



Committee for Health, Social Services and Public Safety Inquiry into Child Protection Services in Northern Ireland

**Written Submission by Include Youth to the
Committee for Health, Social Services and Public
Safety of the Northern Ireland Assembly**

August 2002

1. INTRODUCTION

- 1.1 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.
- 1.2 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.
- 1.3 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. Therefore child protection policy and practice is a subject, which impacts day and daily on their lives.
- 1.4 Include Youth therefore welcomes the opportunity to give written evidence to the Committee's Inquiry into the current state of child protection services in Northern Ireland.

2. CHILD PROTECTION – EVERYONE'S RESPONSIBILITY

- 2.1 It is our strong contention that all citizens living in Northern Ireland have a part to play in protecting our children. We, however, believe that government has both a pivotal role and responsibility in ensuring that adequate legislation, structures, services, policies, and practices exist to safeguard our children and young people. And, while we recognise the primary role which social services and DHSSPS plays in this area, and welcome the Committee's decision to conduct an Inquiry into the area of child protection services, we are firmly of the view that state responsibility extends across all government departments and agencies. In addition we believe that partners in the voluntary and community sector also play an important part in safeguarding children and young people.
- 2.2 Include Youth would suggest that a more strategic, well co-ordinated and multi- disciplinary approach is required to ensure that all children living in Northern Ireland are protected from all forms of abuse and neglect.
- 2.3 We are aware that a number of voluntary organisations have made submissions concerning general child protection provisions, and have

commented on policies, practice, services, and other matters concerned with the Department of Health, Social Services and Public Safety and its pivotal role with regard to child protection. In the interests of avoiding duplication, Include Youth has therefore decided to focus specifically on child protection needs of older children, those who are involved in the criminal justice system, children who are involved in prostitution or other forms of sexual exploitation, and those who are subjected to paramilitary violence or threat.

3. INTERNATIONAL HUMAN RIGHTS STANDARDS

3.1 It is also appropriate to place our response to the Committee's Inquiry into child protection services in the context of existing international human rights standards. International human rights standards give children an absolute right to protection from ill-treatment, torture, neglect and physical, emotional and sexual harm. (Article 19 UNCRC, and Article 3 European Convention on the Rights of the Child). In addition, international rules specifically provide that the youth justice system should uphold the rights and safety, and promote the physical and mental well being of children. (Rule 1 UN Rules for the Protection of Children deprived of their Liberty 1990 (UN Rules) and Rule 5 UN Standard Minimum Rules for the Administration of Juvenile Justice 1990 (the Beijing Rules))

4. DOMESTIC LEGISLATION AND CHILD PROTECTION

4.1 In terms of domestic law, policy and practice, both the Human Rights Act 1998 and the Children (Northern Ireland) Order 1995 contain protection for children reflective of international standards. Section 6 of the Human Rights Act requires public authorities to act in compliance with rights enshrined in the European Convention on Human Rights. Article 3 of the ECHR prohibits torture, inhuman and degrading treatment or punishment. The Children (Northern Ireland) Order (1995) is the main piece of legislation dealing with the protection of children from abuse in Northern Ireland.

5. OLDER CHILDREN

5.1 The Key Indicators of Personal Social Services in Northern Ireland for 2001, compiled by the Northern Ireland Statistics and Research Agency and the Social Services Inspectorate, reveal that in 1999 / 00 almost 75% of children on the Child Protection Register were aged 11 years or below. (Table 25, page 58). However, there appears, we would suggest to be somewhat of a reluctance to categorise older children as 'at risk' for the purpose of placing them on the child protection register, with only 3.7% of all those placed on the register being aged 16 or over and just over one fifth of children on the child protection register aged between 12 and 15.

5.2 Many of the young people that Include Youth come into contact with and on whose behalf we work fall into older age brackets. It is our experience that in many of these cases issues of child protection are involved. We would therefore ask whether enough is being done to safeguard our older children from child abuse as defined in the Children (Northern Ireland) Order 1995 as including neglect, emotional abuse, physical injury and sexual abuse.

6. CHILD PROTECTION ISSUES FOR CHILDREN INVOLVED OR AT RISK OF BECOMING INVOLVED IN THE CRIMINAL JUSTICE SYSTEM

6.1 There are a number of child protection issues, which are given rise to when one looks at the whole area of young people who are involved or at risk of becoming involved in criminal activity.

6.2 When a child comes into contact with the juvenile justice system, he or she can potentially become engaged with numerous agencies. However, as justice and policing matters remain reserved under the Northern Ireland Act 1998, these agencies fall under the jurisdiction of the Northern Ireland Office and other Whitehall Departments. Include Youth therefore welcomes the decision of the Committee to include children who offend or are at risk of offending from the terms of reference of its Inquiry. These are often some of the most vulnerable children in our society, who have suffered multiple forms of disadvantage, abuse and exclusion. It is vital that adequate child protection measures are in place to safeguard all our children, not just those who are perceived to be 'deserving' or 'good'.

6.3 The current operation of the juvenile justice process would appear to create a number of difficulties regarding child protection. Despite a number of legislative opportunities the age of criminal responsibility has not been raised and remains at 10 years of age a level that contravenes international human rights standards, particularly the 'Beijing Rules' (United Nations Standard Minimum Rules for the Administration of Juvenile Justice). In addition the United Nations Committee on the Rights of the Child has also recommended that the age be raised. Furthermore, in domestic terms both the Criminal Justice Review Group and the Northern Ireland Human Rights Commission have suggested that the age of criminal responsibility be raised.

6.4 Notwithstanding this, current law means that children as young as 10, can be arrested and detained by the police, held on remand currently in a juvenile justice centre, brought before a youth court, and receive a range of sentences which will necessitate involvement with a number of agencies including juvenile justice centres and Northern Ireland Probation Board.

6.5 Clearly it is essential that all agencies that come into contact with young people in the justice system have child protection policies which operate in

practice to provide open, transparent, accountable, accessible and fair systems to deal with any allegations of abuse.

7. CHILDREN WHO COME INTO CONTACT WITH THE POLICE

7.1 It is Include Youth's understanding that no overall child protection policy currently exists within the Police Service of Northern Ireland. This we believe is a serious omission. We understand that a child protection policy exists specifically for use within Community Involvement Branch, and that a Joint Protocol operates between the PSNI (through the Child Abuse and Rape Enquiry – CARE Unit) and Social Services when a young person makes an allegation of a child protection nature. We are further led to believe that a number of guidelines and internal documents exist in relation to this matter, and we submit that it is in the public interest that such documents should be in the public domain. Include Youth is firmly of the view that this is not sufficient, and that an overarching child protection policy should be developed as soon as possible. Children who wish to make a complaint against a member of the PSNI must have confidence in a system which is accessible to them, transparent, thorough and independent in conducting its investigation and maintained by well trained staff.

8. CHILDREN IN CUSTODY

8.1 Older children in custody also experience specific problems with regard to child protection issues. Currently in Northern Ireland young people up to the age of 17 are detained in juvenile justice centres. However, young males aged 17 and upwards are held at a Young Offenders Centre, which forms part of the adult prison service. In addition, female children as young as 15 have been held in custody at Maghabery prison. This is a clear breach of human rights.

8.2 Moreover we are unclear as to whether any child protection policies exist for the Northern Ireland Prison Service, Hydebank Young Offenders Centre or Maghabery Prison. Include Youth as an organisation wishes to see an immediate end to the housing of children in adult penal facilities. However, we also contend that while the current system remains at the very least appropriate child protection policy and practice must underline any treatment of the young people in question. We recommend that the Committee seek clarification in this matter with the Northern Ireland Prison Service.

8.2 Concerns also exist regarding child protection issues for young people detained in juvenile justice centres. Such concerns have been highlighted in a number of investigations by the Social Services Inspectorate (for example *Report on the Inspection of Lisnevin Juvenile Justice Centre, 1999*), and more recently by the Northern Ireland Human Rights Commission in its report entitled '*In Our Care – Promoting the rights of children in custody*' 2002.

- 8.3 'There has been longstanding concern that allegations made by boys in custody of a child protection nature have not in the past been properly investigated (In Our Care, Page 3). The Northern Ireland Human Rights Commission's research, which was hampered by the Commission's lack of effective investigative and enforcement powers, also highlighted the fact that the child protection procedures currently in use in the centres are out of date. It further found that contrary to international standards there is no independent complaints mechanism for children in custody.
- 8.4 Moreover, the current operation of the child protection process gives cause for concern and 'may compromise the safety of children in the centre and does not meet the standard of prioritising the child's best interests.' (In Our Care, Page 87) When boys from Lisnevin make allegations of a child protection nature these are not investigated by the Police CARE team but are delegated to uniformed officers. This results in inadequate measures for the protection of children. The Commission recommended that an expert independent investigation should be established by the Juvenile Justice Board to review the child protection process including the roles of police and social services, and that the findings should be made public.
- 8.5 Include Youth understands that the Northern Ireland Office and the Juvenile Justice Board are currently updating child protection policies in line with recommendations from both the Social Services Inspectorate's and the Northern Ireland Human Rights Commission, as part of the ongoing changes which are taking place within the Juvenile Justice Estate. We would suggest that the Juvenile Justice Board should be invited to provide evidence to the Committee in this regard.

9. SEXUAL EXPLOITATION OF CHILDREN AND YOUNG PEOPLE

- 9.1 The sexual exploitation of children through their involvement in prostitution and in the production of pornography is not a new phenomenon, however it is a subject, which has remained in the shadows until quite recently. In the last few years, the sexual exploitation of our children has emerged as a more public and political issue. At a Conference organised jointly by Include Youth and South and East Belfast Trust in 2001 entitled '*Out of the Shadows – Young People and Sexual Exploitation through Prostitution*' participants heard of girls and boys as young as 11 years old involved in prostitution working either on the streets or offering sexual services to adults in hotels or other accommodation. The Conference heard further of a proposal for a Belfast based project 'Tackling the Sexual Exploitation of Children Project (TASEOCH)' which represented a partnership between EHSSB, S&EBHSS, and the then RUC, and which would draw significantly on work carried out by the Multi-Disciplinary Steering Group in Nottingham. This project proposed a strong inter-agency approach with a variety of players including Health Board and Trusts, Education and Library Board, Housing Executive, GP Forum, Probation Board, RUC /PSNI, voluntary agencies and relevant

street / community agencies. Importantly the project would be underpinned by two core philosophies, which recognise that children involved in prostitution and pornography are (a) victims of exploitation and abuse, and (b) should be regarded as children in need of services and / or protection.

9.2 However, it is unfortunate that to date no appropriate resource allocation has been made available within Northern Ireland to fund this project or anything similar which would provide co-ordinated services to these vulnerable young people.

9.3 In addition it is unclear how many young people are being and have been abused in this way, and also who is perpetrating these offences.

9.4 Include Youth would suggest that the criminal justice system's approach to the apprehension and prosecution of those who abuse and sexually exploit children through prostitution should be reviewed. For example, the reliance of these abused and vulnerable children as witnesses is problematic – perhaps a more creative use of the information could be examined, for example evidence provided by a child could present grounds for the issuing of warrants etc and when sufficient evidence became available to lay charges, it would not be necessary for the prosecution to rely on the child witness (this could result in it being in the public interest to drop charges which relied solely on the child's evidence, and instead lay similar or equally serious charges against a defendant which have arisen as a result of more protracted investigations instigated by the evidence provided by the child); the issue of children's immunity from prosecution in situations that are actually abusive should be carefully discussed.

9.5 It is clear that a strategic approach is required to safeguard these very vulnerable children who are sexually exploited through prostitution. Such an approach must provide clearer systems which serve to protect and support the victims and apprehend and convict the abusers.

10. PARAMILITARY VIOLENCE

10.1 It has long been recognised that there is both a formal and informal justice system operating in Northern Ireland. In this jurisdiction quite often offending by young people can result in those young people becoming the victim of paramilitary threat and / or attack. In a consultation exercise conducted by Include Youth in 2001 in relation to the establishment of a Children's Commissioner, all of the young people we spoke to cited fear of paramilitary attack as one of the biggest worries in their lives. In a Young Person's Behaviour and Attitudes Survey, compiled by OFMDFM in 2001, 53% of 11 – 16 year old children questioned considered paramilitary violence to be a significant threat to their personal safety. Significantly, of those young people questioned in the OFMDFM Survey only 6% had actually experienced being

threatened by paramilitaries. However, in 2000 NIACRO'S Base 2 Project, which provides a crisis intervention service to those under paramilitary threat, recorded 121 referrals from children aged between 11 and 18 years who presented as under threat of physical punishment from paramilitary organisations. Furthermore, in the same year there were 26 reported casualties involving young people under the age of 20 that paramilitary type shootings, with a further 39 casualties occurring as a result of paramilitary type assaults. (RUC Central Statistics Branch).

10.2 Clearly such attacks or threat of attack result in 'significant harm' being caused to the young person, and the physical, psychological and emotional effects can last a lifetime. We acknowledge that this issue is regularly debated within the wider context of Northern Ireland constitutional politics. However, Include Youth believe that the focus of this debate should shift to adopt a more child-centred approach. We strongly contend that the issue of paramilitary threats, shootings and assaults on young people is without doubt a child protection matter, and must be approached by all relevant agencies as such.

11. RECENT CHANGES

11.1 A number of legislative changes in recent years will undoubtedly impact upon the issue of child protection. These include the introduction of the Commissioner for Children and Young People Bill, and the Justice (Northern Ireland) Bill which received Royal Assent in July 2002. In addition proposed changes to the Juvenile Justice Estate mentioned earlier in this paper have the potential to impact upon child protection matters affecting children in custody.

11.2 Include Youth have real concerns that the Commissioner for Children and Young People Bill in its current form provides only very limited assistance to children in the criminal justice system. We are further worried that often children and young people who offend or are at risk of offending, and who are generally some of the most vulnerable and marginalized children in our society, do not appear to be afforded the same rights and protections as other children. We will continue to advocate for a Commissioner who will promote and protect the rights of all our children. In a similar vein we are delighted to add our voice to the Committee's Inquiry to help ensure that the child protection needs and rights of children in the criminal justice system are given the same priority as every other child living in Northern Ireland. Anything less creates a two-tier system, and serves to reinforce the message to children, their families and others that they are not as 'worthy' of the same protection as 'good' children, and is utterly unacceptable.

12. CONCLUSION

12.1 In conclusion, Include Youth are delighted that the Health, Social Services and Public Safety Committee have undertaken this Inquiry, and hope that out of this will emerge a more strategic and co-ordinated, multi-disciplinary, child-centred approach to safeguarding all children from abuse, harm and neglect, supporting victims of abuse, and dealing appropriately with the perpetrators. Furthermore, it is essential that such provisions must exist for the protection of all of our children, including older children, those in the criminal justice system, those who are sexually exploited through prostitution and pornography and others who are subject to threat and attack from paramilitary organisations. Systems must be put in place which are open, transparent, accessible and independent. Proper resources and political will must be applied to better ensure the safeguarding of all our children. The Committee's Inquiry represents an important positive step in this direction and Include Youth would be happy to continue to contribute to this debate by providing oral evidence to the Committee.

Include Youth

August 2002