Northern Ireland) Act 2002 to comply with Article 3 of the best interests on the rights of the child and I know both Include Youth and the Children's Law Centre argued for the inclusion of that when the Justice Act was going through. In fact we did it so forcefully that we sent Koulla over to Westminster to try to put pressure on them but even she couldn't succeed on that.

Building on this excellent human rights analysis a similar benchmarking on any policy and legislation which flows from these high level recommendations against international obligations, must be taken at the earliest possible stages in development of these proposals.

The Review Team have done an excellent job of reporting within such a short time frame. I think it is imperative that we follow their example and take forward the not insignificant work that needs to be done with the same due diligence. In that respect I am particularly mindful of those recommendations which may require legislative amendment. As I understand it the DOJ has scheduled to take forward four Justice Bills in this legislative Assembly, the first which I understood which was due to be laid in the early Autumn. Given that it can take up to two years for legislation to pass through the assembly, it is imperative that we maximise the legislative opportunities that present themselves.

As was the case with girls, the Children's Law Centre believes that it does not require legislative amendment to move boys out of Hydebank Wood and that they can be moved in the first instance without recourse to legislation and legislative amendments following. The DOJ should therefore act now to remove children from Hydebank Wood. Thereafter given the child's right to life is engaged, the Children's Law Centre strongly urge the DOJ to take the opportunity of the proposed compliance bill, which we understand will be the first of the bills to be taken forward, to introduce the necessary legislative amendment required to address this noncompliant provision.

The Review Team's analysis of the need for early intervention and joined up government to

address the issues impacting on children in the justice system, reflects the repeated concerns the Children's Law Centre have voiced over many, many years. In the Children's Law Centre we have many James contacting our legal services in desperate need of calms facilities or allied services to meet their needs. We have seen how the State's failure to meet the range of children's needs across education and health regularly lead to children coming in contact with the criminal justice system. We can provide evidence of how an investment of £100 a week in calm services can save the government four and a half thousand pound a week later on when those children are detailed in the Juvenile Justice Centre.

We have told this to this government, this Assembly, we told it to the last government and the last Assembly, we have told it to successive direct rule ministers, it is in the children's strategy (wherever the children's strategy is) and every time we have raised this issue we have had a sympathetic hearing, but the reality is we do not have crossdepartmental cooperation and we do not have a sharing of precious resources across the departments in the best interests of the child and children are continuing to suffer as a result. Given the multiparty nature of our Government, voluntary cooperation and sharing resources across departments is very challenging for every one. In the context of ours and other's experience over many years, the Children's Law Centre very much regret that the Review Team did not take the opportunity to recommend a statutory duty to cooperate.

We will respond in some considerable detail to the consultation of the Review Report, which is the reason why I have not considered in any detail the Review's recommendations. However, I feel strongly it is incumbent upon the Children's Law Centre to return to one recommendation. I was very deeply concerned after I was at Hydebank Wood Young Offenders Centre last March, that many children that we met there had serious mental illhealth. Subsequent to that, as we all in this room know, on one day tragically two young adults took their own lives and another attempted to do so. Most of the children in Hydebank Wood have mental health needs, some have very serious mental health problems. There is no routine child and adolescent mental health services in Hydebank Wood and possibly there is none at all.

So effectively, rather than detaining children with mental health needs in the facility, which is Woodlands, which has good child and adolescent mental health services, we are locking up children with serious mental health needs, some of whom maybe at risk of taking their lives in an institution that has no child and adolescent mental health services. The Department of Justice's Article 2 duty to protect the lives of those children is very clearly engaged.

The Department of Justice has been made aware of concerns with the detention of children in Hydebank Wood by such esteemed bodies as the UN Committee on the Rights of the Child and as we visited in March by the UN Secretary General's Special Representatives on violence

against children. Concerns have been highlighted in respected reports over many years from such bodies the Criminal Justice Inspectorate, the Prisons Review, the RQIA and the Youth Justice Review. The Department of Justice are on notice and they have been on notice for sometime that the child's right to life is engaged.

The Children's Law Centre while welcoming the report's recommendation to end the detention of children in Hydebank Wood Young Offender's Centre, do not think it is acceptable to put on hold for 18 months the Department of Justice's compliance with Article 2 duty to protect the child's right to life. Additional resources, if that is what is required, must be made available immediately to the Youth Justice Agency to enable immediate transfer of all children in detention from Hydebank Wood Young Offenders Centre to Woodlands Juvenile Justice Centre.

Thank you. ʹʹ