

**Submission to the Council of Europe Group of Experts  
on Action against Violence against Women and  
Domestic Violence (GREVIO)**

**Parallel Report for the Baseline Report in Monitoring the  
United Kingdom December 2023**

## 1. Executive Summary

The Northern Ireland Commissioner for Children and Young People (NICCY) has long expressed concern at the levels of gender-based violence experienced by children and young people in Northern Ireland (NI) with an understanding of the multi-level ‘social ecologies of violence and harm’, within the state, community, school and family systems<sup>1</sup> which require a contextual safeguarding approach.<sup>2</sup> The NI Children and Young People’s Strategy 2020-2030<sup>3</sup> (CYPS) is about improving the wellbeing of all children and young people by delivering positive long-lasting outcomes. The strategy has been developed in the context of the Children’s Services Co-operation Act (NI) 2015 (CSCA).<sup>4</sup> The Act defines the well-being of children and young people with respect to eight characteristics, including: physical and mental health; living in safety and with stability; learning and achievement; economic and environmental well-being; the enjoyment of play and leisure; living in a society in which equality of opportunity and good relations are promoted; the making by children and young people of a positive contribution to society; and living in a society which respects their rights. However, not all children in NI get the best start in life, with many living with gender-based violence as both victims and perpetrators.

NI has been without a functioning Executive and Assembly since February 2022 which has led to a long line of draft policies, programmes, strategies and legislation queuing, waiting to be agreed and implemented. A number of these identified are about tackling gender-based violence and improving the lives of girls and boys. NICCY is deeply concerned that decades of austerity, the impact of the pandemic, the cost-of-living crisis and a lack of an Executive has and will significantly impact on children and young people’s wellbeing for years to come.

## 2. Summary of Recommendations

**The Commissioner suggests that the GREVIO Committee may wish to make the following recommendations to the UK Government and the NI Executive:**

**Recommendation 1: Review all relevant safeguarding legislation to ensure that children up to the age of 18 are properly protected in law from all forms of abuse and harm.**

**Recommendation 2: Take effective steps to ensure that discrimination in the provision of goods, facilities and services based on age is prohibited in NI, this includes ensuring that the necessary legislative changes are promptly made.**

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1 Bronfenbrenner, U. (1979). The Ecology of Human Development: Experiments by Nature and Design. Cambridge, MA: Harvard University Press.

2 [Contextual Safeguarding Research Durham University](#)

3 [Children and Young People’s Strategy 2020-2030 | Department of Education \(education-ni.gov.uk\)](#)

4 [Children’s Services Co-operation Act \(Northern Ireland\) 2015 \(legislation.gov.uk\)](#)

**Recommendation 3: Reform legislation to ensure children have equal protection from all forms of assault, including physical punishment, and strengthen the commitment to supporting families, including through dedicated and effective positive parenting support.**

**Recommendation 4: Take immediate steps to introduce legislation to repeal all legal provisions permitting the marriage of children in NI and increase the minimum age for marriage to 18 years for all children in NI.**

**Recommendation 5: Take effective steps to ensure that cross-departmental efforts to combat forced marriages in NI are strengthened, including support for parents on the need for full and free consent of their child to marry.**

**Recommendation 6: Develop and implement the new Anti-Poverty Strategy without delay. This should adopt a lifecycle approach reflecting the causes and impacts of poverty at different ages and including actions in relation to children, working-age adults, and pensioners.**

**Recommendation 7: Expedite a Barnahus approach for children subjected to sexual abuse that could be extended to support child victims and witnesses of domestic abuse.**

**Recommendation 8: Take effective steps to explicitly adopt a gender conscious approach to tackle all forms of violence to children and young people in NI. This includes access to specialised, gender-sensitive, accessible support services.**

**Recommendation 9: Take effective steps to secure long-term ringfenced funding that extends across the seven-year span of the ‘Ending Violence Against Women and Girls Strategic Framework’.**

**Recommendation 10: Take effective steps to review the application of the ‘Homes for Ukraine scheme’ in NI to ensure that safeguarding measures are significantly robust and gender sensitive and that a gender-conscious lens is applied to all asylum and refugee programmes.**

**Recommendation 11: Incorporate the UN Convention on the Rights of the Child into domestic law as a matter of urgency.**

**Recommendation 12: Effectively implement the Children’s Services Co-operation Act 2015 with regular reporting on co-operation between bodies and outcomes for children.**

**Recommendation 13: Ensure that the Children & Young People Strategic Plan is a mechanism by which actions to target the most persistent children's rights breaches are developed and their impact monitored. Children and young people must be actively involved in advising on and monitoring implementation.**

**Recommendation 14: Ensure that all government departments and public bodies should undertake, monitor and review Child Rights Impact Assessments when developing policies, legislation, budgets, and services or when making decisions affecting children.**

**Recommendation 15: Take effective steps to ensure that all policies aimed at tackling violence against women and girls in NI complement and enhance each other.**

**Recommendation 16: Develop a children and gender budgeting process indicating the resources allocated to delivering children's services and gender equity across Northern Ireland.**

**Recommendation 17: Ensure long term and coherent funding of the community, voluntary and youth support infrastructure ensuring comprehensive and sustained support service to all children and young people with a particular focus on those who are most vulnerable to violence and abuse.**

**Recommendation 18: Take effective steps to ensure that a comprehensive assessment of the cumulative impact of the 2023- 2024 Budget cuts in Northern Ireland is conducted with a focus on children's rights.**

**Recommendation 19: Strengthen data collection and recording of information on violence against children under S75 categories, including in domestic violence, gender-based violence, abuse and neglect, in all settings.**

**Recommendation 20: Implement appropriate mechanisms to ensure meaningful engagement with a diverse range of young people on the changes to the Relationship & Sexuality Education curriculum, as a priority, and ensure that their voices and needs are reflected in the guidance.**

**Recommendation 21: Ensure that teaching staff are provided with adequate training and professional development to ensure that they are confident in delivering the RSE topics, including those relating to sexual and reproductive health, in a way that is inclusive and reflects the needs of all pupils, including LGBTQAI+ pupils and pupils with SEND.**

**Recommendation 22: Ensure that the Education & Training Inspectorate (ETI) amend their oversight arrangements to assess the appropriate delivery of the new elements of the Minimum Content Order by schools. The ETI should develop new**

arrangements for engaging with children and young people during their assessment of RSE provision.<sup>5</sup>

**Recommendation 23:** Ensure that the relevant recommendations in the ‘Growing Up Online Children’s Online Activities, Harm and Safety in Northern Ireland - an Evidence Report’ are progressed as part of the Northern Ireland Executive’s Keeping Children and Young People Safe: An Online Safety Strategy 2020- 2025 including that content relating to healthy online relationships should become mandatory.

**Recommendation 24:** Expedite the development of a Regional Training Framework on violence against women and girls, domestic abuse and sexual violence on and offline for the public service and specialist third sector organisations with a specific module on understanding children and young people’s experiences.

**Recommendation 25:** Invest in a public health approach to gender-based violence.

**Recommendation 26:** In line with recommendations in the ‘Growing Up Online Children’s Online Activities, Harm and Safety in Northern Ireland - an Evidence Report’ support greater regulation of social media companies by government to help ensure: closer monitoring of online material that is potentially offensive or harmful to children and young people; more transparent, consistent and child-friendly online reporting mechanisms; the timely removal of offensive material; and stricter enforcement of age restrictions on certain apps or sites, where currently it is much too easy for children to enter a false date of birth.

**Recommendation 27:** Develop and resource a gender conscious Contextual Framework for safeguarding children and young people.

**Recommendation 28:** Adopt a gender-sensitive approach and provides for intersectionality in the development of services tackling gender-based violence.

**Recommendation 29:** Recommendation 29: Take effective steps to ensure that there is enough emergency refuge accommodation in NI to meet the needs of all victims and survivors of gender-based violence, including men who are victims of domestic violence, and that refuges in NI are appropriately funded to carry out their function on a long-term basis.<sup>6</sup>

**Recommendation 30:** Prioritise long term investment in the support for child victims and survivors of sexual assault and violence in NI.

**Recommendation 31:** Implement the recommendation of the UNCRC Concluding Observation 44(a) on ensuring access for adolescent girls to age-appropriate family

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<sup>5</sup> In line with the NI Human Rights Commission’s recommendation in their submission to the GREVIO Committee.

<sup>6</sup> In line with the NIHRC’s recommendations to the GREVIO Committee

planning services.

**Recommendation 32: Implement the recommendations of the UNCRC Concluding Observation on Child Trafficking including taking a gender conscious approach and ensuring that there is no diminution of protections for child victims as result of the Illegal Migration Act.**

**Recommendation 33: Withdraw the UK Government's reservation to Article 59 of the Istanbul Convention.**

**Recommendation 34: Take effective steps to ensure that victims of violence against women and girls and domestic abuse with insecure migration status in NI can report crimes to the relevant authorities and seek means of support without having their residence status reported to the Home Office.**

### 3. Introduction

NICCY was established in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in NI. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons. The Commissioner's remit includes children and young people up to 18 years, or 21 years, if the young person has a disability or experience of being in the care of social services. In carrying out their functions, the Commissioner's paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising their functions, the Commissioner is required to have regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

#### 3.1 Children's Rights and Safeguarding

The United Nations Convention on the Rights of the Child (UNCRC) <sup>7</sup> sets out minimum standards for children's rights across all areas of their lives such as civil and personal protections, health, education and welfare. The four guiding principles which flow through the Convention are: children's right to non-discrimination; right to survival and development to the highest level; to their best interests being a primary consideration; and to their voice being heard in all matters affecting them. The safeguarding provisions within the UNCRC relate to the most fundamental rights that should be afforded to all children and young people in NI – rights to life and protection from all harm, abuse, exploitation and violence including torture or other cruel, inhuman or degrading treatment or punishment.

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<sup>7</sup> United Nations Convention on the Rights of the Child (UNCRC). Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

This includes specific protections from: all forms of physical and mental violence, injury or abuse, sexual abuse and exploitation and neglect or maltreatment; protection from abduction, sale or trafficking; from all forms of economic exploitation; and from use in the illicit production and trafficking of narcotic drugs and psychotropic substances.

The Convention also highlights that, as rights-holders, children have special rights to be supported in their recovery from abuse and that the State party, or government, has an obligation to ensure that appropriate measures and procedures, including prevention measures and court and judicial processes, are in place to realize these rights. The rights of the Convention are interdependent and indivisible – like children and young people's lives they cannot be compartmentalized. Governments and statutory agencies not only hold special obligations to prevent harm to children and young people and to take measures to protect them when they are at risk children but also to investigate and take action against those who seek to abuse and exploit them.

NICCY welcomes the opportunity to submit a response to the GREVIO Committee as part of the UK's reporting process and in response to the State Report. This submission is not intended to be comprehensive but instead addresses the aspects which most directly engage with children and young people's rights and best interests. We note that the UK State Report<sup>8</sup> submitted to the GREVIO Committee on the 30th of June 2023 rarely focuses on 'girls' or 'children and young people' as a distinct group but instead they are merged into 'women' or 'adults'. Where they are referred to, it is often in the context of dependents rather than right holders.

Our response is informed by the Committee for the Rights of the Child Concluding Observations on the combined sixth and seventh reports of the United Kingdom of Great Britain and NI.<sup>9</sup> These include:

- Improving the collection and analysis of data on violence against children.
- Banning of corporal punishment of children in all settings, including in the family, to ensure the full protection and freedom from violence for all children.
- Prohibition of all marriages under 18 years of age, without exception.
- Ensuring that child protection systems take a child rights-based approach to preventing and addressing cases of abuse and neglect, including psychological violence.
- Ensuring access for adolescent girls to age-appropriate family planning services, affordable contraceptives and safe abortion and post-abortion care services with a view to ensuring that no adolescent girl has to travel to other jurisdictions of the State Party to access reproductive healthcare.

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<sup>8</sup> [GREVIO receives state report for the United Kingdom - Istanbul Convention Action against violence against women and domestic violence \(coe.int\)](https://www.coe.int/en/greivio-receives-state-report-for-the-united-kingdom-istanbul-convention-action-against-violence-against-women-and-domestic-violence)

<sup>9</sup> [Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland :](#)



- Promptly and effectively investigating and intervening in all cases of violence against children, including sexual exploitation and abuse of children and strengthen efforts to train professionals working with and for children, including social workers, law enforcement authorities and the judiciary, to identify and effectively respond to cases of violence, including sexual exploitation.
- That social services and other mechanisms for identifying and supporting children at risk of violence and child victims of violence are adequately resourced.
- Strengthening measures to protect children from intimidation, racist attacks and other forms of violence committed by non-State actors, including so-called paramilitary organisations in NI, and from recruitment by such actors into violent activities.
- Implementing the Gillen Review into the law and procedures in serious sexual offences.
- Ensuring all children under 18 years of age, including 16 and 17-year olds, who are victims of offence including sexual exploitation, sexual abuse material and sexual exploitation in prostitution, are treated as victims, receive adequate protection under the law and have access to remedies;
- Further develop a comprehensive support services for children who are at risk of or have been subject to violence, abuse and exploitation.

Our response is also informed by NICCY's most recent Statement on Children's Rights in NI (SOCRNI) <sup>10</sup> where we consider the spectrum of violence experienced by children and young people across relationships in the home, peer, school, community and state in a society that has endured transgenerational violence.

## 4. Commentary

### 4.1 Introductory Comments

The UK State Report fails to mention the absence of a NI Executive and Assembly and the lengthening queue of draft policies, programmes, strategies and legislation that would support tackling gender-based violence. These include: the Domestic & Sexual Abuse Strategy; the Ending Violence Against Women & Girls Framework (EVAWG) and Action Plan; the Gender Equality Strategy; an Anti-Poverty Strategy with specific actions to eradicate child poverty; extending age discrimination protection in the provision of goods, facilities and services to all children under 18 years old; progressing the Barnahus model; Ending Child Marriage; progressing the legislative steps to remove the defence of reasonable chastisement; implementation of the Independent Hate Crime Review's recommendations including a Hate Crime Bill; the Lesbian, Gay, Bisexual, Transgender, Queer (or Questioning), Intersex+ Strategy; review of the Race Relations Order; the Refugee Integration Strategy; the Strategy on Modern Slavery and Human Trafficking, which seeks to operationalise the measures brought in under the Justice (Sexual Offences

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<sup>10</sup> [NICCY-SOCRNI-3-Main-Report-2022-final-web.pdf](#)



and Trafficking Victims) Act (NI) 2022; progressing legislation to end conversion therapy. In addition, the lack of a functioning NI Executive and Assembly means that NI is the only part of the UK without a policy response to the rising cost of living.<sup>11</sup>

The latest round of budget cuts have been and are, devastating for our most vulnerable people, their families and their communities. Older people, children and young people, people with disabilities, and women, face multiple adverse impacts; the picture is unacceptably bleak for many. The impact on children and young people was referred to in the UNCRC's Concluding Observations with a recommendation to withdraw this year's budget and *"fully consider the equality and human rights implications for a new budget, taking all possible steps to mitigate any adverse impact on children's rights before issuing a revised budget."*<sup>12</sup>

The logjam in decision making coupled with a projected £1bn overspend in this financial year, which includes £590mn for public sector pay awards, means that there needs to be a razor-sharp focus on NI to ensure that there is sufficient political will, resources and effort allocated to ending gender-based violence.

## 4.2 Specific Commentary

Equality and non-discrimination
Article 4 - Fundamental rights, equality and non-discrimination
Article 6 Gender sensitive policies

### Article 4 – Fundamental rights, equality and non-discrimination

#### Safeguarding Legislation

During the previous NI Assembly mandate, a wide range of legislation that sought to improve how children are safeguarded in law was introduced. NICCY provided detailed evidence on the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (DACP 2021), the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 and the Adoption and Children Act (Northern Ireland) 2022. While each piece of legislation addressed particular forms of abuse or offences and was concerned with distinct areas of law, a common theme in NICCY's evidence was the need for the law in NI to more effectively protect all children up to the age of 18, as required by the UNCRC and a range of other instruments, including the Council of Europe Convention the Protection of Children against Sexual Exploitation and Sexual Abuse.

The UNCRC is instructive in reminding governments that all children aged up to 18 years are considered vulnerable until completing their neural, psychological, social and physical

<sup>11</sup> 'Lack of Stormont meant NI only part of UK without proper response to cost of living crisis', UTV News, 19 July 2023

<sup>12</sup> [Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland](#) :Para 11 (d)

growth and development.<sup>13</sup> The Committee highlights the requirement that, while respecting children's developing autonomy, young people under 18 must be afforded robust safeguards and emphasises that as children become older, their "*right to exercise increasing levels of responsibilities does not obviate the State's obligation to guarantee protection*" to them as they mature.<sup>14</sup> In 2014, the Committee concluded that the Sexual Offences (Northern Ireland) Order 2008 did not provide adequate levels of protection for all children up to the age of 18 and that the defence of reasonable belief should be amended. These concerns were reiterated by the Independent Inquiry into Child Sexual Exploitation in NI, and it is deeply disappointing that opportunities to address these and other issues were not taken in the last Assembly mandate.

As highlighted in NICCY's evidence, examples of this can be seen in failings to extend legal protections from grooming for all children up to 18, ensuring that abduction offences apply to all children under 18 regardless of their care status, extending abuse of positions of trust provisions to adults working or volunteering with children in all appropriate settings and positions, reforming the defence of reasonable belief, and ensuring that domestic abuse offences apply to all children up to 18 regardless of whether the abuser holds parental responsibility.<sup>15</sup>

***Recommendation 1: Review all relevant safeguarding legislation to ensure that children up to the age of 18 are properly protected in law from all forms of abuse and harm.***

### **Age Discrimination - accessing Goods, Facilities and Services**

NI has no legal protections against discrimination on grounds of age when accessing goods, facilities and services. This can act as a barrier to accessing support for domestic abuse for both younger and older victims and survivors. Public consultation on the introduction of Age Discrimination legislation in respect of Goods, Facilities and Services (Age GFS) for those aged 16 and over was introduced in 2015, and NICCY argued that the legislation should also apply to under-16s.

NICCY also issued a complaint to the Equality Commission that the consultation process on proposals to introduce Age GFS legislation excluded under 16s because the process failed to properly consult with children and young people. This complaint was upheld, and since then, NICCY has continued to raise this matter with Ministers and Departmental officials, stressing the need to address this weakness in current legislative protections, with a particular focus on the breach of children's and young people's Article 2 rights to

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13 Committee on the Rights of the Child (2016) General Comment 20: On the implementation of the rights of the child during adolescence. Available at: [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=1](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=1)

14 Committee on the Rights of the Child (2016) General Comment 20: On the implementation of the rights of the child during adolescence, para 19.

15 [Review of the law on Child Sexual Exploitation - Niccy](#)

non-discrimination.

Following commitment made in January 2020 as part of the New Decade New Approach (NDNA) there was agreement to 'bring forward an Age, Goods and Facilities and Services Bill as a basis for ensuring that no one is discriminated against because of their age'. However, this was not progressed in the previous mandate.

***Recommendation 2: Take effective steps to ensure that discrimination in the provision of goods, facilities and services based on age is prohibited in NI, this includes ensuring that the necessary legislative changes are promptly made.***

### **Equal Protection**

NICCY has consistently called for legislative reform to ensure children have equal protection from all forms of assault, including physical punishment, and government-led actions to support families, including through dedicated and effective positive parenting support. The articles of the UNCRC are understood to be indivisible, interrelated and interdependent, and this can be clearly seen when examining children and young people's right to non-discrimination, particularly in the area of legal protection from all forms of violence and assault, including physical punishment. While the law regarding physical punishment was reformed to restrict the defence of 'reasonable chastisement' or 'reasonable punishment' in the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006, the defence is still available to parents in certain circumstances concerning the offence of common assault.<sup>16</sup>

***Recommendation 3: Reform legislation to ensure children have equal protection from all forms of assault, including physical punishment, and strengthen the commitment to supporting families, including through dedicated and effective positive parenting support.***

### **Prohibition of marriage under 18 years**

NICCY, the NI Human Rights Commission (NIHRC), the UN and others, have expressed the clear view that child or early marriage is an issue of grave concern and that the law should ensure that such marriages are not permitted. This call has been repeated many times, including for example, in UN General Assembly resolutions including in 2020, in the UN Sustainable Development Goals, in the 2019 General Comment on harmful practices issued jointly by the Committee on the Rights of the Child and the Committee for the Elimination of Discrimination against Women. The child rights obligations highlighting the need for legal reform are well established and unequivocal. The Department of Finance published its consultation analysis report in 2022,<sup>17</sup> revealing near unanimous support among respondents for increasing the minimum age for marriage and civil partnerships to 18 years. However, necessary legislation cannot be progressed without a functioning NI

<sup>16</sup> Article 2 Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006

<sup>17</sup> Department of Finance, 'Marriage Law Consultation: Results and Analysis' (DoF, 2022)

Executive and Assembly.

***Recommendation 4: Take immediate steps to introduce legislation to repeal all legal provisions permitting the marriage of children in NI and increase the minimum age for marriage to 18 years for all children in NI.***

***Recommendation 5: Take effective steps to ensure that cross-departmental efforts to combat forced marriages in NI are strengthened, including support for parents on the need for full and free consent of their child to marry.*** <sup>18</sup>

### **Child Poverty**

The Committee for the Rights of the Child recent Concluding Observations <sup>19</sup> raised concerns about government inaction to tackle child poverty and the impact of welfare reforms on children and young people. The Committee recommended:

*46 (d) That measures to combat poverty comply with a child rights-based approach and include a particular focus on children in disadvantaged situations, especially children of single parents, children with disabilities, Roma, gypsy and traveller children and children belonging to other minority groups, asylum-seeking and refugee children, children in large families and children leaving care.* <sup>20</sup>

NICCY's SOCRNI 3 outlines the lack of progress in tackling child poverty over the past 20 years, and the fact that children are consistently the age group experiencing the highest levels of poverty in NI. <sup>21</sup> With poverty making children more vulnerable to other forms of violence such as child sexual exploitation and human trafficking it is imperative that NI has an Anti-Poverty Strategy. This would include introducing a new £20 weekly child payment for each child in poverty, affordable childcare, and reducing the costs of education and travel.

***Recommendation 6: Develop and implement the new Anti-Poverty Strategy without delay. This should adopt a lifecycle approach reflecting the causes and impacts of poverty at different ages and including actions in relation to children, working-age adults, and pensioners.***

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<sup>18</sup> The NI Human Rights Commission Submission to the CoE Group of Experts on Action against Violence against Women and Domestic Violence Parallel Report for the Baseline Report in Monitoring the United Kingdom, para 7.13

<sup>19</sup> [Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland :](#)

<sup>20</sup> [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en](http://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en)

<sup>21</sup> [Statement on Children's Rights in Northern Ireland 3 \(SOCRNI 3\) - 2022 - Niccy](#)

## Child Victims of Domestic Abuse

The DACP 2021 creates a new domestic abuse offence which captures patterns of psychological and emotional abuse. This legislation also recognises the impact that domestic abuse has on children with the addition of two child aggravators. In its advice on the then Bill, NICCY called for the Barnahus approach, which was established in Iceland to support child victims of sexual offences and operates in a wide number of countries, to be implemented in NI for children who are subject to sexual abuse.<sup>22</sup> NICCY stated that once established this could be extended to support child victims and witnesses of domestic abuse as occurs in a number of other jurisdictions.

Whilst there has been some progress made on exploring the potential for a Barnahus model by the Department of Justice (DoJ) and the Department of Health (DoH) the absence of a NI Executive and Assembly has stalled progress.

The Committee for the Rights of the Child in its Concluding Observations also recommended that:

*(f) All children who are victims or witnesses of violence have prompt access to child-sensitive, multisectoral and comprehensive interventions, services and support, including forensic interviews and psychological therapy, with the aim of preventing the secondary victimization of those children, and allocate sufficient resources for the implementation and expansion of the barnahus and similar models, such as The Lighthouse in London.*

*(g) A child rights and trauma care-based approach in the provision of support services for victims, including the Bairns' Hoose standards in Scotland, and that such services and support are also available for and address the specific needs of all victims of violence.*

In 2022/2023, there were eight homicides with a domestic motivation in NI, including one child. In 2007/2008, the highest annual numbers were recorded with 11 homicides with a domestic motivation in NI, including six children.<sup>23</sup>

The Committee for the Rights of the Child Concluding Observations stated the need:

*33 (k) To ensure the systematic collection and analysis of data on child protection issues and violence against children to inform the implementation of national strategies on violence and child sexual abuse, including by: (i) creating a national database for missing children; (ii) collecting data on cases that have been reported, investigated and prosecuted; and (iii) ensuring that 16- and 17-year-old persons are considered as children in the disaggregation of data*

<sup>22</sup> For further information on NICCY's work on Barnahus [niccy-report-putting-the-child-at-the-centre-final-feb-2022.pdf](#)

<sup>23</sup> [Domestic Abuse Incidents and Crime Recorded in Northern Ireland Monthly Update to 30th September \(psni.police.uk\)](#)

*on sexual exploitation and abuse.*<sup>24</sup>

NICCY has welcomed Operation Encompass: a partnership between the Police Service of Northern Ireland, the Safeguarding Board Northern Ireland, the Education Authority and schools aimed at supporting children who witness domestic violence or abuse at home. It is operational across all 1162 schools across Northern Ireland.<sup>25</sup>

***Recommendation 7: Expedite a Barnahus approach for children subjected to sexual abuse that could be extended to support child victims and witnesses of domestic abuse.***

## **Article 6 - Gender Sensitive Policies**

The NI Executive has not committed to developing a gender sensitive approach in relevant policies. For example, in 2023, the DoH and DoJ consulted on a draft domestic and sexual abuse strategy, which took a gender-neutral approach. In November 2022, the DoJ consulted on its draft Modern Slavery and Human Trafficking Strategy,<sup>26</sup> which also took a gender-neutral approach despite gender inequalities and norms shaping the different reasons why people become victims of trafficking. For example, a recent BBC report reported that hundreds of vulnerable women and children are being trafficked to the UK to shoplift for Eastern European crime groups.<sup>27</sup>

*Figures available for NI show that the number of referrals to the National Referral Mechanism have risen by 184% between 2020 and 2021 from 128 to 363 referrals. Of the 363 referrals, 244 were adults; 38 were children (10.5%); and 81 were of an unknown age. 85 potential victims were female (23%) with 278 male (77%). The majority of cases relate to labour exploitation. Child referrals mainly comprise labour, sexual and criminal exploitation. The upward trend in the number of referrals has continued in 2021/22.*<sup>28</sup>

Protecting children at risk of criminal child exploitation (CCE) is also key component of the draft three-year Modern Slavery and Human Trafficking Strategy. A recent report published in March 2023 sought to plug the gaps in data with regards CCE relevant data and the commitment to upholding and facilitation of Article 12 of the UNCRC (i.e. right to

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[tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2F6%2F6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2F6%2F6-7&Lang=en)

<sup>25</sup> [Operation Encompass | PSNI](#)

<sup>26</sup> [Modern Slavery and Human Trafficking Strategy 2022 | Department of Justice \(justice-ni.gov.uk\)](#)

<sup>27</sup> [Hundreds of women and children trafficked to UK to shoplift - BBC News](#)

<sup>28</sup> [Draft Modern Slavery Strategy \(octf.gov.uk\)](#)



be heard).<sup>29</sup> The report clearly demonstrated that gender differences are a major factor in girls' and boys' involvement in CCE.

*“For example, girls and young women are more likely to be at risk of sexual exploitation (Moyle, 2019; Robinson, 2019), with some evidence that this may lead to increased criminal exploitation (Baidawi, Sheehan and Flynn, 2020). Indeed, despite their relatively siloed empirical and policy contexts, the evidence suggests that the links between sexual and criminal exploitation of children and young people are more intimate than current policy contexts acknowledge (Maxwell et al., 2019). Boys and young men on the other hand are more likely to be directly engaged in the disruption and supply of drugs, as well as a plethora of other violent and intimidatory behaviours (Wedlock and Melina, 2020).”*<sup>30</sup>

Girls and young women are also more likely to be victims of sexual violence, and as the degree of influence increases to become more engaged in criminal activity, including luring victims to specified areas to be physically harmed.<sup>31</sup>

In its 6<sup>th</sup> Report on progress towards ending paramilitary activity in NI, the Independent Reporting Commission stated that:

*“Girls and women were believed to be more targeted for subtle forms of abuse and exploitation (sexual abuse) and it appeared to be endemic in some of the focus groups. There was significant overlap between child sexual exploitation and child criminal exploitation with exploitation via drugs to engage in sexual activity.”*<sup>32</sup>

NICCY welcomed the strong gender lens on the ‘Ending Violence Against Women and Girls Framework’ and ‘Foundational Action Plan’<sup>33</sup> and the commitment of The Executive Office (TEO) to the participation of children and young people, but we expressed concern in our submission<sup>34</sup> on the absence of a commitment to a long-term budget to effectively implement the Framework.

***Recommendation 8: Take effective steps to explicitly adopt a gender conscious approach to tackle all forms of violence children and young people. This includes access to specialised, gender-sensitive, accessible support services.***

29 Walsh, C., (2022) ‘From Contextual to Criminal Harm: Young People’s Perceptions and Experiences of Child Criminal Exploitation in Northern Ireland’ p.42. Available at: Criminal-harms-report-final.pdf ([Criminal-harms-report-final.pdf \(endingtheharm.com\)](https://www.endingtheharm.com/Criminal-harms-report-final.pdf))

30 Ibid p.5

31 p.41. For further details on NICCY’s work please see our response to the Jay Review of Child Criminal Exploitation [NICCY Response to The Jay Review of Child Criminal Exploitation - Niccy](#)

32 IRC Sixth Report | Independent Reporting Commission ([ircommission.org](https://www.ircommission.org)) p.88

33 [Ending Violence Against Women and Girls | The Executive Office \(executiveoffice-ni.gov.uk\)](https://www.executiveoffice-ni.gov.uk/ending-violence-against-women-and-girls)

34 [Response to Ending Violence Against Women and Girls Strategic Framework and Foundational Action Plan - Niccy](#)



***Recommendation 9: Take effective steps to secure long-term ring-fenced funding that extends across the seven-year span of the Ending Violence Against Women and Girls Strategic Framework.***

**The asylum and refugee system**

Following the outbreak of war, the UK Government announced a new visa for Ukrainians fleeing the war: the 'Ukraine Scheme' visa. There have been three different routes into the Ukraine Scheme visa. Ukrainians who are able to find a NI-based resident who can act as a 'host' are eligible to apply to the Homes for Ukraine (Sponsorship) route. Ukrainians who come to stay with a family member who is a UK resident can apply to the Family route. Ukrainians who were living in the UK with a temporary visa when war broke out can apply to the Ukraine Extension Scheme.<sup>35</sup> The Homes for Ukraine (Sponsorship) is the largest of the three routes.<sup>36</sup>

The majority of individuals arriving under the scheme are women and children and concerns have been raised by the Law Centre at the lack of a gender-impact assessment in relation to the Scheme's delivery.<sup>37</sup>

*"It has further been highlighted that, while safeguarding measures are in place, they may not be sufficiently robust to ensure the safety and freedom from exploitation of the Ukrainians involved, particularly women and children. There are high rates of domestic abuse in Ukraine, which places women and girls on the Scheme at a higher risk of not reporting or not being able to report similar behaviour or exploitation in NI. It has been reported that there has been an absence of specific awareness raising measures to address this."*<sup>38</sup>

***Recommendation 11: Take effective steps to review the application of the Homes for Ukraine scheme in NI to ensure that safeguarding measures are significantly robust and gender sensitive and that a gender-conscious lens is applied to all asylum and refugee programmes.***

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<sup>35</sup> [LCNI-briefing-refugee-statistics-18-December-2023.pdf \(lawcentreni.org\)](#)

<sup>36</sup> According to the latest Law Centre NI Briefing as of June 2023, 2,630 visas had been issued under Homes for Ukraine (Sponsorship) linked to NI. [LCNI-briefing-refugee-statistics-18-December-2023.pdf \(lawcentreni.org\)](#)

<sup>37</sup> NI Human Rights Commission roundtable meetings with public bodies on CoE Istanbul Convention, 25 September 2023. [Ukrainian migration to the UK - Migration Observatory - The Migration Observatory \(ox.ac.uk\)](#)

<sup>38</sup> NI Human Rights Commission Submission to the CoE Group of Experts on Action against Violence against Women and Domestic Violence Parallel Report for the Baseline Report in Monitoring the United Kingdom. December 2023, p. 26

Integrated policies and data collection
Article 7 Comprehensive and coordinated policies
Article 8 Financial resources
Article 9 Non-governmental organisations and civil society
Article 11 Data collection and research

### Article 7 – Comprehensive and coordinated policies

The Children and Young People's Strategy (CYPS) 2020-2030<sup>39</sup> is about improving the wellbeing of all children and young people by delivering positive long-lasting outcomes. The strategy has been developed in the context of the Children's Services Co-operation Act (NI) 2015 (CSCA).<sup>40</sup>

The Act places obligations on government departments and agencies to co-operate with each other to contribute to the improvement of the specified wellbeing outcomes. It places a further statutory obligation on the government to adopt a CYPS, outlining how this will be achieved. Section 3 of the CSCA states the NI Executive must set out in its CYPS how it intends to improve the wellbeing of children and the actions to be taken by NI departments, children's authorities and children's service providers to realize those outcomes.

The CSCA puts a duty on all key agencies to co-operate in the planning, commissioning and delivery of children's services; it also creates an enabling power to allow departments to pool resources to address crosscutting children's issues. Addressing children's rights breaches in NI will in many instances require the cross-departmental and cross-agency measures envisaged in the CSCA. NICCY advised on and welcomed the introduction of the CSCA and has also subsequently advised on its implementation, through the development of the CYPS and Delivery Plan. As noted below, there have been considerable delays in meeting the legislative timetable for the Strategy, and the first report on the CSCA due in June 2022 has also been delayed by 18 months to date due to the absence of an Executive.

***Recommendation 11: Incorporate the UN Convention on the Rights of the Child (UNCRC) into domestic law as a matter of urgency.***

***Recommendation 12: Effectively implement the Children's Services Co-operation Act 2015 with regular reporting on co-operation between bodies and outcomes for***

<sup>39</sup> [Children and Young People's Strategy 2020-2030 | Department of Education \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/children-and-young-peoples-strategy-2020-2030)

<sup>40</sup> [Children's Services Co-operation Act \(Northern Ireland\) 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukni/2015/0001)

children.

***Recommendation 13: Ensure that the Children & Young People Strategy is a mechanism by which actions to target the most persistent children's rights breaches are developed and their impact monitored. Children and young people must be actively involved in advising on and monitoring implementation.***

***Recommendation 14: Ensure that all government departments and public bodies should undertake, monitor and review Child Rights Impact Assessments when developing policies, legislation, budgets, and services or when making decisions affecting children.***

***Recommendation 15: Take effective steps to ensure that all policies aimed at tackling violence against women and girls in NI complement and enhance each other.***

## **Article 8 - Financial Resources**

We note that the Baseline State Report submitted to GREVIO for the United Kingdom comments that:

*“In NI, information is not available to estimate the overall level of financial resources (towards ending violence against women and girls), but funding is provided across the NI Executive in relation to the prevention of domestic and sexual abuse. This is estimated at circa £8 million – £10 million per annum. While there is no dedicated funding source at this juncture for implementation of the Violence Against Women and Girls strategy or other related issues this would be managed as required under mainstream funding. It is not possible to provide separate costs for many of the relevant policies as they all form part of normal business.”*<sup>41</sup>

We also note that in a recent paper *Developing Gender Budgeting in Northern Ireland: Civil Society Training Pilot Evaluation Report* the authors state that:

*“The NI administration significantly lags behind the other devolved UK regions, the ROI and many other OECD countries as no processes for undertaking gender budgeting have been adopted, despite strong civil society advocacy and increasing political support (Rouse et al., 2023).”*<sup>42</sup>

NICCY has consistently raised the importance of identifying and analysing the resources dedicated to children and young people and that government policies are never neutral in

<sup>41</sup> [GREVIO receives state report for the United Kingdom - Istanbul Convention Action against violence against women and domestic violence \(coe.int\)](https://www.coe.int/en/web/greivio/reports/2023/01/greivio-receives-state-report-for-the-united-kingdom) p.3-4

<sup>42</sup> J. Ballantine, A.M. Gray, M. Rouse, K. Turtle Turtle Working Paper 4: Developing Gender Budgeting in Northern Ireland: Civil Society Training Pilot Evaluation Report, Ark Working Papers Dec. 2023, p. 3

their effect on children's rights. In the absence of information on its spending on children and young people, this is an area NICCY has undertaken significant work on, including commissioning a fund mapping analysis from Dartington Social Research Unit on the overarching government investment in children in NI.<sup>43</sup> In 2018, as part of its 'Still Waiting' report, NICCY also conducted a fund mapping process for the emotional and mental health services for children and young people.<sup>44</sup> NICCY undertook both pieces of work to demonstrate that this was possible and recommended that government repeat the process, using these reports as baselines to demonstrate how spending on children changed over time.

***Recommendation 16: Develop a children and gender budgeting process indicating the resources allocated to delivering children's services and gender equity across Northern Ireland.***

### **Article 9 – Non-governmental organisations (NGOs) and civil society**

To support the development of the Ending Violence Against Women and Girls Framework and Foundational Action Plan, a research report *'It's Just What Happens', 'Girls' and young women's views and experiences of violence in Northern Ireland* was commissioned by TEO.<sup>45</sup> The research aimed to:

- Elicit girls/young women's understandings of violence, their experiences of violence, its causes and consequences, and views on supports and services.
- Collect girls/ young women's views on how violence against women and girls might be prevented.
- Collect the personal testimonies of girls/ young women who have experienced/ are experiencing violence.

Overall, 268 girls/young women engaged in the research through completing an online survey, taking part in a focus group discussion and/ or engaging in one-to-one interviews.

A key finding in the report was young women's testimony about the importance of NGOs and youth groups.

*"Those young women who attended youth clubs or groups felt that these environments were, or might be, more conducive to learning about sex and relationships than formal education settings. They noted that in these informal settings, the approach was 'more comfortable' and their relationship with the*

<sup>43</sup> This was taken forward in partnership with Atlantic Philanthropies and with the support of OFMDFM, and published in 2015. Children's Services Budgets 'Mapped' in Northern Ireland (niccy.org)

<sup>44</sup> NICCY, (Sept 2018), Still Waiting, A Rights Based review of Mental Health Services and Support for Children and Young People in Northern Ireland, (Belfast: NICCY). Mental Health Review - Still Waiting (niccy.org)

<sup>45</sup> [Research Publication: 'It's Just What Happens' Girls and Young Women's Views and Experiences of Violence in Northern Ireland | The Executive Office \(executiveoffice-ni.gov.uk\)](https://www.executiveoffice-ni.gov.uk/research-publication/its-just-what-happens-girls-and-young-women-s-views-and-experiences-of-violence-in-northern-ireland)

*workers allowed them to ask questions and more fully engage with the issue: ‘... in school they wouldn’t be able to explain it how xxx [youth worker] would explain it ... they would professionalise it, whereas when you’re in a youth place they’d be able to talk to you like how we would talk and how we would understand it.’*

*“Providing safe spaces for young women to talk about and share their views and experiences of violence, one young woman noted, would enable consciousness-raising. She explained that it would allow young women to see that they were not alone in their experiences, that these were ‘normal’ (i.e., commonplace – shared experiences). But it would also enable them to understand that violence against women and girls should not be ‘normal’ within society.”<sup>46</sup>*

Long term investment in a community, voluntary and youth support infrastructure is a key piece in achieving the outcomes of this Framework, providing early intervention and delivering a coherent and sustainable trauma informed response. These are not ‘discretionary’ services at the front line of cuts but essential in meeting children and young people’s rights.

***Recommendation 17: Ensure long term and coherent funding of the community, voluntary and youth support infrastructure ensuring comprehensive and sustained support service to all children and young people with a particular focus on those who are most vulnerable to violence and abuse.***

***Recommendation 18: Take effective steps to ensure that a comprehensive assessment of the cumulative impact of the 2023- 2024 budget cuts in NI is conducted with a focus on children’s rights.***

### **Article 11 - Data Collection & research**

The Committee for the Rights of the Child Concluding Observations have made a number of recommendations with regards data collection in the most recent Concluding Observations:

*12. Recognizing the large body of data available on children’s rights, the Committee recommends that the State party:*

*(a) Strengthen its data-collection system with regard to both qualitative and quantitative indicators to encompass all areas of the Convention and ensure that the data are disaggregated by age, sex, disability, geographical location, ethnic origin, nationality and socioeconomic background.*

*(b) Improve the collection and analysis of data, including in the overseas territories, on violence against children, mental health, food*

<sup>46</sup> [Research Publication: ‘It’s Just What Happens’ Girls and Young Women’s Views and Experiences of Violence in Northern Ireland | The Executive Office \(executiveoffice-ni.gov.uk\)](#) p.66

*insecurity, malnutrition, education and the situation of children in disadvantaged situations, including children in alternative care, children with disabilities, asylum-seeking and migrant children and children of incarcerated parents.*

*(c) Regularly collect, analyse and publish disaggregated data on the use of stop-and-search checks, harmful devices, seclusion, restraint, solitary confinement and isolation on children.*

*(d) Allocate sufficient resources for the piloting of an administrative data-based system on children in the overseas territories.*

*(e) Ensure that the data are shared among the devolved administrations and the overseas territories and among relevant ministries, professional groups and civil society organizations and used for the evaluation of policies and projects on children's rights.*

*34 (a) Develop national strategies aimed at eliminating and preventing harmful practices affecting children, including child marriage, female genital mutilation and violence committed in the name of so-called "honour", and ensure that they include effective measures for raising public awareness, training relevant professional groups, identifying victims and addressing data gaps and low rates of reporting and prosecution;<sup>47</sup>*

NICCY has consistently called for better data collection and dissemination on a range of issues in relation to children and young people's rights to life and protection from all harm, abuse, exploitation and violence. This includes harmful sexual behaviour, gender-based bullying in schools; male victims; children and young people with disabilities; LGBTQ+ young people; child sexual abuse; and child criminal exploitation.

***Recommendation 19: Strengthen data collection and recording of information on violence against children under S75 categories, including in domestic violence, gender-based violence, abuse and neglect, in all settings.***

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<sup>47</sup>

[tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en](http://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en)



Prevention
Article 13 Awareness raising
Article 14 Education
Article 15 Training of professionals
Article 16 Preventative intervention and treatment programmes
Article 17 Participation of the private sector and the media

### Articles 13 & 14 – Awareness Raising & Education

The research report *'It's Just What Happens', Girls' and young women's views and experiences of violence in Northern Ireland* reflected that better police and justice responses was the measure that was regarded as very effective in tackling violence against girls by the largest proportion of respondents (69% saying 'very effective'). This was followed by tougher measures against social media sites (52% saying 'very effective'). It is interesting to note that both of these measures would be punitive rather than preventative measures.

Measures relating to education interventions, training and awareness raising were seen as much less effective than punitive measures. Education on violence against women and girls in schools and colleges, for example was the intervention that the smallest proportion of respondents said would be very effective (31%). This was less than half the proportion of respondents who felt better police and justice responses would be very effective. Focus group discussions offered some insights into these results including a strong feeling that current education is ineffective and/or that school may not always be the best place for such learning to take place.<sup>48</sup>

In April 2023 the Education and Training Inspectorate (ETI) published a Thematic Evaluation of the Preventative Curriculum in Northern Ireland.<sup>49</sup> The report was based on responses from more than 14,500 primary and post-primary pupils and 500 schools. It found that there was considerable variation in the teaching of Relationships and Sexuality Education (RSE) and highlighted that there was a lack of lessons on topics such as consent, domestic abuse, gender, transgender issues, contraception, pregnancy, abortion, and menstrual health and wellbeing. Despite the recommendations contained within the Gillen Review<sup>50</sup>, 44% of schools reported that they were delivering the topic of consent to a small extent, or not at all.

NICCY has highlighted the need for provision of comprehensive, factual, age-appropriate and scientifically accurate RSE within schools. It has been our longstanding concern that

<sup>48</sup> [Research Publication: 'It's Just What Happens' Girls and Young Women's Views and Experiences of Violence in Northern Ireland | The Executive Office \(executiveoffice-ni.gov.uk\)](#) p.62 For further information on young people's views on gender please refer to the Young Life and Times (YLT) surveys. [YLT | ARK - Access Research Knowledge](#)

<sup>49</sup> [ETI publishes a thematic evaluation of the preventative curriculum in schools and EOTAS centres | Education Training Inspectorate \(etini.gov.uk\)](#)

<sup>50</sup> [gillen-report-may-2019.pdf \(justice-ni.gov.uk\)](#)



the prevailing approach enabling grant-aided schools to develop their own policy on how they will address RSE within the curriculum, may be contrary to the UN Committee's recommendation that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools in NI.<sup>51 52</sup>

In June 2023, NICCY welcomed the 'Relationships and Sexuality Education (Northern Ireland) (Amendment)' introducing a mandatory requirement for the inclusion of age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion, for adolescents in the NI curriculum.<sup>53</sup>

***Recommendation 20: Implement appropriate mechanisms to ensure meaningful engagement with a diverse range of young people on the changes to the RSE curriculum, as a priority, and ensure that their voices and needs are reflected in the guidance.***

***Recommendation 21: Ensure that teaching staff are provided with adequate training and professional development to ensure that they are confident in delivering the RSE topics, including those relating to sexual and reproductive health, in a way that is inclusive and reflects the needs of all pupils, including LGBTQAI+ pupils and pupils with SEND.***

***Recommendation 22: Ensure that the Education & Training Inspectorate (ETI) amend their oversight arrangements to assess the appropriate delivery of the new elements of the Minimum Content Order by schools. The ETI should develop new arrangements for engaging with children and young people during their assessment of RSE provision.<sup>54</sup>***

## Online Safety

*Growing Up Online Children's online activities, harm and safety in Northern Ireland - an Evidence Report* was funded by the Safeguarding Board for NI and conducted by a team from the Centre for Research in Educational Underachievement at Stranmillis University College, Belfast.

*"The project set out to undertake an evidence report relating to children's online*

<sup>51</sup>

[tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en)

<sup>52</sup> The Secretary of State is under a statutory duty under the Northern Ireland (Executive Formation etc) Act 2019 to implement recommendation 86(d) of the Report of the Committee on the Elimination of Discrimination of Women (CEDAW)

<sup>53</sup> [The Relationships and Sexuality Education \(Northern Ireland\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>54</sup> In line with the NIHRC's recommendations to the GREVIO Committee.

*activities, harms and safety. The project aimed, first, to address the emergence, nature and impact of online risks of harm and trends among all groups of children and young people in Northern Ireland, including risk and protective factors, access to support and intervention when issues arise and the implications for safety policy and practice; and, second, to review online safety provision including educational initiatives to safeguard and protect children online.”*<sup>55</sup>

The research demonstrated, once again, the need for a gender conscious approach to building an effective online safety architecture with the experiences of online violence presently differently between girls and boys. The results have also shown (as in other previous studies) that girls are much more likely to experience something nasty or unpleasant online, both among the younger cohort (23% girls vs 17% boys) and the older cohort (20% girls vs 15% boys). For instance, among the older cohort (14-18 years old), girls (5.4%) were 3 times more likely than boys (1.7%) to be asked to send nude photos/videos of themselves, girls (6.9%) were more than twice as likely as boys (3%) to be sent inappropriate photos they didn't ask for, and twice as likely to see or be sent pornography (girls: 5.6% vs boys 3.0%). Girls were also more likely to see or be sent content promoting self-harm (girls: 3.3% vs boys 2.2%), eating disorders (girls: 4.1% vs boys 1.6%) or suicide (girls: 3.6% vs boys 3.0%). Levels of reporting were low for boys and girls (45% among 8-13 year olds and 30% among 14–18-year-olds), and in both cases children and young people were most likely to report to friends and family. In terms of the outcome of reporting, over a quarter (27%) of 8-13 year olds and almost half (46%) of 14-18 year olds felt that the matter was not dealt with well at all.<sup>56</sup>

***Recommendation 23: Ensure that the relevant recommendations in the ‘Growing Up Online Children’s online activities, harm and safety in Northern Ireland - an Evidence Report’ are progressed as part of the Northern Ireland Executive’s Keeping Children and Young People Safe: An Online Safety Strategy 2020- 2025 including that content relating to healthy online relationships should become mandatory.***

### **Article 15 – Training of professionals**

One of the areas of focus identified in the Ending Violence Against Women and Girls Strategic Framework is “*developing and delivering, in partnership with professional training bodies, a training framework targeted at professionals in general frontline services who come into contact with the at-risk population of women and girls in their work.*”<sup>57</sup>

In the UK State Report to the GREVIO Committee the only agencies referred to as delivering training is the TEO and the Police Service of NI. This is clearly inadequate and

<sup>55</sup> [Growing Up Online | Children’s online activities, harm and safety in Northern Ireland - an Evidence Report \(stran.ac.uk\)](https://stran.ac.uk/growing-up-online-childrens-online-activities-harm-and-safety-in-northern-ireland-an-evidence-report/)

<sup>56</sup> [Growing-Up-Online-Executive-Summary-Report.pdf \(stran.ac.uk\)](https://stran.ac.uk/growing-up-online-executive-summary-report.pdf) p.5

<sup>57</sup> [Strategic Framework – Ending Violence Against Women and Girls Summer 2023 \(executiveoffice-ni.gov.uk\)](https://www.executiveoffice-ni.gov.uk/strategic-framework-ending-violence-against-women-and-girls-summer-2023/)

possibly not reflecting the extent of professional training that is taking place.

*“In NI, in The Executive Office, 32 staff received Bystander Approach training in the context of ending violence against women, covering unacceptable behaviours and what everyone can actively do. Within the PSNI considerable training has been undertaken to better understand and support VAWG-related offences including domestic abuse, stalking and CSE in the last 12 months. This has included training into coercive or controlling behaviour and understanding the barriers to reporting, as well as the impact of domestic abuse from a victim-centred approach. This four-module training package has been completed by c.6,500 people across the organisation, and a similar stalking module has been undertaken by 4,600 people. PSNI across the organisation. PSNI is in the final stages of launching a training package to support the introduction of non-fatal strangulation and rape myths and organisational cultural change.”*<sup>58</sup>

**Recommendation 24: Expedite the development of a Regional Training Framework on violence against women and girls, domestic abuse and sexual violence on and offline for the public service and specialist third sector organisations with a specific module on understanding children and young people’s experiences.**

### **Article 16 – Preventative intervention and treatment programmes**

NICCY supports and has previously called for the use of a safeguarding and public health framework approach to dealing with child criminal exploitation<sup>59</sup> and wider gender-based violence with the significant and adverse consequences for health and wellbeing over the life course.<sup>60</sup>

Gender-based violence covers a spectrum of violence and abuse committed primarily but not exclusively against women by men. This includes, but is not limited to, domestic abuse, rape and sexual assault, childhood sexual abuse, stalking and harassment, commercial sexual exploitation and harmful traditional practices such as female genital mutilation, forced marriage and so-called ‘honour’-based violence. These forms of violence are recognised as part of a “*systemic and deep-rooted problem in our society. It is a problem that is hidden in plain sight and every day we see how it is affecting the lives of women and girls, wherever they learn, live, and work.*”<sup>61</sup> To prevent gender-based violence we need to consider the social norms, structures and gender roles that influence women and girls’ vulnerability to violence.

<sup>58</sup> [GREVIO receives state report for the United Kingdom - Istanbul Convention Action against violence against women and domestic violence \(coe.int\)](#) p.14

<sup>59</sup> [NI Children Must be Better Protected from Criminal Gang Abuse - Niccy](#)

<sup>60</sup> See [Strategic Framework – Ending Violence Against Women and Girls Summer 2023 \(executiveoffice-ni.gov.uk\)](#)

<sup>61</sup> [Strategic Framework – Ending Violence Against Women and Girls Summer 2023 \(executiveoffice-ni.gov.uk\)](#)

**Recommendation 25: Invest in a public health approach to gender-based violence.**

**Article 17 – Participation of the private sector and the media**

The Children and Parents: Media Use and Attitudes Report 2023 (Ofcom, March 2023)<sup>62</sup> examines media use, attitudes and understanding among children and young people aged 3-17 and is based on data collected across the UK in 2022. The report highlighted some interesting differences in media use by gender. While there was little difference in social media use generally among 3-17-year-old girls (65%) and boys (62%), there were greater differences in terms of individual app use: for instance, TikTok (girls: 45% vs 41%: boys), Snapchat (girls: 41% vs 34%: boys), Pinterest (girls: 13% vs 6%: boys), and BeReal (girls: 5% vs 2%: boys). The study also found that girls aged 8-17 were more likely than boys to be active users of social media apps, sharing, commenting and posting (34% vs 27%), and were more likely to have posted their own videos (34% vs 29%). Conversely, boys were more likely than girls to view live streamed video content on YouTube (52% vs 44%). There were even greater differences in relative use of gaming consoles, with 73% of boys aged 3-17 using gaming consoles or handheld games players compared to just 45% of girls, and with boys more than three times more likely to play sports games such as FIFA or NBA (37% vs 11%).<sup>52</sup>

**Recommendation 26: In line with recommendation in the Growing Up Online Children's Online Activities, Harm and Safety in Northern Ireland - an Evidence Report, support greater regulation of social media companies by government to help ensure: closer monitoring of online material that is potentially offensive or harmful to children and young people; more transparent, consistent and child-friendly online reporting mechanisms; the timely removal of offensive material; and stricter enforcement of age restrictions on certain apps or sites, where currently it is much too easy for children to enter a false date of birth.**<sup>63</sup>

Protection and support
Article 18 General Obligations
Article 20 General support services
Article 22 Specialist support services
Article 25 Support for victims of sexual violence
Article 26 Protection and Support for Child Witnesses

**Article 18 – General Obligations**

NICCY has sought to broad the concept of safeguarding to protect children and young people outside the home.

<sup>62</sup> [Children and parents: media use and attitudes report 2023 - Ofcom](#)

<sup>63</sup> [Growing Up Online | Children's online activities, harm and safety in Northern Ireland - an Evidence Report \(stran.ac.uk\)](#) p.7

*“Contextual safeguarding is an approach to understanding, and responding to, young people’s experiences of significant harm beyond their families. It recognises that the different relationships that young people form in their neighbourhoods, schools and online can feature violence and abuse. Parents and carers have little influence over these contexts, and young people’s experiences of extra-familial abuse can undermine parent-child relationships.”*<sup>64</sup>

Therefore, children’s social care practitioners, child protection systems and wider safeguarding partnerships need to engage with individuals and sectors who do have influence over/within extra-familial contexts, and recognise that assessment of, and intervention with, these spaces are a critical part of safeguarding practices. Contextual Safeguarding, therefore, expands the objectives of child protection systems in recognition that young people are vulnerable to abuse beyond their front doors including child criminal exploitation.<sup>65</sup>

***Recommendation 27: Develop and resource a gender conscious Contextual Framework for safeguarding children and young people.***<sup>66</sup>

### **Article 20 – General support services**

TEO conducted research as part of developing the Ending Violence Against Women and Girls Framework: *Ending Violence Against Women and Girls: Experiences and Attitudes of 16 year olds in Northern Ireland in 2023*.<sup>67</sup> This research demonstrated the importance of developing support services with an understanding of intersectionality.

*“In the last year, a third of 16-year-olds experienced online violence (32%), 26% experienced psychological violence, 19% experienced physical violence and 16% experienced sexual violence. Female respondents experienced significantly higher levels of online violence, sexual violence and psychological violence in the last year; males experienced significantly higher levels of physical violence. 16 year olds with disabilities experienced disproportionately more violent acts and behaviours in the last year than those who do not have disabilities. 16-year-olds who identify with a sexual orientation other than heterosexual experienced disproportionately more violent acts and behaviours in the last year than those who identity as heterosexual.”*<sup>68</sup>

<sup>64</sup> [About us | Contextual Safeguarding](#)

<sup>65</sup> [Response-to-The-Jay-Review-of-Child-Criminal-Exploitation.pdf \(niccy.org\)](#)

<sup>66</sup> [Response-to-The-Jay-Review-of-Child-Criminal-Exploitation.pdf \(niccy.org\)](#)

<sup>67</sup> [Ending Violence Against Women and Girls: Experiences and Attitudes of 16 year olds in Northern Ireland in 2023 | The Executive Office \(executiveoffice-ni.gov.uk\)](#)

<sup>68</sup> [Annex A Ending Violence Against Women and Girls Experiences and Attitudes of 16 year olds in Northern Ireland in 2023 \(executiveoffice-ni.gov.uk\)](#) p.1



***Recommendation 28: Adopt a gender-sensitive approach and provides for intersectionality in the development of services tackling gender-based violence.***

### **Article 23 – Shelters**

The NI Housing Executive, through its Supporting People programme provides funding for short term emergency accommodation for women and children in NI. In 2021/2022, 543 women and 397 children stayed in Women's Aid refuges in NI. It has been reported that refuges across NI are consistently full, meaning women and children who require access may not immediately have a place. Women's Aid Federation NI has identified that it is having to provide "triage" for a growing number of women in NI while they wait for access to vital support services, including refuge.<sup>69</sup> There continues to be a shortage of social housing in NI, which is increasing pressure on Women's Aid to provide refuge for longer than required by women and their children because there is nowhere else for women to go when they are otherwise ready to leave refuge. It is also worth noting that the NI Federation of Women's Aid is the only UK grouping without local government support. The DoH informed the organisation earlier this year that the funding, around £148,000 per year, would be reduced by 50%.<sup>70</sup>

***Recommendation 29: Take effective steps to ensure that there is enough emergency refuge accommodation in NI to meet the needs of all victims and survivors of gender-based violence, including men who are victims of domestic violence, and that refuges in NI are appropriately funded to carry out their function on a long-term basis.***<sup>71</sup>

### **Article 25 – Support for victims of sexual violence**

### **Article 26 - Protection and support for child witnesses**

The support infrastructure for child victims of sexual violence is increasingly fragile with pressures on budgets. This is in the context of Police Service of NI statistics which show that child sexual abuse crimes, recorded throughout 2022, have risen to 2,276. This is an average of six a day, and an increase of 86 offences from the previous year. Sexual communication with a child online has increased by over 30% from 2021, while the possession of sharing of indecent images increased by 22%. Of the 2021/22 dataset, of the 3,132 females who were the victim of a sexual offence, 52.8% of these were under the age of 18. In addition, in 2022/2023, there were 328 online sexual offences in NI, of which 150 involved sexual communication with a child.<sup>72</sup>

<sup>69</sup> As quoted in the NI Human Rights Commission's Submission to the CoE Group of Experts on Action against Violence against Women and Domestic Violence Parallel Report for the Baseline Report in Monitoring the United Kingdom, p.40

<sup>70</sup> [Health: Women's Aid NI now only UK federation without government funding, says CEO after support ends | BelfastTelegraph.co.uk](https://www.belfasttelegraph.co.uk/news/health/women-s-aid-ni-now-only-uk-federation-without-government-funding-says-ceo-after-support-ends-12368542.html)

<sup>71</sup> In line with the NIHRC's recommendations to the GREVIO Committee

<sup>72</sup> [43% increase in targeted searches as police crackdown on child predators | PSNI](https://www.psnl.org.uk/news/43-increase-in-targeted-searches-as-police-crackdown-on-child-predators)

NICCY welcomed the 2019 Gillen Review into Law and Procedure in Cases of Serious Sexual Offences which recommended that NI take forward the ‘Barnahus’ or ‘Child House’ model of child centred justice for all child victims of sexual offences.<sup>73</sup> Whilst we welcome many of the recommendations that have been implemented, such as the Remote Evidence Centres and the piloting of Sexual Offences Legal Advisors (SOLA) for children and young people this one remains outstanding.

In 2023, the DoJ and DoH consulted on a draft Domestic and Sexual Abuse Strategy 2023-2030. NICCY commented in its response to the consultation, that Pillar 4 – Justice made no specific reference to child witnesses and recommended that the best interests of the child should be of primary consideration in relation to any child’s involvement in court proceedings and that the Barnahus model needed to be progressed.

We have consistently highlighted that only a full system reform through Barnahus will properly meet the needs of child victims of sexual abuse and provide a higher standard of justice for all involved in such cases. NI has many services associated with the Barnahus model, but they are not streamlined; children and families need to navigate the bureaucracy of accessing different services when they need to focus on recovery. We strongly urge that a decision on a Barnahus approach, which has broad political support, is progressed immediately in NI.

***Recommendation 30: Prioritise long term investment in the support for child victims and survivors of sexual assault and violence in NI.***

### **Family Planning Services**

The UNCRC Concluding Observations specifically refer to the need to ensure access for adolescent girls to age-appropriate family planning services, affordable contraceptives and safe abortion and post-abortion care services, particularly in NI with a view to ensuring that no adolescent girl has to travel to other jurisdictions of the State party to access reproductive health care. This is in line with the Convention requiring governments to put in place safeguards for sexual and reproductive rights as a way to prevent gender-based discrimination and violence and aligns with the Convention’s purpose of protecting women, girls and LGBTQIA+ individuals.<sup>74</sup>

***Recommendation 31: Implement the recommendation of the UNCRC Concluding Observation 44(a) on ensuring access for adolescent girls to age-appropriate family planning services.***

<sup>73</sup> [gillen-report-may-2019.pdf \(justice-ni.gov.uk\)](https://www.justice-ni.gov.uk/gillen-report-may-2019.pdf)

<sup>74</sup>

[tbinetnet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en](https://tbinetnet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en) 44(a)



## Investigation, prosecution, procedural law and protective measures

## Article 49 general obligations (undue delay and gendered understanding of violence)

## Article 49

## Child Victims of Trafficking

Trafficking in human beings affects women, men and children. However, trafficking in human beings is a gendered phenomenon as the majority of human trafficking victims are women and girls, both in Europe and globally. Thus, women and girls represented 80% of the registered victims of trafficking in the European Union according to the Eurostat's 2015 report and 71% globally according to UNODC's 2016 Global Report on Trafficking in Persons. Women and girls are trafficked across borders as well as within countries for different purposes to boys and men: sexual exploitation, but also forced labour, domestic servitude, forced marriage, forced begging or forced criminality. Traffickers primarily target women, because they are disproportionately affected by existing gender inequalities. In some European countries, men and boys are the majority of identified victims of trafficking, primarily for the purpose of labour exploitation, but also for the purpose of forced criminality, forced begging, sexual exploitation or removal of organs.<sup>75</sup>

We note the UNCRC's Concluding Observations on child victims of trafficking:

52. Noting with appreciation the piloting of a new national referral mechanism on trafficking in persons and a system of independent child trafficking guardians, the Committee recommends that the State party:

*(a) Continue to strengthen measures aimed at ensuring the identification and referral of child victims of trafficking in persons to appropriate child-friendly services, including by implementing the national referral mechanism throughout the State party;*

*(b) Ensure that child victims of trafficking in persons are always treated as victims and have access to the necessary support and services, including psychological support and legal assistance, and put in place the system of independent child trafficking guardians throughout the State party;*

*(c) Investigate all cases of trafficking in children, using intersectoral and child-sensitive proceedings, and bring perpetrators to justice.*

***Recommendation 32: Implement the recommendations of the UNCRC Concluding Observation on Child Trafficking including taking a gender conscious approach and ensuring that there is no diminution of protections for child victims as result of the Illegal Migration Act.***

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## Migration and Asylum

### Article 59 Residence status

#### Article 59

The Commissioner for Children (NI) Order 2003 makes no distinction with regards to the immigration status of children. The UNCRC and the protections of NICCY's office must be made available to them as much as any other child living in NI. The UNCRC is clear when it states in Article 22(1) that:

*"States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties."*

Our scoping paper 'A Hostile Environment' published in 2021 provided insight into the conditions faced by families affected by having No Recourse to Public Funds (NRPF) in NI<sup>76</sup> and the following recommendations were made:

1. Undertake work to identify how many children in NI are living in a family with no recourse to public funds and to publish this data. This should include both figures held by the Home Office in regard to immigration control and legal status and by the DoH in relation to children who may be eligible for or are receiving support under Article 18 of the Children (Northern Ireland) Order 1995.
2. Develop clear pathways across and between Home Office and health and social care agencies to ensure that children and families who may be subject to no recourse to public funds are referred and that the needs and best interests of children are assessed as a matter of urgency. This pathway information should be published.
3. Address the needs of each child, particularly ensuring that they have access to the highest standard of health care, an effective education, an adequate standard of living and all other protections afforded by the UNCRC.

The NRPF policy disproportionately impacts vulnerable groups such as single parent

<sup>76</sup> [No Recourse to Public Funds \(NRPF\) - Niccy](#). Section 3(1)y Section 3(1)(c)(ii) of the Immigration Act 1971 provides that limited leave to enter or remain in the United Kingdom may be subject to a condition requiring that person maintain themselves, and any dependents, without recourse to public funds. This is known as 'No Recourse to Public Funds' or NRPF. Since 2012, a 'NRPF condition' has been imposed on nearly all migrants granted the right to live or work in the UK.

households, pregnant women and people subject to domestic violence, leaving them without the safety net of social welfare and throwing families into destitution.<sup>77</sup>

*“A recent High Court challenge to the NRPF policy has led to a slight softening of the rules. In R (W, A Child By His Litigation Friend J) v Secretary of State for the Home Department & Anor, the court found the Home Office’s policy of imposing NRPF under paragraph GEN.1.11A of Appendix FM to be unlawful and a breach of Article 3 ECHR. This decision only addresses the fact that Home Office guidance does not provide for those who are not yet suffering inhuman and degrading treatment but are about to. This ruling did not abolish NRPF but required the Home Office to publish a revised policy instruction. The Home Office amended its guidance to state that: “In all cases where an applicant has been granted leave, or is seeking leave, under the family or private life routes the NRPF condition must be lifted or not imposed if an applicant is destitute or is at risk of imminent destitution without recourse to public funds. A further recent High Court challenge to the NRPF also found that the scheme does not comply with the Home Office duties to safeguard and promote the welfare of children under Section 55 of the Borders, Citizenship and Immigration Act 2009.”<sup>78</sup>*

In 2023, the UNCRC Concluding Observations expressed its deep concern with regards the increasingly hostile political and policy environment in the UK and its impact on children and young people’s right to safety and freedom from violence.

49. *The Committee is deeply concerned about:*

*(b) The potential impact on children of the Illegal Migration Bill, which includes a ban on the right to claim asylum, allows for the prolonged detention and removal of children, creates barriers for acquiring nationality and lacks a consideration of the principle of the best interests of the child.<sup>79</sup>*

As such, NICCY supports the NIHRC’s recommendations in its submission to the GREVIO Committee in that the UK Government must immediately remove the reservation to Article 59 and provide equal protection for every girl and woman in need.<sup>80</sup>

***Recommendation 33: Withdraw its reservation to Article 59 of the Istanbul Convention.***

<sup>77</sup> Maternity Action (June 2020) Migrant Women, No Recourse to Public Funds and the Pandemic, <https://bit.ly/2Uv5eKa>

<sup>78</sup> [WPG-Response-to-Refugee-Integration-Strategy.pdf \(wrda.net\)](#) p.9

<sup>79</sup> [Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland :](#)

<sup>80</sup> NI Human Rights Commission Submission to the CoE Group of Experts on Action against Violence against Women and Domestic Violence Parallel Report for the Baseline Report in Monitoring the United Kingdom

***Recommendation 34: Take effective steps to ensure that victims of violence against women and girls and domestic abuse with insecure migration status in NI can report crimes to the relevant authorities and seek means of support without having their residence status reported to the Home Office.***

### **3. Conclusion**

NICCY welcomes TEO's commitment to investing in the genuine participation of children and young people in the development and implementation of NI's first Ending Violence Against Women and Girls Strategic Framework. This will not only lead to better decision making & outcomes but can also contribute to healing and recovery. The converse is also true; poor participation can lead to re-traumatisation. Genuine participation takes time, money and is a long-term process and NICCY welcomes the TEO's commitment and others to ensure that young people's voices and experiences are given space, are listened to and are acted upon, as appropriate to ensure that this Framework's vision is realised in the daily lives all young people. We hope that during the GREVIO Committee's visit to Northern Ireland in January 2024 they will get the opportunity to meaningfully engage with a range of young people.

*"Women and children deserve to be able to go about their normal lives without having to worry about violence and aggression. Especially in the home, families, communities and workplaces.*

*We need to make it normal to call it out and report and we need to plan to end it as children growing up will think this is normal and the loop of violence will continue."*

*(NICCY Youth Panel Member)*

As Commissioner I have listened to many young people talk about not only the importance that their participation is valued and supported but that it is delivered through expert facilitation from trusted and adequately skilled professionals in trauma informed approaches and practice.