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youth
promoting best practice with young people at risk

**Include Youth's response to OFMDFM Children and Young People's
Unit's Consultation on a Draft Strategy for Children and Young
People in Northern Ireland**

March 2005

Introduction

Include Youth promotes best practice with young people at risk of social exclusion. We achieve this through the development and promotion of resources, the provision of training, information and support of practitioners and organisations. We also undertake activities which attempt to influence public policy and public awareness locally and nationally.

Include Youth promotes the development of positive choices and opportunities for vulnerable and challenging young people whether in the community, residential care or custody. Include Youth promotes the use of community alternatives to care and custody for children and young people.

Amongst the young people at risk with whom, and on whose behalf Include Youth works are young people from socially disadvantaged areas, those with a learning disability, those with special needs, those who have been truanting, suspended or expelled from school, those from a care background, those who have had a negative parenting experience, young people who have committed or are at risk of committing crime, misusing drugs or alcohol, undertaking unsafe sexual behaviour or other harmful activities, or of being harmed themselves.

General Comments

Include Youth very much welcomes the opportunity to be involved in this most important consultation. We believe that the Children and Young People's Unit's development of a ten year overarching Strategy for Children and Young People has the potential to be one of the most crucial and significant advancements within our society for many years. The impact of the final Strategy will be far-reaching and long lasting. It is therefore crucial to get it right. This is an opportunity to create a framework across government which has children at its centre, and we are pleased to add our voice to the debate.

Include Youth has been involved at various levels and at all stages leading up to publication of the draft Strategy. Together with colleagues in the voluntary sector, we have been represented on the NGO Forum, which was established by the then First and Deputy First Minister in 2001. Through the NGO Forum we worked closely with the CYPU to ensure that as much as possible there was consensus on what the strategy should look like. In the pre-consultation phase, we supported our Young Voices

participation project to submit a detailed and far-reaching report in respect of what issues the Children's Strategy ought to cover, which is available on our website – www.includeyouth.org. In addition we facilitated an event at our YOYO Practitioner's Forum, which draws together professionals from all over Northern Ireland working with young people at risk across a range of disciplines in the voluntary, statutory and community sectors. at the pre-consultation stage. We also attended the Future Search event organised by the CYPUP, which brought together over 80 key stakeholders. In addition, by way of preparation, we attended cross-sectoral training on the UNCRC and children's rights, which was delivered jointly by Children's Law Centre and Save the Children and supported by the CYPUP.

This extensive work during this pre-consultation phase, which was led by the CYPUP, did indeed lead to the development of a consensus for the work. In addition, the inclusive pre-consultation process engaged by the CYPUP has been very encouraging in terms of developing meaningful and positive relationships with government, and the Unit is to be commended for taking the lead on this within government. We look forward to continuing to foster constructive and mutually beneficial working relationships with all government departments with responsibility for children and young people.

Include Youth's process in formulating response

In formulating our response to the draft Strategy, Include Youth has facilitated a number of consultation sessions with staff. In addition, we have run a session at our YOYO Practitioner's Forum, which was supported by CYPUP. The wide-ranging and insightful comments made at these events are included in our response, which we hope you find useful.

There has been widespread interest in all events Include Youth has held in respect of developing a Children's Strategy, at both the pre-consultation and this formal consultation phase. This is in large part because professionals from all sectors working directly with children and young people have stated clearly to Include Youth that they believe the production and implementation of a 10 year strategy for children and young people has the potential to be the most important development in the area of children's rights for many, many years.

It is therefore with dismay that we have to report that the overriding feeling among practitioners upon reading and discussion of the current draft Strategy, was one of immense disappointment. Include Youth unfortunately shares this disappointment, and believes that the document falls short of providing a framework for delivering on the commitments agreed by consensus during the pre-consultation phase.

We firstly wish to raise a number of core matters and then examine in detail Section 6 where government departments' proposed actions for the next ten years are set out.

UNCRC

Our primary concern is our belief that the draft Strategy as it currently stands is weak in its commitment to the UNCRC, and falls short of providing the framework for the implementation of the UNCRC.

We note with particular disappointment the fact that earlier discussions in respect of the Strategy stated a much firmer commitment to the UNCRC than that which has appeared in the current document

This draft not only falls short of this explicit commitment to ensuring implementation of the UNCRC but it also appears at times to be both inconsistent and contradictory on the issue of children's right and the Convention. By way of example, the draft Strategy at page 30 in a section on 'Operational Principles' states '**rights promoting**' as one such principle – which will ensure that 'policies and services shall be developed in such a way as *to carry Northern Ireland closer to the principles enshrined in the UNCRC...*' (our emphasis). However, on the very next page, the terminology used is '**rights-based**' whole child approach.

Earlier in the document, in Chapter 1, it states '*The strategy will help NI to move closer in line with the principles and aspirations laid down in the Convention. **Not all of those principles and aspirations will be immediately realisable, but the strategy will provide a firm programme for progress and help to advance the rights and best interests of all children and young people.***'(our emphasis)

Include Youth would respectfully suggest that at the outset the Strategy should state unequivocally its firm commitment to fully implementing the UNCRC – that it will be the implementation plan for the UNCRC, and that it will be based on the principles

and provisions of the CRC. We believe that in the context of such an explicit commitment, it would be acceptable to include the statement that not all aspects will be immediately realisable. However, in the absence of such a statement of intent to achieve full implementation of the Convention, Include Youth believes that such comments are both restrictive, and defeatist. After all the Strategy will be in place for ten years, and we would expect to see high aspirations reflected in the text, leading to significant progress towards implementation of the Convention in that time.

The UN Committee on the Rights of the Child

Include Youth recommends that the Children's Strategy should include at the outset a firm commitment to address the UN Committee's Concluding Observations from its Second Periodic Report in 2002.

The UN Committee has stated that it

'expects State parties to take account of the recommendations in its concluding observations on their periodic reports, when developing and / or reviewing their national strategies.' (p 29)

Currently, the draft Strategy makes reference at paragraph 2.3 to issues raised by the UN Committee on the Rights of the Child, but does not go far enough. Whilst the document does state that the Committee recognised *'there is still much work to be done and highlighted a number of areas where it would wish to see further action'*, we would suggest that the draft Strategy has focused particularly on areas where the Committee had identified progress. For example, out of the many issues raised by the UN Committee in its Concluding Observations, only the following four were singled out for specific mention in the draft Strategy - dissemination of Committee Observations; child rights awareness training for government personnel; need for central mechanism to co-ordinate implementation of Convention; and integrated education. No mention is made of the UN Committee's concern at the *'lack of a rights-based approach to policy development'*, or that it *'encourages the State party to expedite the adoption and implementation of a comprehensive plan of action for the implementation of the Convention'*. (paragraphs 14 and 15)

Include Youth is strongly of the view that the draft Strategy in its reference to the UN Committee, must make express reference to the issues which gave the Committee cause for concern in its last periodic report. These include, although not exclusively, physical punishment; plastic bullets; use of restraint and solitary confinement; and children in conflict with the law. On this final issue, the Committee made more critical observations about children in the youth justice system than in any other area, noting with ‘serious concern’ that,

“...the situation of children in conflict with the law has worsened since the consideration of the initial report”.

A particular concern for the Committee is the low age of criminal responsibility. It also criticised the conditions that children experience in detention with specific concerns including the use of solitary confinement as a disciplinary measure or for protection, the lack of access to independent advocacy services and the fact that children are still not separated from adults in prison. Amongst the Committee’s recommendations to government was to ensure that detention of children is used as a measure of last resort for the shortest appropriate period of time. Another factor raised has been the significant number of children and young people in custody and at risk of offending with mental health problems, and the wholly inadequate and inappropriate response to the needs and rights of these children and young people. In addition, the UN Committee on the Rights of the Child noted that the UNCRC’s fundamental guiding principle of non-discrimination was not fully implemented in relation to children in care and detained children.

Include Youth contends that in the context of implementation of the UNCRC, the draft Strategy should explicitly acknowledge the areas where ‘work still needs to be done’ as identified by the UN Committee. This is important in the context of government making a clear statement of intent to redress what NICCY research has called ‘significant and egregious breaches of children’s rights’. In addition, we believe that it is essential that the Committee’s Observations have a primary role in identifying key Actions across government. We have significant concerns that this is not in fact the case; however, will examine this issue in more detail later in our response.

Rights contingent on responsibilities

Include Youth would also like to voice our concern about the fact that the draft Strategy appears to make the provision of ‘rights’ contingent upon ‘responsibilities’. As early as the second paragraph of the document, Minister Spellar sets the tone when he states *‘with rights come responsibilities’*. This is the only comment in his Foreword which the Minister illustrates with a supporting quote from a young person.

Making rights contingent upon children behaving responsibly fails to recognise the special protection which international human rights institutions and principles have agreed children are deserving of due to their ‘special vulnerabilities’. Indeed the drafting of the UNCRC, signed by over 190 countries worldwide, was in large part deemed necessary due to this special vulnerability status of children and young people. Include Youth is of the view that there is a clear responsibility on the part of the State to protect the rights of its most vulnerable citizens.

We are concerned that the current focus linking rights to responsibilities could potentially mean that the Children’s Strategy would only protect ‘good’ or ‘deserving’ children and young people. It is widely known, and well supported by international research, that children and young people, who are at risk of becoming in conflict with the law, can be a particularly damaged and vulnerable group. At times they may exhibit challenging or problematic behaviour, however, it is our experience that often this is a manifestation of deeper underlying issues which have been allowed to go unresolved, despite involvement of a number of key statutory agencies. It is our strong contention that the Strategy should ensure that all agencies work together to prevent children getting into risk taking situations at all, and should promote and protect the rights of these vulnerable citizens.

Instead we are deeply concerned that the State is adopting an increasingly punitive approach in respect of children and young people at risk, which is best evidenced by the hastily introduced Anti Social Behaviour (NI) Order 2004, which we anticipate will most adversely impact on this group of children, based in the experience in England and Wales.

Include Youth strongly believes that the Strategy for Children and Young People must be for all children and young people – not just those who are considered ‘deserving’

of its protection. At Include Youth we very much believe that children and young people must be encouraged and supported to be active and responsible citizens. However, this must be set firmly within the context of a children's rights framework, particularly in respect of the guiding principle of 'best interests'. One cannot subject children and young people to persistent and significant abuses or negations of their rights on the one hand, and on the other demand that they act like model citizens.

Therefore, the issue of children's responsibilities must be explicitly set in a holistic 'Rights-based Whole Child' context in the Children's Strategy. Children must be taught the importance and experience the protection of their own rights, and from this will follow their acceptance of the rights of others. Of course, this should occur at all stages of a child's life, and the role of education will be crucial, as will the wider issue of developing a human rights / equality culture in Northern Ireland. The Children's Strategy can play a fundamental role in ensuring that the rights of all children in Northern Ireland are promoted and protected across government. For those young people who have behaved inappropriately, the Strategy must also provide that they will be encouraged and supported to accept responsibility for their actions in a way which is consistent with their best interests.

We recommend that all references and inferences to the effect that rights are contingent on responsibilities should be deleted.

ALL Children and Young People

We also wish to raise with you our concerns that the current draft strategy appears inconsistent in its application to **all** children and young people. This is clearly at odds with the UNCRC's non-discrimination principle at Article 2.

The document does state at paragraph 4.4.3 that one of the Operational Principles will be to be 'inclusive and fair', and provides that;

'the diverse range of races, cultures, lifestyles and experiences of children and young people in Northern Ireland, including those for whom living in a family is not possible, will be recognised, with equality of opportunity for all children and young people in relation to quality of access to and participation in services provided for them'

We believe that any such statement should be couched in the terminology used in the UNCRC – i.e. rename this Operating Principle ‘non-discrimination’. We are not convinced that this Operating Principle, as currently framed, goes far enough. In particular, it appears to ‘recognise’ diversity, but only pledges to ensure equality of opportunity in respect of access to services. We submit that the UNCRC’s principle of non-discrimination goes far beyond access to services – a point recognised by the UN Committee by way of General Comment, when it stated: *‘the non-discrimination principle requires that **all rights guaranteed by the CRC** should be recognised for all children within the jurisdiction of states’* (p 30) (our emphasis)

Youth Justice

We are concerned that there are limited references to children and young people within the criminal justice system in the draft Strategy. Special mention is made at paragraph 7.3.4, where it is stated: *‘subject to developments on devolution, the Northern Ireland Office will continue to be responsible for functions which fall within the reserved field such as youth justice.’* This ambiguous sentence appears in a paragraph which states that excepted matters fall outside the scope of the Strategy altogether; and we are concerned that reserved matters, whilst not falling entirely outwith the scope, may receive less priority than those areas which previously fell under the remit of our devolved administration. We are unclear as to why this sentence was included. We believe that if this sentence is retained in order to explain the context in which youth justice issues sit, then it is essential to explicitly state that all matters concerning youth justice fall fully within the remit of the strategy. We wish the CYPU to respond with clarification as to whether and to what exact extent the area of youth justice will falls within the scope of the Strategy.

It is important to state that young people in conflict with the law are very often involved with other service providers, for example, social services and education, and it is essential that a joined up multi-agency approach is steered by the Children’s Strategy in regards to such children at risk.

We note that there are only two draft Actions specifically relating to the expansive and complex area of young people in conflict with the law. We are far from convinced that these actions are comprehensive enough to tackle the wide range of

issues which caused the UN Committee ‘serious concern’ when it last reported in 2002, many of which remain. We will explore this issue in greater detail in due course.

Refugee and Asylum Seeking Children

When one examines the document in detail, it appears to Include Youth that all children and young people are not in fact treated equally by the draft Strategy. Asylum seeking and refugee children fall outside the scope of the draft Strategy, as this is considered an excepted matter. However, clearly these children access a range of statutory services whilst residing in this jurisdiction, which are provided by Northern Ireland, government departments, agencies, boards, trusts, etc. We are strongly of the view that refugee and asylum seeking children should be included in the draft Strategy. There are numerous references made to refugee and asylum seeking children by the UN Committee in its Concluding Observations.

LGBT Young People

In addition, there appears to be no mention at all, save in the EQIA Data at Annex 6, in respect of lesbian, gay, bisexual or transgendered young people. There is no reference whatsoever in any of the draft Actions in respect of this group of young people, despite the fact that research commissioned in 2003 by the Department of Education stated that the following problems persisted for LGBT young people – physical, emotional, verbal and sexual abuse; homelessness; attempted suicide / self harm; depression and other mental health issues; eating disorders; substance misuse, sexual exploitation. (SHOUT Research – The Needs of young people in NI who identify as LGBT). The UN Committee expressed its concern ‘*that homosexual and transsexual young people do not have access to the appropriate information, support and necessary protection to enable them to live their sexual orientation*’ (para 41) , and recommended that the state party ‘provide adequate information and support to homosexual and transsexual young people’ (para 42 d) While one of the draft Actions at page 44 provides for ‘facilitation of equal access by all children and young people to information...’, we are not convinced that this measure will address the Committee’s concluding observation, given the general invisibility of LGBT young people in the strategy.

Children with disabilities; children from different ethnic backgrounds

We are also concerned that children and young people with disabilities and those from different ethnic backgrounds are not explicitly included under the 5 key action areas. Instead actions relating to these groups of children and young people are relegated to the section on cross-cutting themes. The clear worry is that these groups will be treated as an add-on.

To sum up, Include Youth recommends that the strategy must explicitly apply to all children and young people living in Northern Ireland; and must recognise and give equal weight to issues arising as a result of their multiple identities. Therefore, these must be included in the 5 key action areas.

Resourcing

Whatever the final Strategy looks like, one thing is certain – if there is no proper allocation of resources then its implementation will be piecemeal at best. The UN Committee in its General Comment states: that the strategy *'needs to be linked to national development planning and included in national budgeting; otherwise, the strategy may remain marginalised outside key decision-making processes.'* (p31) and at paragraph 51 it further remarks that *'the Committee needs to know what steps are taken at all levels of Government to ensure that economic and social planning and decision-making and budgetary decisions are made with the best interests of the child as a primary consideration'*.

In its Concluding Observations in 2002, the Committee recommended *'transparent analysis of sectoral and total budgets across the State party and in the devolved administrations to show the proportion spent on children, to identify priorities and to allocate resources to the 'maximum extent of available resources'*.

However, it is unclear to Include Youth whether the strategy will have priority status to enable it to compete alongside other departmental priorities for resources. It is our view that the strategy must be a priority outcome for government. Departments must clearly demonstrate in their annual Business Plans' resources dedicated to the Strategy's Strategic Outcomes, Objectives and Actions.

Consultation

We are pleased that the CYPU has submitted the draft strategy to consultation for a period which has exceeded the guidelines laid down by the Equality Commission in respect of Section 75 of the Northern Ireland Act 1998. In addition, we are pleased to see that the Unit has produced a format of the draft policy which is more accessible to children and young people. As earlier stated, we commend the CYPU for the extensive pre-consultation exercise undertaken two years ago to inform development of the Strategy. However, clearly children and young people from across Northern Ireland, must be centrally involved in the current consultation on the draft Strategy. We are unaware as to the extent to which the CYPU has consulted directly with children and young people, and what special measures have been taken to ensure that the views of marginalised children and young people have been taken on board. We would therefore be grateful if you could respond with details of how and to what extent the CYPU has discharged this particular part of its duty under Section 75.

Content and Layout

It is our view that the draft Strategy is unwieldy and confusing to read. It has a Vision, 10 Values, 7 Operational Principles, 5 Areas of Action – one of which is broken down into 5 sub-sections; 3 Cross Cutting Themes and 10 Strategic Outcomes. Whilst we appreciate the desire to be thorough, the end result is a document which is not very user friendly, and we believe that this may give rise to difficulties in monitoring. Include Youth recommends that the final document must be accessible, therefore it must clearly show how each objective and action relates to the Vision, Values and Operating Principles – all of which must explicitly be based on the UNCRC.

We also submit that all draft Actions should be numbered for ease of reference.

Vision, Values and Operational Principles

Include Youth believes that the Vision, Values and Operating Principles must be explicitly reflective of the principles and standards laid down in the UNCRC.

Vision

In respect of the Vision, Include Youth would make the following suggestions – on the point that children should be free from ‘commercial exploitation’, we believe that

this should be extended to include all forms of exploitation. The UNCRC provides at Article 32 – 36 that States shall protect children from economic exploitation (Article 32); narcotic and psychotropic drug use (Article 33); sexual exploitation and abuse, including prostitution and involvement in pornography’ (Article 34), and prevent the sale, trafficking and abduction of children at (Article 35). Focusing solely on commercial exploitation ignores the sexual exploitation which many young girls and boys endure across parts of Northern Ireland, and the significant substance misuse problems which many of our young people face.

We note that one of the Visions is that each child will have ‘a voice in how he or she lives and is cared for’. While this is laudable, Include Youth believes that the statement could be augmented to include an explicit reference to ‘participation’ – for example, by inserting the phrase: ‘are able to play as full a part as possible in decisions which affect their lives’. We also believe that a statement should be included in the Vision to the effect that ‘all children can live free from any and all forms of discrimination.’

Values

Include Youth believes that it is very important, as stated in the Values, that ‘children have rights as individuals’. However, in our view, in order to achieve the Vision of ‘enabling children to exercise their rights’, it is essential that one of the Values clearly state that ‘children and young people will know their rights and the UNCRC.’

We also believe that express reference should be made here to the issue of Prevention – clearly prevention is a core component in realising many of the factors which appear in the Vision. We are concerned that there is an absence of focus in the draft Strategy on the issue of prevention.

Moreover, Include Youth is concerned with the wording of the final draft Value, where the focus on transition from childhood to adulthood appears to be completely skewed towards ‘*enabling them to express respect for others and **take increasing responsibility for their actions and decisions***’ (emphasis added) The draft Strategy fails to capture here the many areas of life in which children require support and encouragement at transitional times in their lives, and this preoccupation with

responsibility once again gives cause for concern that the Strategy makes children's rights contingent upon their being respectful and responsible citizens.

Operating Principles

Include Youth agrees that the Operational Principles should be adhered to by all those who develop policies and provide services – indeed they must be the quality control standard against which government actions can be measured. We recommend that the first Operating Principle be changed to replace the word 'centred' with 'in the best interests of'. As earlier stated, we believe that the 'inclusive and fair' Principle should be re-worded to state 'non-discrimination'. Furthermore it is our strong contention that the Principle providing that all actions should be 'Right-promoting' derogates from the standards set down in the UNCRC, is weak, and sets the quality control benchmark for measuring government actions much too low. As stated earlier in our response, Include Youth believes that the proper wording is 'rights-based' – which will also be consistent with wording used in Chapter 5, which is entitled 'A Rights-Based Whole Child Model'.

We strongly concur with the final Operational Principle, and believe it is essential that the Children's Strategy is 'well co-ordinated and collaborative'. This is necessary to recognise and respond to the complexity of children's lives, and involves inter-governmental planning and delivering of policies and services. For too long it has been the experience of those working with and on behalf of children and young people, that government departments work separately and in 'silos'. The Children's Strategy must provide the impetus and direction across government to ensure that all actions regarding children and young people are 'well co-ordinated and collaborative'. We are concerned that the current draft Actions fail to measure up to this Operating Principle, and represent a very clear lack of joined – up thinking. By way of example, the strategy does not set out how departments of government will be required to co-operate to take forward actions, nor how co-operation will be monitored and reviewed.

Chapter 5 – Rights-Based Whole Child Approach

As previously stated, Include Youth believes that this title is correct, and that this wording should be used consistently throughout the document.

Nowhere in Chapter 5 does it say that the Draft Children's Strategy will be the implementation plan for the UNCRC – this needs to be expressly included. We are concerned with the tone of the opening sentence at paragraph 5.3.1, which in our view appears to suggest that focusing attention on children's rights necessitates taking a narrow, legalistic approach. We believe that this is unhelpful, and undermines the role of the draft Strategy in promoting children's rights. It is our view that children's rights enshrined in the UNCRC, sit easily alongside the whole – child model – particularly in regards to the principle of best interests and the other general principles referred to at paragraph 5.1.

Chapter 6: Strategic Outcome, Objectives, Actions

Include Youth is concerned at the manner in which this section has been structured. In particular, we are concerned that the creation of five key action areas and three cross-cutting themes is unnecessarily fragmented and confusing.

Cross Cutting Themes

While we agree that there are themes which cross cut all areas for action – we are not convinced that the three chosen are fully reflective. It is our view for example, the issues of Prevention and Participation cross cut, and should appear in all Action Areas. We are greatly concerned by the way in which the 'additional needs of children and young people who are especially vulnerable, and / or disaffected' are presented in the section on cross-cutting themes. We believe that actions proposed in relation to groups of children with additional needs should be incorporated within the substantive Strategy, not relegated as 'additional' actions. There is a real danger that those groups of children and young people who already suffer disadvantage and who are dealt with in this section will be further marginalised, by what appears to be a 'mop up' section. It is further confusing that there are already references made in some of the key action areas – such as Protection and Poverty – of children with additional needs and particular vulnerabilities.

Include Youth strongly recommends that if the strategy is serious about implementing the 'whole child' approach then children and young people with additional needs should be included comprehensively under the 5 key action areas. It will also be essential that the Strategy recognises that all children and young people are not equal

and that additional specific actions are required to enable these groups of children and young people to experience equality of opportunity. Where there are specific actions relating to particular groups of children and young people these must be set alongside specific child centred indicators, with data disaggregated, for example in terms of disability, race, care experience, school exclusion to facilitate the measurement of progress toward strategic outcomes. This whole child model should recognise the continuum of care from universal / generalist services to provision of specialist services, in line with the Hardiker model.

Finally, on this point, as it currently stands, only some groups of children with multiple identities are consigned to this cross-cutting section, including, children with disabilities and those from different ethnic backgrounds, young carers, looked after children and young people. While there can be no disputing the fact that these children and young people have additional needs, we submit that the draft Strategy has been quite selective here, as it makes no reference to for example, young parents, young gay, lesbian bisexual and transgendered people, children and young people living in rural areas, and children and young people in conflict with the law.

Key Action Areas

We recommend that the Key Action Areas should have regard not to the ‘principles enshrined in the UNCRC’ as outlined at paragraph 6.1.2, but to ‘the rights and obligations contained in the UNCRC, and the Concluding Observations made by the UN Committee on the Rights of the Child in its 2nd Periodic Report, 2002’.

At paragraph 6.1.7, we would ask the CYPUC to respond as to why the Northern Ireland Human Rights Commission is not included alongside reference to consulting and having regard to the statutory roles of the Commissioner for Children and Young People for Northern Ireland (NICCY) and the Equality Commission for Northern Ireland. We also believe that the priority action areas / strategic outcomes and objectives, should be aligned to the Strategic Priorities of NICCY.

Actions

We are concerned generally that many of the draft actions contained in the Strategy are already within the planning systems of different departments. There is little

additional and even less which appear to challenge departments to think or plan differently.

Indicators

Include Youth is greatly concerned that the indicators to measure achievement are grossly inadequate, and will not measure in any meaningful way progress towards realisation of outcomes. Very few of the draft actions are accompanied by real targets which means that the Strategy will be almost impossible to measure. Clearly there is a dearth of SMART targets – i.e Smart, Measurable, Attainable, Realistic; Time Framed - in the draft Children’s Strategy. Put simply, we wish to see targets setting out clearly what each government department aims to achieve, by when, and what measures it will use to demonstrate success. Instead, the draft Strategy is peppered with a range of vague indicators, such as ‘changes made to policies and legislation’. There is also an over-emphasis on quantitative data – and not enough focus on gathering qualitative information from children and young people. Even where quantitative indicators are used, in the main it is open to interpretation whether increases or decreases will constitute improvement.

The draft Strategy at page 58 – Provision: Research and Information – includes an action around the development of a system of child centered indicators, including child rights indicators, and Include Youth very much welcomes this. The UN Committee’s Guidelines for Periodic Reports states that government must take steps *‘to develop mechanisms for the identification and gathering of appropriate indicators, statistics, relevant research and other relevant information as a basis for policy-making in the field of children’s rights’* (para18) In addition, the Vienna Declaration and Programme of Action states that *‘evaluation requires the development of indicators related to all rights guaranteed by the CRC’* (para 48)

Include Youth is firmly of the view that work should begin immediately to develop a system of child rights indicators, within the framework of the Convention – containing as a minimum information in compliance with the general principles of the UNCRC. This should be adopted consistently across all government departments and in relation to the Strategic Outcomes and Actions of the Strategy and the more detailed Children and Young People’s Action Plan.

Timescales

We are concerned at the lack of long-term actions in this 10 year strategy. We believe that actions must be set up systematically and developed over the entire life of the Strategy – for example, where short term actions involve the important compiling of information and preparing of reports, we believe that it is essential that medium and long term actions be devised to implement recommendations flowing from such reports – otherwise nothing will be done to bring about improvements in advancement of the rights and best interests of children and young people, and address the problems identified in research. By way of example, those participating in our consultation exercises expressed deep concern at the fact that the only action proposed to deal with the pervasive issue of domestic violence over the next ten years would evaluate the ‘extent and impact of domestic violence on children and young people’ (page 64). Dismay was expressed at the absence of any follow up actions, pledging to implement recommendations arising from this evaluation.

Rights and Equality

Include Youth agrees that the Key Action area ‘Rights and Equality’ is correctly identified as one of the fundamental issues concerning children and young people. However, it is our view that the section does not tackle the key issues of current inequality and rights infringements which persist for many children and young people living in Northern Ireland today. On this matter, we would specifically refer you to the UNCRC; the UN Committee’s Concluding Observations in their Second Periodic Report in 2002; and the more recent research commissioned by the Northern Ireland Commissioner for Children and Young People and conducted by Queens University Belfast.

Strategic Outcome

We do not believe that it is necessary to include the reference to ‘age and maturity’, and it is our view that this undermines the strength of the strategic outcome. The focus should be on ensuring that the State delivers on children’s rights and equality for all children, irrespective of their ability to comprehend. Once again we are of the view that the reference to ‘responsibilities’ in the Strategic Outcome is inappropriate and should be removed.

Strategic Objectives

We agree with the Strategic Objectives, and are pleased to see in this section at all five key Action Areas, reference to the Relevant Articles of the UNCRC.

Draft Actions

We are concerned that a number of the actions relate to work which is happening or planned to happen within government – with particular reference to the first four draft actions. The EU Employment Framework Directive regulations will come into force regardless of the Children’s Strategy, and will require to be fully implemented in respect of age discrimination. On the actions concerning ‘ensuring the rights and needs of children and young people are reflected in the implementation of a Racial Equality Strategy / Gender Strategy’, we recommend that the word ‘reflected’ should be changed to state ‘fully included’.

Moreover, in relation to these strategies, Include Youth is worried that the quality of implementation will be contingent upon how much reference to children and young people actually appear in these documents, as often they tend to focus on ‘adult’ issues, with child-specific matters tagged on. For example, consultation on the Gender Strategy has just recently ended, and in our view the document was very disappointing, as it failed to adequately address at all the many gender specific issues arising for children and young people. Clearly if children and young people are not properly or at all included in other government Strategies, such as those on Gender or Race, then it will be impossible to ensure that their interests are reflected at the implementation stage. A stronger means of securing commitment needs to be developed within the context of the Children’s Strategy.

One approach would be to have the Children’s Strategy driven through at all levels of government by someone at Ministerial level, and indeed those taking part in our YOYO consultation exercise, were of the view that a Minister for Children was required to ensure that the rights and best interest of all children and young people was on the agenda across government.

Child proofing

Related to the foregoing, we note that draft action 6 on page 40 provides for the child proofing of all NEW policies and legislation. Whilst this is to be welcomed, it clearly

does not go far enough, and represents a diminished commitment than that which appeared in earlier drafts of the Strategy. Include Youth recommends that this draft action be extended to include the proofing of EXISTING policies and legislation, many of which clearly violate children's rights principles and provisions.

We believe that there must be a clear definition of what constitutes a 'policy', for all government departments in the context of this Action. We recommend that this definition should replicate the definition which appears in the Equality Commission's Revised Guidelines - Guide to the Statutory Duties We would draw your attention to – to Paragraphs 2.11-2.15 of the Revised Guidelines, and specifically paragraph 2.13, which states:

*“In the present context the term **policies** covers all the ways in which an authority carries out or proposes to carry out its functions relating to Northern Ireland”* (Equality Commission emphasis)

We also would make the point that reference should be made here to Section 75 of the Northern Ireland Act 1998, which places on all public authorities a duty to screen every policy on equality grounds.

This action also refers to the government department 'taking appropriate action' following such proofing. It is our view that this needs to be made more explicit, and the phrase should be replaced to state 'take appropriate action to mitigate against any adverse impact on the rights and best interests of children and young people'.

Training

The final draft action on page 40 refers to UNCRC Training, and states that core training on the UNCRC will be provided 'for relevant employees in Government departments and public bodies'. We would like the CYPUC to respond with more detail on exactly which institutions and agencies will come under the ambit of 'public bodies' – for example, will the judiciary, the police, the Public Prosecution Service, the Northern Ireland Court Service be included here?

The UN Committee in its Concluding Observations in 2002, expressed concern in the area of training on the UNCRC, and recommended that the government '*develop systematic and ongoing training programmes in human rights, including children's*

rights, for all professional groups working for and with children'. Both the UN Committee's General Comment No5 and its Guidelines for Periodic Reports contains detail of training requirements of governments – and the latter provides a detailed listing of sectors and professional groups who are required to be trained on children's rights. These include 'public officials as well as...professional groups working with and for children, such as teachers, law enforcement officials, including police, immigration officers, judges, prosecutors, lawyers, defence forces, medical doctors, health workers and social workers.' (Para22)

Monitoring of the Implementation of the UNCRC

The crucial subject of monitoring implementation of the UNCRC is dealt with under the final draft Action in this section at page 42. The UN Committee's General Comment No 5 states that '*ensuring that the best interests of the child are a primary consideration in all actions concerning children and that all the provisions of the CRC are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment*' (para 45)

However, the draft Strategy does not give any indication of what mechanisms will be used to child rights proof legislation and policy. Include Youth recommends that the draft Strategy should include a commitment to prioritise the development of a model for conducting child impact assessment on both existing and new legislation and policies. It is also essential that

We further recommend that all departments will be obliged to subject all legislation and policies to child impact assessment, including the Department of Finance and Personnel in relation to macro policies such as the draft priorities and budget; and the Northern Ireland Office in respect of reserved matters, including youth justice.

We further recommend that all government departments include a section on what steps they have taken to implement the UNCRC, in their annual report.

Awareness – raising campaign re Children's rights

The draft Strategy proposes at page 42 to develop and implement '*an awareness-raising campaign to alert children and young people to their rights and how to deal with any breaches of them*'. Include Youth welcomes this draft action, but we

recommend that the CYPU make specific provision for the varying information needs of children at different ages, and stages of development. In particular we would draw your attention those young people who may have literacy difficulties, for example due to a fractured and negative educational experience, and mild / moderate learning disability which may or may not have been detected.

Connected to this, the draft Strategy has another proposed Action at page 40, namely *'formal and informal education curricula will fully reflect and promote statutory obligations and rights and responsibilities in relation to equality and diversity'*. The wording of this draft Action is quite contrived and we are unclear as to what exactly will be contained in the curricula – clearly Include Youth wish to see children's rights training firmly entrenched as a core learning component within the curriculum. And whilst it is not specifically stated how this action will be achieved, one would assume that as the indicator related to 'number of young people undertaking citizenship studies at school', it is envisaged that the new curriculum – Local and Global Citizenship – will be the vehicle. This is to be welcomed however, as it only relates to post-primary schools, it is essential that the Strategy contains actions to ensure that children at primary school, and those in alternative education settings are also educated about their rights.

Indicators

We have a number of comments in respect of the Associated Indicators to measure Rights and Equality. We wish to be clearly able to see whether or not levels of inequality experienced by young people has diminished, therefore the question is will these indicators be sufficient to provide this information? Four of the indicators refer to 'levels of inequality', and we are concerned to know HOW levels of inequality will be measured. How will we know whether levels of inequality in employment and training; racial or inequality has decreased – what data will be collected, by whom, and how and when will it be presented?

In respect of the indicator concerning Section 75 of the Northern Ireland Act 1998, we would point out that this duty on government has existed for over six years, and the information is still not readily available.

In relation to the indicator about citizenship studies, we are concerned that this is the only place within the school curriculum where children's rights will be taught – there are also very important opportunities to explore this issue in other subject areas – for example, history and religion, art... Following our earlier comments on the need to ensure that children's rights training is systematically provided to all children, whether in mainstream or alternative education settings, we are also concerned at the absence of an appropriate indicator to measure the numbers of such children undertaking studies and receiving qualifications. We recommend that Associated Indicators should expressly include numbers availing of such provision for children in care and custody settings, and other alternative education locations, set against clear targets. In addition, these should measure qualitatively the experience of participants.

The indicator referring to 'changes made to policies and legislation', in our view is unhelpful, as it is unclear if changes would signify improvements or deterioration. For example, one would hope that if government departments are invoking child proofing at all stages of policy / legislative formation, including at the planning stage, then this would mean that fewer new policies would need to be changed.

One of the indicators reveals that a measurement for progress will be the number of complaints taken to the Commissioner for Children and Young People. Include Youth supports this indicator, however, it is our view that this by itself will provide only a fraction of the picture. This is because the Commissioner's complaints processes can only be engaged when other complaints mechanisms have been exhausted. Therefore it is important that all government departments and public authorities produce annually statistics on the number of complaints received, issues raised, outcomes, and whether recommendations have been carried out by the relevant body.

For example, in the area of youth justice, it has been well documented clearly by both the UN Committee and very recently in the NICCY Research that this is an area where there continues to be significant breaches of children's rights. The Committee made more critical observations about children in the youth justice system than in any other area in its Concluding Observations in 2002 , noting with 'serious concern' that,

“...the situation of children in conflict with the law has worsened since the consideration of the initial report”.

However, the Children’s Law Centre’s Chalky Helpline reports that only 2% of annual total complaints received are in respect of juvenile justice (CLC Annual Report 2003). Clearly in terms of tackling inequalities, it is necessary to know if children are making complaints in regards to alleged abuses of their rights to any and all relevant bodies. We are pleased to note that the Youth Justice Agency is in the process of developing new Complaints Policy and Procedures, and Child Protection Policy and Procedures. In terms of the draft Children’s Strategy, Include Youth is strongly of the view that it is equally as important to collate differentiated data from all government departments and agencies, such as the Youth Justice Agency, about the issue of complaints to measure developments in tackling inequalities in this area.

Participation

We are pleased to see the draft Strategy identifying participation as one of the key areas for action however, it is our view that the issue of participation cuts across every other aspect of children’s lives, and steps must be taken to ensure that this is reflected in the Strategy. In particular meaningful participation is not resource neutral and we recommend that all departments across government should include the participation agenda within its Priorities for Action.

Article 12 of the UNCRC, which deals with the issue of participation and respecting the views of the child, is one of the cornerstones of the Convention. The Committee in its Concluding Observations recommended that government

‘promote, facilitate and monitor systematic, meaningful and effective participation of all groups of children in society, including in schools...ensure that legislation governing procedure in courts and administrative proceedings ensure that a child capable of forming his / her own views has the right to express those views and that they are given due weight...procedures be formed to acknowledge publicly the views expressed by children and the impact they have on developing programmes and policies, and reflect how they were taken into consideration.’ (paragraph 30)

When examining the Participation section, it is useful to identify a number of areas where problems currently exist, in order to assess whether or not the current provisions will adequately address same. Among these are lack of participation mechanisms enabling children to challenge care plans; the lack of a child's right of appeal in education settings against decisions to suspend or exclude; and the issue of the child / young person's voice in legal proceedings, which was expressly mentioned by the UN Committee, as noted above.

Strategic Outcome

Include Youth agrees with the Strategic Outcome, save for the reference to 'age and maturity' – it is our view that this clause has the potential to be narrowly defined, and could legitimise excluding the participation of children, especially those who are younger, or developmentally not mature.

In addition, we wish to see added in the last line after the word 'decisions', the phrase 'decision-making processes'.

Strategic Objectives

Include Youth recommends that the first strategic Objective be amended to insert at the end of the current sentence the phrase: 'in decisions and decision-making processes which affect their lives'. We agree with the second Strategic Objective, however, we recommend adding a third, parallel Objective, which is to support government departments and other public bodies to enable them to effectively engage with children and young people and organisations. Because, while it is crucial to support children and young people and organisations to enable them to participate in new and existing structures, in our view it is equally important that through implementation of the Strategy, government departments and other public bodies are supported to enable them to effectively engage with children and young people and relevant organisations.

This third Strategic Objective we submit may be of particular relevance to the children and young people with whom and on whose behalf Include Youth works. As outlined elsewhere in this paper, in the main, these young people are outside the mainstream, they are hard to reach and are not accessible through the mechanisms generally used by those who would wish to consult. In addition, they are at once

often incredibly vulnerable and challenging in their behaviour. These young people require highly trained and motivated professionals to work with them across a range of disciplines in the provision of services. There is no reason to assume that similar levels of training are not required to enable professionals to meaningfully and effectively engage with disaffected young people in seeking and taking into account their views on decisions and decision-making processes which affect their lives. In our view this involves not only supporting practitioners working directly with children and young people, but just as importantly it necessitates supporting personnel in departments and other public bodies who come into contact with children and young people, including policy makers and legislators, members of the judiciary, police, Public Prosecution Service etc. Clearly, this point is closely linked to the issue of training which appears elsewhere in the draft Actions however, we believe that it is essential that a Strategic Objective is inserted here on this subject.

In respect of the relevant articles of the UNCRC, it is our view that the list is not comprehensive enough, and fails to recognise the central role that right to participation plays in the promotion, exercise and protection of a host of other children's rights. It is our view therefore, that ALL articles of the Convention are relevant here.

Draft Actions

The NICCY Research reached the conclusion '*that Northern Ireland does not listen to its children or, worse, that it affords the only minimalist, tokenistic opportunities to participate and engage with adults is a theme which cuts across all themes within the research. Examples of the violation of Article 12 are highlighted in sections on implementation, family and alternative care, health, wealth and deprivation, education, play and leisure and youth justice and policing.*' (Page xxi)

Our main concern with regards to this section is the total absence of any mention of DIRECT consultation with children and young people. Those taking part in our consultation exercises unanimously agreed that this omission was a matter of serious concern. Those people taking part in Include Youth's consultation exercises, believed that the third action which refers to 'visible involvement' of children and young people in the development of policies, is simply not good enough, and indeed lends

itself to be interpreted in a way which could lead to the perpetuation of the tokenistic situations described in the NICCY Research above.

Also in relation to this action, there was concern that youth justice issues had been omitted from the list of areas where visible involvement was envisaged to occur. This is particularly important as there is very little mention of issues pertaining to youth justice throughout the draft Strategy, and there has been absolutely no involvement – either visible or otherwise – of children and young people in respect of current measures to introduce Anti-Social Behaviour Orders to this jurisdiction.

Connected to this issue of direct and meaningful consultation is reference to Section 75 of the Northern Ireland Act 1998 which is mentioned in both the section on Rights and Equality and the current section on Participation. However, the NICCY Research found that the children’s voluntary sector and wider NGO sector did not believe that Section 75 was being implemented properly by statutory agencies.

In our consultation exercise, strong concern was expressed at the current operation of Section 75 and in particular the on-going failure of some government departments and public bodies to consult directly with children and young people on policies and legislation which directly affect them. The specific example of failure to consult in respect of ASBOs was raised repeatedly in our consultation. Indeed this failure prompted the Children’s Commissioner to make application to judicially review the Northern Ireland Office in 2004, which unfortunately was unsuccessful.

When one examines the judgment of Mr. Justice Girvan in this case, the importance of explicitly stating that the views of all children and young people must be heard and taken on board becomes very clear:

‘it is argued that there are mechanisms in place for consulting children, though one wonders in practical and realistic terms what meaningful response could be obtained from children unless they were in a position to understand the legal and social issues to anti-social behaviour, the mechanisms of dealing with it, the shortcomings of criminal law and effectiveness or otherwise of the English legislation and its suitability for transplant to the NI context, and the interaction of Convention and international obligations’

(In the matter of an application for Judicial Review by the NI Commissioner for Children and Young People of decision announced by the Minister for State for Criminal Justice on May 10 2004)

Include Youth recommends that government fully implement and ensure that all public authorities are discharging their duties under Section 75.

The first draft action in this section refers to conducting an audit and evaluation of existing participation mechanism / structures; identification of gaps and development of further appropriate mechanisms / structures at local and regional level, drawing on international best practice. It mentions specifically school councils as one such mechanism. We recommend that the Strategy should explicitly make reference to auditing and identifying gaps to participation for marginalised young people. Include Youth believes that the Strategy must address the issue of tackling barriers to participation among marginalised and at risk children and young people.

We also recommend that this audit include within its remit, the administrative and legal structures which gave the UN Committee cause for concern when it reported in 2002.

We are pleased to see the second action in this section, regarding training of staff in government. We believe that the action should expressly state that this training will be provided to personnel within ALL departments, at all levels, including senior management. Clearly on this subject a key Indicator is missing – which is the number of staff trained and with which agency / department they are based.

The Action in relation to facilitation of equal access to and dissemination of information, once again must contain an express statement to take into account issues of age, literacy levels, ability, language and other formats etc. Also in respect of dissemination, it is important to state that mechanisms will be identified by which to reach marginalised children and young people.

The first two actions on Page 46, raise similar points than those already mentioned in the proceeding paragraph, namely it is essential that the children and young people who become involved and actively engaged in preparation and dissemination of understandable, user-friendly targeted information; and in research, information,

evaluation and dissemination processes, are truly representative. This goes beyond ensuring that there is representation from across the nine Section 75 categories – as clearly these may not capture the experience of, for example, young people in conflict with the law, and young people experiencing poverty.

There was widespread support for the final action in this section which proposed to ‘promote and support participation initiatives in the voluntary, community and private sectors’. Although those taking part were quick to point out that such mechanisms should in no way be seen as a substitute for government’s duty to directly consult with children and young people. The voluntary childcare sector has developed much expertise and models of good practice to share with government and other public bodies in respect of how to conduct direct consultation with children and young people. In this regard, Include Youth’s **Young Voices** participation project works with the aim of involving young people who are engaged or at risk of becoming engaged in the criminal justice system an opportunity to become involved in decision-making processes which impact upon their lives. We already work closely with a number of key agencies, and are keen to develop these positive working relationships.

Indicators

In respect of indicators, those participating in our consultation exercise were of the view that there was a need to include indicators which measured qualitatively the involvement of children and young people – it was their view that it was not enough to provide numbers alone. In addition, they recommended that the Indicators measure the range of young people involved, and not just in terms of Section 75. Once again there is a dearth of clear targets to measure reduce inequalities or enhanced protection and delivery of rights.

Provision

This Key Action Area is divided into 5 sub-sections, and those taking part in our consultation exercise questioned the CYPU’s rationale in choosing to lay out the sub-sections in this way. And while there are a number of important issues raised in the section on Built and Natural Environment, there was some surprise expressed that this issue had been given such prominence, as it was clearly not an area where practitioners identified the most pressing concerns for children and young people.

Practitioners recommended that other more ‘core’ issues, such as education, family, and emotional, mental and physical well-being be placed at the front of this section.

Built and Natural Environment

Strategic Outcome

Include Youth concurs with the high-level Strategic Outcome.

Strategic Objectives

Whilst Include Youth agrees with this Strategic Objective, we do believe that involvement of children and young people is only one part of the issue. We recommend that another Objective is inserted, to the effect that government will take all necessary steps to create a safer, cleaner, brighter and more sustainable environment.

Draft Actions

Include Youth recommends that the first draft Action in this section be extended to include rural areas across Northern Ireland. From a children’s rights perspective, there is no logical reason as to why this action has been restricted to those children living in deprived urban areas. By the same token, the Action which promotes opportunities to improve the lives of children and young people living in rural areas must be extended to include those living in urban parts of Northern Ireland.

A further concern with regards to the first action is that it does not make any provision for implementing recommendations stemming from the comprehensive baseline study. One would expect that over a ten year period further actions could be taken over the medium to long term which would tackle the issues identified in a baseline study into safety, environmental, appearance, design, waste management, play and leisure matters.

We note that a number of the Actions refer to work which is already ongoing, or is planned – Northern Ireland Road Safety Strategy, and Safer Routes to Schools initiative.

Those participating in our consultation exercises agreed that the most important priority action area in this sub-section was that which dealt with ‘providing

appropriate, accessible, high quality social housing and promoting action to remedy unfitness'. Include Youth agree with this Action, and believe that it is an essential component in realising children's rights. The provision of good quality accessible housing cuts across many other areas where young people experience exclusion and disadvantage, and therefore cuts across many areas of government.

For example, it is well documented that young people aged 16-17 face extreme difficulties in terms of accessing appropriate and good quality social housing. Very often young people leaving care or having recently left care are placed in highly inappropriate dwellings. This may be because in their first placement upon leaving care, they may have been ill-equipped to cope and may for example have exhibited challenging behaviour which is the manifestation of a well of complex family, emotional, mental health etc. issues which have gone unresolved during their childhood. They then find themselves excluded from this placement and bundled around different hostels, B&Bs etc becoming increasingly marginalised and at risk. It is essential that appropriate social housing is provided to these vulnerable young people

Include Youth recommends that a further Action is added in this section which deals with the issue of provision of age-appropriate play space. Specifically, we refer to the issue of Youth Spaces – government needs to ensure that there are safe, clean and accessible places for all our children and young people, particularly older children and young people. Related to this point is our view that public spaces generally should be safe and welcoming to all members of the community. We recommend that this is the responsibility of a number of key departments, including DHSSPS, DE, NIO, DCAL, DARD, DOE. We further recommend that this Action is set against clear, measurable, attainable and time limited targets.

Indicators

If one examines the indicators in this sub-section, it becomes clear that once again they are further evidence of an action plan which does not have appropriate targets to measure improvements in delivering on children's rights, and reductions in inequalities. For example, in respect of the Action on social housing, there is no target set against which to measure whether government has been successful. In addition, we recommend that there is an Indicator added which clearly shows location

of new houses, and where repairs are carried out; how many houses are provided to care experienced young people, if tenancies are terminated and for what reasons. This will be extremely important in terms of monitoring and identifying persistent gaps in leaving and after care support services.

Provision

Family and Community Support

Include Youth welcomes the inclusion of Family and Community Support as a key area in the section on Provision.

Strategic Outcome

We agree with the Strategic Outcome.

Strategic Objectives

We agree with the Strategic Objective.

Draft Actions and Indicators

Include Youth strongly believes that the issue of family support is crucial to protecting and promoting the rights and best interests of all children. A cross-sectoral family support model has been developed in recent years through the Children's Services Planning process across the four Health Board areas, and delivered at local level. Include Youth hoped to see the Children's Strategy pledge to move this process on to the next level – i.e. to develop a Regional Family Support Strategy which is led at cross-departmental level, and which provides for the development of prevention and early intervention strategies within the overarching family support strategy. Such a strategy we anticipated would address the social inclusion needs of children with additional needs, including care leavers, children in conflict with the law, those who have been disenfranchised from education, and disabled young people.

However, we are disappointed that the draft Actions as they currently appear do not appear to tackle very much in this regard. Firstly, while there is a proposal to develop a parenting family support strategy, this does not go far enough, as the concept of family support goes far beyond the issue of parenting. In addition, the absence of reference to Prevention throughout the document means that the focus is too narrow and restrictive. For example, the parenting family support strategy specifically

intends to tackle ‘the consequences of family breakdown’. While clearly an important issue, this is but one of a complex range of issues which raise problems for children and young people within the context of Family Support. Moreover, there is very little evidence of joined up working in this section, which is clearly essential if one is to address the complex and multi-faceted issues which find children and their families struggling and in trouble. Participants in our consultation events also pointed to the lack of recognition in the draft Strategy of the evolving nature of families, including intergenerational families, lone parent families and those with same sex parents. Include Youth recommends much more focus on multi-agency approaches to addressing such matters.

Include Youth welcomes the draft Action to provide ‘quality, affordable and accessible childcare, afterschool and playcare’. However, once again, there is an absence of S.M.A.R.T targets.

In respect of the final draft Action, it is our understanding that this is not additional, but is reflective of on-going work within government to conduct a review of ‘Children First’, which is disappointing. Moreover, there is no commitment to implement any recommendations stemming from this review.

One of the professionals who took part in our consultation expressed concern that the draft Action which states a commitment to ‘provide information to employers on benefits or family-friendly working arrangements’ does not go far enough. She stated that the main reason why young people present as homeless straight from their family home is due to parental pressures at work and problems which arise in consequence. She recommended that this draft Action should be strengthened to go beyond providing information, and should take a much more strategic approach to ensuring that employers can implement and employees fully avail of the benefits of family-friendly working arrangements. In respect of indicators, she recommended that the targets differentiate between small, medium and large scale employers, and once again that targets be S.M.A.R.T.

Provision

Achievement, learning and enjoyment

This sub-section within the key action area of provision, deals with education, development, youth provision. It also refers to the development of a play and recreation strategy for Northern Ireland in the draft Actions at page 56 - however, we note that many of these 'play' related issues are also referred to in the earlier section on Built environment, where it is included at Strategic Outcome level. Include Youth recommends that the Strategy should explicitly recognise the important role that 'play' has in the lives and positive social development of all children – irrespective of their age.

Strategic Outcome

We agree with the Strategic Outcome

Strategic Objectives

We agree with the Strategic Objective, however, we recommend inserting a section about supporting children and young people's continued involvement in education and in particular taking special measures to ensure that this happens for those children who have additional needs; and providing a range of choices in terms of vocational and non-vocational education and training for children and young people.

Draft Actions

Include Youth would require further information in relation to the first Action in order to be able to comment fully. On the face of it we welcome strategy for common skills accredited training, however, we would ask the CYPU to respond as to who exactly will receive such training. We note that DEL will take the lead in this endeavour – we would ask what role other departments are envisaged to have. We ask this with specific reference to education in the context of looked after children. Currently, Include Youth is the lead partner in a multi-agency project addressing the severe underachievement of care experienced children and young people called L.A.C.E (Looked After Children in Education). The project is a partnership between Include Youth, Voice Of Young People In Care and Save the Children; however, crucial to the success of this project has been the joint support of the three key government departments – DEL; DHSSPS, and NIO (who are involved due to the over-representation of care experienced children and young people in the youth justice system). Include Youth recommends that the Children's Strategy should include Actions which tackle this issue in a comprehensive and imaginative way, including

but not limited to systematic provision of cross-sectoral training opportunities. Again the indicator provided here is woolly and no indication is provided as to how achievements will be measured as there are no targets, no timeframe, and no way of knowing if targets have been met.

In respect of the second Action we would ask the CYPUP to provide a definition of what constitutes a ‘children and young people centre’. We are unsure if this relates to youth clubs, crèches etc. On the face of it, whilst we welcome an evaluation of good practice in such centres, what is again missing in the Action is a commitment to actually implement recommendations flowing from this evaluation. If one examines the Associated Indicators it is clear that the strategy proposes to show that this evaluation with recommendations will ‘improve quality provision’ – however, once again there is no detail as to how this will be measured. Such indicators are unhelpful.

It is evident in this section that there is again quite a lot of focus on existing initiatives, for example, the Costello Report, the Community Sport Programme, the Creative Youth Partnerships Programme and ‘Unlocking Creativity’. In addition, with specific regards to education, there appears to be a focus on infrastructure – school buildings etc. These factors combined leave us more than a little concerned that again the draft Strategy is providing very little in the way of innovative and creative developments which add value to that which is currently happening, to realise the Strategic Outcome of enabling children and young people in NI the ‘opportunity to enjoy growing towards and maximising their individual potential’ over the next ten years.

There was consensus among participants at our consultation events that the general issue of educational underachievement of children with additional needs should be dealt with in this section, and not relegated to the section on cross-cutting themes. This was particularly in respect of disabled children and young people, which are specifically mentioned with regards to education in the section on cross-cutting themes. It is our experience, which was supported by practitioners attending our events, that quite often young people with mild to moderate learning disabilities slip through many nets, and end up not receiving the additional support they require to enable them to maximise their individual potential. Instead what happens with

concerning regularity is that these young people present with behavioural difficulties which are often a manifestation of unmet need which may not even have been recognised by way of statement; they may then find themselves suspended or excluded from school and increase their risk of getting into conflict with the law. Include Youth recommends that the Children's Strategy makes a clear commitment to addressing the additional needs of children and young people to enable them to 'enjoy growing towards and maximising their individual potential' in this mainstream subsection on Achievement, learning and enjoyment.

It appeared quite startling to those who attended our consultation events that the one action which does deal with the educational needs of children who may have missed out due to the impact of the conflict, or of their additional needs, does so only to the extremely limited extent of providing appropriate careers education and guidance support throughout a child's school life. There was consensus that priority be given to a more positive action which committed departments across government to do everything to ensure that these children and encouraged and supported to remain and thrive within mainstream education.

At page 56, we note the draft Strategy addresses the issue of extended schools. However, we are disappointed that the commitment has been watered-down from earlier versions of the draft Strategy, which pledged to 'develop and resource' such extended schools. Now the commitment only stretches to an '*exploration* of the extent to which schools could be resourced to become multi-agency centres with out-of-hours usage'. Include Youth believes that this extended schools model has the potential to make a very positive impact on the lives of children, their families and wider community. We are aware that work is currently ongoing within the Department of Education in this regard, and are further aware of a number of areas in which this is being piloted. One such pilot is in the Belfast Education and Library Board, which has a multi-agency partnership which is being taken forward by a member of staff seconded from the Youth Justice Agency. We mention this to illustrate that this issue is not the sole responsibility of DE and DCAL – but will only work if it is joined up across government and supported at high level. Unfortunately, this section again appears to reinforce the notion of silos within government, and fails

to recognise and support the many good examples of interagency work which exists in Northern Ireland.

Once again the Associated Indicators in respect of this draft Action on multi-agency centres are disappointing and a little concerning. ‘Use of centres’ is simply not S.M.A.R.T. We note the second indicator here which is ‘reduction of vandalism and petty crime in local areas’, and believe that there should be further explanation with regards to the links to proposed action.

The next draft Action, which provides for ‘a commitment to seek additional resources for new and existing youth provision’ once again is disappointing and we recommend that the wording be changed to substitute ‘commitment to seek’ with ‘provision of’. In terms of indicators, once again, much more detail is required, for example, in terms of where provision is based; what type of provision is funded – recognising the importance of choice for young people. For example, information should be provided in respect of detached youth work provision as well as that which is provided through mainstream youth clubs.

Provision Research and Information

We have already commented in detail about some of the issues covered in this subsection, earlier in this response, particularly in respect of child rights indicators. We are pleased to see a specific section on the issue of research and information, and see the importance of well-informed and ethically conducted research which adheres to the principles enshrined in the UNCRC, particularly around the issue of engaging with children and young people.

Strategic Outcome

We recommend substituting the phrase ‘services’ with the more expansive ‘legislation, policies, practices and services’; and replacing the phrase ‘draw on’ with the phrase ‘are embedded in’.

Draft Actions and Indicators

There was broad agreement that the actions outlined in respect of developing a research and information strategy were quite comprehensive. However, what was extremely disappointing was that throughout the draft Strategy existing research

which has provided examples or priority issues was not being acted on. In particular people referred to the NICCY Research which provides a comprehensive overview of the current state of children's rights in NI when measured against the UNCRC.

In terms of dissemination of research and information, those taking part in our consultation exercise believed that the Commissioner for Children and Young People had a critical role to play in this regard, and should be expressly mentioned.

In respect of data, the draft Strategy recognises at paragraph 2.1.4 the serious lack of data that exists in relation to children and young people's lives in NI. However, whilst referring to differing experiences and multiple identities it does make provision for addressing the critical need for disaggregated data. Neither does the document address the issue of adopting common systems for collecting data to facilitate comparisons across departments etc. Clearly the NICCY Research provides an extensive and invaluable source of information for the Strategy to draw upon.

Provision

Physical, mental and emotional wellbeing

Strategic Outcome

Include Youth agrees with the Strategic Outcome.

Strategic Objectives

Include Youth welcomes the strategic objective, but does not believe that it goes far enough, and would recommend that another objective be included, which makes a cross government commitment to 'the provision of high quality services to meet the holistic needs of children and young people in order to enhance their physical, mental and emotional wellbeing'.

Draft Actions and Indicators

Include Youth and practitioners who participated in our consultation events, welcome the inclusion of this sub-section, and agreed that this was one of the most important areas where the issue of Prevention had an important role to play. We therefore welcome the draft Action on developing and implementing a programme of age-appropriate education relating to building and maintaining healthy relationships and self-confidence.

However, whilst this action has a number of indicators, we yet again remain concerned that these do not provide sufficiently clear and time-limited targets. For example, we would require clear definition of what constitutes ‘risk-taking behaviours’, and where these statistics would be gathered from. In respect of the indicator ‘levels of reported bullying’, there are no targets set, and it is not clear whether an increase or decrease would constitute a success. In addition, there is no provision made for collecting disaggregated data in respect of different types of bullying. A similar criticism could be made in respect of the indicator ‘numbers of children and young people receiving mental health services’ – an absence of targets and lack of clarity about how success will be measured. In respect of the indicator ‘reported instances of abuse’, we would require further detail on definition of ‘abuse’ and how and from which government departments / agencies this data would be collected. For example, will this refer only to children on the Child Protection Register, will it include children and young people who are victims of crime, those who are victims of domestic violence whether as children in the care of an abusive adult or as partners in violent relationships. In respect of the very serious issue of suicide, we agree that this is something which needs to be fundamentally tackled in the Strategy. However, this issue must be tackled alongside measures addressing children and young people who self-harm, and account must be taken of the gender implications in this area. It is the experience of practitioners working with these incredibly damaged and vulnerable young people that girls are self-harming in large numbers, but that often their attempts at suicide do not succeed as often as those of boys because they tend to adopt less violent methods in self-harming than their male counterparts.

The third Action provides for a ‘review of the anti-bullying strategy’. Once again practitioners participating on our consultation exercises expressed the view that this action was not sufficiently robust to effectively deal with this pervasive problem. The indicators in this regard are also woefully inadequate, and some of the points raised in the preceding paragraph of our response is pertinent here. In particular at this section we are concerned that there is no mention of the Strategy measuring levels of homophobic, sectarian or gender based bullying. We are further concerned that only DE is charged with responsibility in this matter. Include Youth strongly recommends that measures to tackle all forms of bullying are co-ordinated through the Children’s

Strategy and implemented across all departments and agencies. By way of example in the context of youth justice, the Northern Ireland Human Rights Commission produced a Report in 2002 entitled *'In Our Care'*, which examined the rights of children in custody, highlighted the issue of bullying as a cause for concern.(page 94)

The draft Actions in respect of implementing teenage pregnancy strategy and drugs strategy, and that action providing for the inclusion within the Regional Strategy for Health and Social Services, of measures to tackle obesity amongst children and young people, need to be properly resourced, prioritised and measured.

In relation to draft Actions relating to mental health, Include Youth notes with extreme concern the fact that there are two actions – one of which focuses on including young people's issues in the Mental Health Strategy, and the other of which is hidden in the section on Additional Draft Actions, and which commits government over the next ten years to '**consider** the need to establish specific health services for adolescents'.(page 74) We cannot stress strongly enough the depth of our concern in respect of these actions, which are entirely unacceptable given the persistent crisis in the child and mental health services which has existed for many years. The inclusion of these actions illustrates a total disregard of this current crisis, which was most starkly presented in the recent NICCY Research which found that the 'neglect and under resourcing of the service by policy makers and legislators' has produced an acute shortage of in-patient psychiatric places for children and adolescents in Northern Ireland, which has resulted in some children being admitted to adult psychiatric facilities, and others being forced to access facilities outside Northern Ireland. In addition, on 25 February 2005, the Northern Ireland's Commissioner for Children and Young People hosted the 'Hope' Conference on Suicide & Self Harm in Belfast, and warned of a crisis facing child and adolescent mental health services. Commissioner Nigel Williams said young people were suffering each day because of ongoing problems within the very services meant to help them, and that while a number of elements of a solution were already in place - what was needed was clearer leadership, a comprehensive strategy and ring fenced resources.

Include Youth strongly recommends that the UN Committee's Concluding Observation that the State 'strengthen and make accessible mental health and counselling services for adolescents' is comprehensively included within the draft

Actions, and urgently implemented, with clear SMART indicators. Specific mention must be made in the draft Action of the need to increase and co-ordinate services provided under CAMHS.

The next draft Action in this section commits government to **publish** the analysis of responses to the consultation exercise on physical punishment and issues explored with other interested departments. Once again those participants at our consultation events considered this action to be particularly weak and disappointing. Based in this consultation, Include Youth strongly recommends that the Children's Strategy implements Concluding Observation of the UN Committee on this issue, which stated that the '*State party with urgency adopt legislation...to remove the 'reasonable chastisement' defence and prohibit all corporal punishment in the family and in may other contexts not covered by existing legislation*' (paragraph 36a) In addition, we further recommend actions are included to 'promote positive, participatory and non-violent forms of discipline and respect for children's equal right to human dignity and physical integrity...and carry out public education programmes on the negative consequences of corporal punishment'. This latter point we suggest should be implemented within the context of a Family Support Strategy.

Finally in this section, Include Youth welcomes the action to improve the health and well-being of children and young people in rural areas and to aim to alleviate stress, although we recommend that this action be extended to those living in urban areas.

Protection

Strategic Outcome

Include Youth recommends this Outcome should be strengthened to incorporate protection from 'physical, emotional and sexual abuse and neglect' as well as 'exploitation'.

Strategic Objectives

Include Youth welcomes the Strategic Objective but would suggest that a second objective be added, to ensure that children and young people whose right to protection has been infringed are enabled and supported to seek help in becoming and staying safe; to ensure that children and young people are supported to challenge any abuse through due process; ensure that where children's right to protection has been

breached when a child is in the care of the State, that the State take all necessary steps to mitigate the harm that's been inflicted

Draft Actions

There was great concern expressed at our consultation events at the draft Action relating to domestic violence and its impact on children and violence, and consensus that the current single action in no way would meaningfully tackle this pervasive problem. Indeed, a number of participants at our events expressed anger and frustration at an action which proposes to gather evidence and evaluate the impact of domestic violence on children and young people, despite the fact data is readily available that at least 11,000 children and young people in NI live their lives in a domestic violence situation; and fails to actually do anything to address the plight of these children and families. Based on our consultations, Include Youth recommends that the draft Strategy must include an Action which commits government to implementing the Tackling Violence at Home Strategy in Northern Ireland, which must be clearly matched with SMART targets which are rooted in the UNCRC.

Include Youth welcomes the draft Action around developing guidelines for media in relation to advertising directed at children and young people.

Include Youth warmly welcomes the draft Action committing government to 'raising awareness within the media as to its responsibilities in the way information about children and young people is presented', and sees this as an extremely important action in terms of protecting children and in challenging unhealthy and stereotypical public attitudes, particularly towards young people at risk. Clearly information and training is necessary to implement this Action.

However, we are concerned that a similar action does not extend to all government departments and agencies. Very often the media carries almost verbatim press releases which it receives – clearly there is a responsibility on government to ensure that any press information is compiled in a manner which is compliant with children's rights. If one examines the press coverage which has pervaded our local and regional media over the last year in respect of anti-social behaviour, it becomes clear that government is actually supporting media vilification of young people at risk through press and Ministerial statements. (eg – spellar quote) Include Youth recommends

that all government departments and agencies undertake training and quality control all information which is released to the media in respect of children and young people, to ensure that it is children's rights compliant – in particular that it is in the best interests of the child, and ensures protection.

In the area of sexual offences, a number of participants raised the complex issue of young people who display inappropriate sexual behaviour. They expressed concern at the inconsistent manner in which young people who display inappropriate sexual behaviour become placed on the sex offenders register, and the impact of the issue of delay in court proceedings can have on young people –if a 16 year old person (who cannot be placed on the sex offenders register if convicted) is charged with a sex offence the case does not come before the court until after he or she has turned 17, then they will be eligible to be placed on the register if there has been a finding of guilt. In addition, concern was expressed at the need for uniform risk assessment tools to be developed and implemented across all agencies working in this area. Include Youth wishes to inform the CYPUC of its work as convenors of the Risky Children or Children at Risk Group, which is attempting to address these issues.

In addition, concern was expressed that there was no mention at this section of any actions to deal with the issue of child prostitution and sexual exploitation of children and young people, to comply with the Concluding Observations of the UN Committee at paragraph 56 on this extremely serious issue. We recommend that actions are included here to rectify this situation.

We note that the issue of child protection is also included within the Children and Young People in Need Strategy, which is referred to under the additional themes section at page 74. In our view it makes sense to place all issues of protection in the one section.

Youth Justice

Include Youth is gravely concerned with the manner in which issues pertaining to youth justice have been dealt with in the draft Strategy. There are only two actions relating to this very complex and far-reaching issue. Placing youth justice issues here without mention at other parts of the Strategy denies the holistic approach which must be taken to promote and protect the rights of children and young people at risk –

education, play, participation, emotional, mental and physical wellbeing etc. In addition, once again this is an area in which the absence of a focus on Prevention across the Strategy is acutely felt – there is widespread international evidence which shows that implementation of a regional family support strategy including prevention and early intervention is essential to reduce the risk factors and enhance protective factors associated with young people getting into trouble, a factor upon which Include Youth relied heavily in drawing up our Prevention Strategy in 2003, which can be obtained from our website (www.includeyouth.org).

Supported by the critical views expressed at our consultation event in respect of youth justice actions, Include Youth strongly contends that the Actions as currently framed will not deliver on children rights in this area – which gave the UN Committee cause for ‘serious concern’ - and represent nothing of added value to the Criminal Justice Review recommendations of 2000. In addition in our view that even if both these actions are complied with the concerns expressed by the UN Committee on the Rights of the Child in 2002 will not be fully addressed.

Include Youth welcomes and wishes to acknowledge some of the work which has taken place to date to implement some aspects of the Criminal Justice Review. These changes include a major rationalisation of the juvenile justice estate, including the long-awaited closure of Lisnevin Juvenile Justice Centre; the creation of a Youth Justice Agency of Northern Ireland, established in April 2003; and through the enactment of the Justice (NI) Act 2002, the introduction of a range of new restorative and diversionary measures for dealing with young people who offend, including Youth Conferencing.

However, in our view there is much work still to be done in this area. Once again we would refer the CYPJ to the Concluding Observations of the UN Committee which presented its Second Periodic Report in 2002. A particular concern for the Committee was the low age of criminal responsibility. It also criticised the conditions that children experience in detention with specific concerns including the use of solitary confinement as a disciplinary measure or for protection, the lack of access to independent advocacy services and the fact that children are still not separated from adults in prison. Amongst the Committee’s recommendations to government was to ensure that detention of children is used as a measure of last resort for the shortest

appropriate period of time. Another factor raised has been the significant number of children and young people in custody and at risk of offending with mental health problems, and the wholly inadequate and inappropriate response to the needs and rights of these children and young people.

It is our view that actions in regards to youth justice must give full effect to these continued serious breaches of children's rights, which were also starkly identified in the recent NICCY Research.

Include Youth believes that at the very least the Strategy must include a commitment to hold a comprehensive and open debate on the issue of age of criminal responsibility. We have produced a Position Paper on this issue, and recommend that the age of criminal responsibility be raised to 16 –however rather than get into detail on this issue, we would refer you to this Paper which is available on our website.

We recommend that the draft action include a commitment to end detention of all children under the age of 18 with adults in custody.

Include Youth is astonished that there is no mention throughout the document of anti-social behaviour, despite the fact that this has been the main and most contentious policy area in children's rights for the past year, and with the introduction of the Anti Social Behaviour (Northern Ireland) Order 2004 there is little doubt that this issue will continue to be a live issue for some time to come. It is our strong contention that the introduction of ASBOs represents the biggest current challenge to children's rights in Northern Ireland today – which undermines the child's rights to participation, protection, due process / fair trial, custody as a measure of last resort, to name but a few. We strongly anticipate that when implemented, ASBOs will result in a significant increase in the numbers of vulnerable children and young people being fast-tracked into the criminal justice system, and in to custody.

We note with concern the only mention of paramilitary violence in the entire strategy is one very discrete action within cross-cutting themes around impact of the conflict which proposes *'building capacity within communities to enable them to engage with and support families to address barriers in the lives of children and young people, such as the influence of paramilitaries'* (page 72). (our emphasis) In our

view this is wholly inadequate and represents a total derogation of state responsibility to protect its most vulnerable citizens, by placing responsibility on communities to tackle this invidious issue. This issue impacts significantly on the rights of children at risk, and particularly those who come into contact with the law, as very often such children live with the threat of or actually receive punishment shootings or attacks for having been involved in ‘anti-social behaviour’. Include Youth strongly recommends that a clear action committing government to addressing the issue of paramilitary violence in the context of child protection must be included in this mainstream part of the Strategy.

Finally, in this section, we strongly contend that issues pertaining to youth justice are not the sole responsibility of the NIO, but necessitate multi-agency approaches which are supported with high-level commitment, which we recommend is championed across government by the establishment of a Minister for Children.

Poverty

Strategic Outcome

While this is one of the very few areas where there is a time limited target, unfortunately, it does not correspond to the ten year time frame of the NI Children’s Strategy, therefore once again it will be impossible to measure progress.

Strategic Objectives

We believe that explicit reference should be made to tackling the underlying causes of poverty.

Draft Actions

There was general concern raised that the section on poverty focused more on helping people to develop coping strategies to deal with living in poverty rather than actually providing a strategic approach, including actions, which tackled the underlying causes poverty. It is essential that tackling child poverty is a central issue within the Government’s anti-poverty strategy and the Children’s Strategy and also that these strategies focus on the needs and rights of those children and families who are most at risk of severe and persistent poverty.

The UNCRC Committee urged the Government to take all necessary measures to the maximum extent of available resources to accelerate the elimination of child poverty.(para 46a) The NICCY research argued that poverty is a major obstacle in preventing children and young people from asserting their rights. Include Youth is aware that OFMDFM's Public Service Agreement 2005-08 includes a target of halving the number of children in low income households between 1998-99 and 2010-11, and are somewhat surprised to find that this has been omitted from the draft Strategy, given that a many of the actions which Government are already committed to have been included. This target is much more measurable and meaningful to the lives of those children living in poverty in comparison to the draft actions and associated indicators in this section of the draft Children's Strategy, which as we have previously stated, concentrates solely on the effects, rather than the cause of child poverty. Currently in Northern Ireland 32,000 (8%) children are living in severe poverty, with 38% of our children identified as deprived of one or more child necessities. (Save the Children)

Those participating in our consultation exercises were of the view that many of the draft Actions in this section, whilst welcome, were accompanied by commitments which were too loose or substantively underway.

They raised the issue of social security provision for young people in their own right which has been omitted from the draft Strategy, and we recommend that the Children's Strategy should address the fact that young people aged 16 and 17 have no automatic right to social security benefits and also receive a lower level of income support and jobseekers allowance than adults over 25, regardless of the fact that they may be living independently. This is clearly a contributing factor to child poverty and we recommend that the Government take account of the UNCRC Committee recommendation in aiming to address the issue of child poverty which states that the Government should review its legislation and policies concerning benefits and social security allowances for 16 to 18 year olds. (para 46c)

The consideration of issues impacting on and associated with child poverty as proposed by the consultation document, "New TSN – the way forward – towards and anti-poverty strategy" is a worthwhile action. However, we have a number of concerns with regard to the lack of child focus in this consultation document and

stress the very real need to take a child centred approach in formulating an Anti-Poverty Strategy, within the Children's Strategy which will make a real and lasting difference to the lives of children living below the poverty line.

Include Youth is concerned that issues faced by homeless young people is not mentioned in the draft Strategy until page 70, which illustrates to us a lack of prioritisation of the rights of this very marginalised group of young people – and once again shows the lack of joined up working in relation to tackling issues faced by children and young people at risk. We strongly believe that homeless children should have a much higher profile mainstreamed into the main body of the Children's Strategy. The current Actions are very disappointing in light of the fact that the Northern Ireland Housing Executive has been conducting a Housing Conditions Survey every five years in Northern Ireland since 1974, the results of which are available on the Housing Executive's website. The draft action refers to, "assessing the quality of accommodation," however, we recommend inserting another clause committing government to 'improving and increasing access to high quality provision of social housing'.

A Government which tolerates homeless children is clearly in breach of Articles 6 – the child's right to maximum survival and development and 27 – the child's right to an adequate standard of living, of the UNCRC. The NICCY research highlights the impact of homelessness on the whole child or young person and quotes Shelter stating,

"The impact of homelessness on children and young people goes way beyond the simple absence of appropriate housing: it affects their education, job prospects, social life, relationships and self esteem. Being homeless or living in poor housing can adversely affect children and young people's mental health. The negative effects of homelessness on children can have long term consequences for their lives as adults, placing an individual at risk for life"
(NICCY research 2004 page 107)

The research details the detrimental knock on effects to health, education and welfare and illustrates the dangers of homelessness for children and young people. There is

clearly a need for urgent action by Government to address all the issues, including the underlying causes of and means of eradication of youth homelessness.

Participants expressed concern that actions were not sufficient to address the serious and persistent breaches of children's rights which existed among children and young people within the Travelling community, and recommended that all necessary actions be mainstreamed within the body of the draft Strategy.

Additional Draft Actions relating to Cross-Cutting Themes

We have consistently throughout our response expressed our concern with the approach adopted within this section of the draft Strategy, and reiterate our recommendation that issues relating to all children and young people – for example, children and young people in the youth justice system; care experienced young people; lesbian, gay, bisexual, transgendered young people; disabled children and young people; those from ethnic minority communities, should be mainstreamed in the body of the document, whilst expressly recognising and making provision for additional measures and resources that may be needed to address specific differentials of inequality.

Monitoring the Implementation of the Strategy

Given that the actions of all government departments will have an impact on children's lives, and that all departments are involved in the development and implementation of the Strategy, it will be crucial that a co-ordinated approach is adopted across departments to ensure its effective implementation. This is an area which the UNCRC Committee, in its own words has,

“Almost invariably found it necessary to encourage further co-ordination among central Government departments, among different regions and provinces, between central and other levels of Government and between Government and civil society”.
(CRC/GC/2003/5 para. 37)

The UNCRC Committee notes that a specific department or unit within government, if given high level sanction, can play a pivotal role in co-ordinating work across Government departments on the implementation of children's rights. The Committee in particular notes that such a unit,

“...can be given responsibility for developing the comprehensive children’s strategy and monitoring its implementation, as well as for coordinating reporting under the Convention”. (CRC/GC/2003/5 para. 39)

In the context of the Children’s Strategy the CYPU would appear to represent such a central co-ordinating unit. The draft Strategy states at para 7.3.4 that,

“...overall responsibility for driving the Strategy forward, and monitoring the departments’ delivery of it will rest with the Children and Young People’s Unit”.

It also assigns responsibility for monitoring compliance of the Northern Ireland administration with the UNCRC to the CYPU, recognising that the Strategy will be the main mechanism for monitoring compliance with the UNCRC. We believe that there is a need for greater clarity regarding what this entails. Importantly, will other departments have a reporting and accountability responsibility vis-a-vis the CYPU? If not, how does the CYPU intend to monitor individual departments’ compliance with the UNCRC, and by extension, the Strategy? How will the work of CYPU in Northern Ireland fit within the overall coordinating role of Westminster’s Children Young People and Families Directorate under the Department for Education and Skills?

Concern regarding the precise role of the CYPU was also raised in the NICCY research:

“While the work of the CYPU is to be commended, there is a concern that it is neither a statutory body and that its mandate does not include the coordination between Government departments of either the Convention’s implementation or service delivery” (NICCY research 2004 page 9)

As such, the research notes

“it does not meet international standards as it does not have the high level authority, influence or resources of an inter-departmental statutory committee or a Minister for Children”.(NICCY research 2004 page 9)

We believe that the CYPUs mandate should be clearly defined to empower it to co-ordinate and monitor implementation across all other Government departments and that the relationship between the CYPUs in Northern Ireland and the CYPFD in the DfES should be clearly and publicly defined.

We also have a number of concerns relating to the Strategy Review Panel, referenced at para 7.4. The role and purpose of the Strategy Review Panel is not clearly defined and the potential for the implementation of the Strategy to be independently monitored has not been recognised in the draft Strategy. The Strategy Review Panel must have clear terms of reference which specify its role in assessing and reviewing progress on implementation and where necessary recommending remedial action if the Strategy is failing to deliver on its commitments. It is essential that there is effective monitoring at local level through relevant bodies that directly experience the consequences of the implementation of the Strategy. Mechanisms to include children and young people and their parents in monitoring the implementation of the Strategy must be representative and inclusive of all groups of children and young people, particularly those who are traditionally hard to reach, and parents. We welcome the involvement of the voluntary and community sector in the Strategy Review Panel as they are well placed to carry out independent monitoring of the Strategy, but are of the opinion that greater clarity in relation to the powers and role of the panel should be provided.

Conclusion

Include Youth very much welcomes the opportunity to be involved in this extremely important consultation on the development of a ten year overarching Strategy for Children and Young People. We have been greatly supported in the formulation of our response by the many practitioners working with young people at risk across a range of sectors and disciplines, who attended our consultation events.

We hope that our comments have been constructive and useful to OFMDFM and are more than happy to meet with OFMDFM staff to discuss anything in this response. We wish to be kept fully informed of progress in the development of the OFMDFM Draft Children's Strategy and look forward to the issues raised and recommendations made in this response being addressed, taken forward by OFMDFM and hearing from

OFMDFM in the near future. We also look forward to receiving your response to the questions we have asked in the response and receiving the additional information requested.

