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"DO YOUR PROMISES AND TELL THE TRUTH. TREAT US WITH RESPECT": REALIZING THE RIGHTS OF CHILDREN AND YOUNG PEOPLE IN NORTHERN IRELAND

In 1991, the UK Government, incorporating the jurisdiction of Northern Ireland, ratified the United Nations Convention on the Rights of the Child (CRC). Reports about progress in implementation of the Convention are submitted to the UN Committee on the Rights of the Child (UN Committee) at regular intervals. Because the Convention is not incorporated into domestic law there is no redress for breach of its Articles. But when the UK Government reported in 1994 and 1999, the UN Committee responded critically, raising a number of serious concerns and making a range of recommendations. In 2007, the UK Government submitted its third and fourth consolidated report. Based on consultations with 132 children and young people in Northern Ireland, this article reflects their understanding and expectations regarding rights, specifically: participation, religion and culture, protection from harm, health care, standard of living, education, age-appropriate play and leisure. Discussion of the relevance of a rights-based perspective to understanding about childhood and youth explores social constructions of 'children' and 'childhood', the centrality of participation, current promotion and protection of children's rights. How children and young people define rights, and their lived experiences, provide an insight into the realization of children's rights in contemporary Northern Ireland. The final words are key messages for Government from the children and young people who participated.

NORTHERN IRELAND: POLITICAL, ECONOMIC, AND SOCIAL CONTEXTS

Northern Ireland is a society in transition after a prolonged period of armed conflict and political instability. Between 1969 and 1999, of the 3,636 people who died as a result of the conflict, 2,037 were civilian.[1] The impact was disproportionately borne by young people.[2] Many people experienced bereavement, injury, intimidation and harassment, sectarian attacks, and forced exiling from their homes during the conflict.[3] In the absence of a trusted civil police presence, in

some communities paramilitary "punishment" was meted out to young people accused of "anti-social" behavior.[4] Needless to say, such traumatic events had significant impacts on the lives of children and their families.[5]

In 1998, following so-called "peace-process" negotiations, the *Belfast/Good Friday Agreement* was signed by the British and Irish governments.[6] This established the basis for devolved administration in the form of an elected Northern Ireland Assembly. The Agreement recognized the centrality of human rights, equality, mutual respect, and democratic and peaceful means of resolving differences on political issues. It outlined plans to sustain economic growth and stability and promote social inclusion; affirmed shared commitment to the disarmament of all paramilitary organizations; proposed normalization of security arrangements and practices; recognized the need for development of a representative police force and provided for the establishment of an independent Commission to make recommendations about future policing arrangements; set up a review of criminal justice; and provided for the early release of political prisoners. The Agreement also made provision for the establishment of an Equality Commission and a Human Rights Commission. Although the remit of each includes protecting the rights of children, their capacity to focus on the particular needs of children in respect of rights enforcement is restricted by the breadth of their briefs and limited resources.

Elected in June 1998, the Northern Ireland Assembly received full delegated powers in December 1999. Following disagreement between the two main unionist parties (Democratic Unionist Party and Ulster Unionist Party) and the largest nationalist party (Sinn Féin), devolution was suspended in October 2002, leading to direct rule by the U.K. government until March 2007. Throughout direct rule, legislation was introduced without scrutiny or amendment and no locally accountable political institutions existed. In October 2006, the *St. Andrews Agreement* provided for the restoration of the Northern Ireland Executive, and devolution resumed in May 2007.[7] The U.K. Secretary of State retained responsibility for excepted and reserved matters,[8] which has implications for children and young people outside the remit of devolved institutions, including asylum-seeking children and those involved in the youth justice system.

During the present period of transition, the legacy of the conflict continues to affect children, young people, and their families. A quarter of the population are children and young people,[9] and historical under-investment has led to continued under-resourcing in the level of public expenditure dedicated to them.[10] One in three children (122,000) live in income poverty and one in ten (44,000) live in severe poverty.[11] Income levels are lower among lone parent families and couples with children than in Britain, and benefit levels are too low to enable

families to rise above the government's own poverty threshold. Essential goods and services are more expensive in Northern Ireland, compounding the income deprivation experienced by poor households. Children living in poverty are more likely to live in poor-quality accommodation than their peers and experience lower health and education outcomes.[12] Of significance in Northern Ireland is the "strong, but complex, relationship between poverty and conflict."[13]

Most public housing in Northern Ireland is segregated.[14] Those living in "interface" areas are likely to experience sporadic incidents of violence.[15] Schools are also segregated.[16] Where leisure services are located in predominantly Catholic or Protestant communities, children and young people from outside the community will not use them.[17] Health care is free to children under eighteen, but some groups do not access the services available, or, when they do, they experience discrimination. Irish Travellers (a nomadic ethnic group with their own culture, language, and history), members of other minority ethnic communities, and families living in poverty have unequal access to services and poorer health outcomes.[18]

Over twenty percent of children under the age of eighteen suffer significant mental health problems.[19] Incidence of mental ill-health is disproportionately high amongst vulnerable groups—children and young people with disabilities, living in poverty, in conflict with the law, in or leaving care, and who identify as lesbian, gay, bisexual or transgendered (LGBT)—and in areas most affected by the conflict (many of which are also economically disadvantaged). The impact of intergenerational trauma and unmet mental health needs among children and their adult caregivers have been identified by organizations working with victims and survivors of the conflict and by those working with children and families.[20] Lack of age-appropriate inpatient psychiatric facilities has led to children and young people being placed with adults, or those with complex mental health problems being sent to institutions in England.[21] There are high rates of self-harm and suicide among young people.[22] A recent review described child and adolescent mental health services as "wholly inadequate" and "characterized by overwhelming need and chronic under-investment."[23]

Many contemporary parents were children and young people at the height of the conflict. Their experiences affect how they relate to other people, including their children, and the messages they pass on to their children about "other" communities or events during the conflict.[24] As a consequence of the conflict, many children experienced the impact of a parent's imprisonment,[25] including financial hardship, mental ill-health, difficulties maintaining relationships with their imprisoned parent, and problems adjusting to their parent's release.[26] Despite such debilitating circumstances, levels of family support remain lower

than in Britain. Access to good quality, affordable, age-appropriate childcare is limited especially for lone parents, families living in poverty, parents of older children, migrant workers, and parents of children with disabilities. Lower per capita spending, combined with higher levels of child poverty and subsequent family difficulties, leads to a focus on statutory protection duties in social care expenditure on children rather than preventative family support initiatives.[27]

Proximity to extremes of violence has led to a high tolerance of violence.[28] Despite recent reform, legislation has not removed the defense of "reasonable chastisement," thus, allowing corporal punishment in the family. Within some Loyalist and Republican communities, punishment beatings and paramilitary threats, intimidation, and enforced exiling have persisted.[29] Community-based restorative justice schemes operate as an alternative to these punitive forms of "self-policing."[30] Between communities, sectarianism and division affect the well-being of children who report feeling threatened or intimidated by Republican or Loyalist displays and being injured due to sectarian incidents.[31] The contested nature of policing in Northern Ireland, and a policing deficit particularly in Republican/Nationalist communities, has led to hostility and suspicion between young people and the police.[32] This has been exacerbated by young people's experiences of being stopped and searched, moved on, harassed, or treated with disrespect by the police within their communities.[33] The long-term trend of outward migration has recently reversed, bringing significant inward migration since 2000.[34] This has benefited the local economy and is fostering development of a more intercultural society. However, many migrant workers and members of minority ethnic communities experience orchestrated campaigns of racist harassment and attacks on their person or property.[35]

CHILDREN'S RIGHTS AND THE CRC

The United Nations Convention on the Rights of the Child (CRC) was adopted by the United Nations General Assembly on 20th November 1989, coming into force in September 1990. Of fifty-four Convention Articles, fourteen relate to dissemination, monitoring, and reporting procedures. The civil, political, social, cultural, and economic rights to which all children and young people should be entitled are detailed in forty Articles, each establishing obligations of State parties. The Articles are grouped in "clusters" (general measures of implementation; general principles; civil rights and freedoms; family environment and alternative care; basic health and welfare; education, leisure and cultural activities; and special protection measures).

The Convention provides a useful starting point for articulating entitlements for "children" as a social group and for specific groups, particularly

"vulnerable" children likely to be exposed to discrimination. It provides a framework to protect and promote children's rights. In protecting, it "establishes the rights of all—strong and weak—not to be harmed, intimidated, degraded or abused." In promoting rights, it "provides safeguards for the vulnerable while prioritizing and meeting their identified needs." [36]

The U.K. government (including Britain and Northern Ireland), signed the Convention on 19th April 1990, ratified it on 16th December 1991, and it came into force on 15th January 1992. Following devolution, the U.K. government has responsibility for implementation in relation to non-devolved issues and the Northern Ireland Executive/Assembly for devolved issues. However, the Convention provisions and principles have not been incorporated into domestic law. Consequently, it is not directly enforceable and does not bind courts or public authorities, leading to a "chasm between the Convention and practice."[37] Despite this limitation, the Convention offers a persuasive guide to interpreting domestic law or policy, and "there is an increasing imperative to recognize it as a central consideration in the development of legislation, policy, and service provision to children and young people in Northern Ireland and the U.K. ."[38]

State parties are required to provide periodic reports to the United Nations Committee on the Rights of the Child (UN Committee) concerning progress in implementation of the Convention. The U.K. government has reported twice to the Committee (in 1994 and 1999). Its combined third and fourth periodic report was submitted in July 2007, with formal examination on 23rd September 2008.[39] Following consideration of the Government's Report and examination, and further evidence from bodies including Non-Government Organisations (NGOs) and independent human rights institutions, the UN Committee produces "concluding observations"—assessing progress, outlining areas of concern, and making recommendations.

The Committee's 2002 concluding observations raised a range of serious concerns.[40] Most significant were: non-incorporation of the Convention into domestic law; lack of coordination over implementation; limited dissemination about the Convention and children's rights; discrimination experienced by "vulnerable" groups; the "best interests of the child" not being paramount in legislation and policy; limited participation of children; continued use of corporal punishment; inequalities in health and access to health services; inequalities in educational achievement; limited special protections for certain groups, including asylum seekers and refugees, Travellers, sexually exploited young people, and children in the criminal justice/penal system. Issues of particular concern to Northern Ireland included: use of plastic baton rounds as a means of

riot control; segregated education and the small number of integrated schools; the negative impact of the conflict on children, including use of emergency legislation; and obstacles to Traveller children's rights.

CHILDREN'S VIEWS AND EXPERIENCES

A Northern Ireland Commissioner for Children and Young People (NICCY) was established in 2003, whose principal aim is "to safeguard and promote the rights and best interests of children and young persons."[41] An audit of children's rights in Northern Ireland, commissioned by NICCY, provided a comprehensive overview of the extent to which children's rights were respected in legislation, policy, and practice.[42] As part of the current U.K. government reporting process to the UN Committee, a Northern Ireland Report addressed the jurisdiction's specific circumstances.[43] The author was commissioned by the Children and Young People's Unit at the Office of the First Minister and Deputy First Minister (OFMDFM) to consult with children and young people to inform this Northern Ireland report. Consultation meetings were held with 132 children and young people, aged eight to twenty-five, from twelve groups across Northern Ireland. The groups included children aged eight to fourteen; children and young people with special educational needs; young people in conflict with the law; LGBT young people; children and young people from minority ethnic communities; Travellers; care leavers; young parents; and young people in an alternative education project. These consultations sought to establish their perceptions, expectations and assessment of rights, and their "messages" for government. The most significant issues (raised by half or more of the groups consulted) form the basis of discussion in this article.[44] These responses provide a clear appraisal of implementation of the Convention and violation of children's rights.

The following overview records their experiences and concerns. Although the children's/young people's definitions of rights are used, reference is made to relevant Convention Articles to highlight how closely their conceptions reflect the rights articulated in the Convention.

Food, Water and Shelter

When talking about the rights children should have, the rights to "food," "water," and "shelter" were noted by both younger children and those in the older age group (life, survival, and development: Article 6; provision of adequate nutritious food, clean drinking water, and a clean environment: Article 24):

"Children should have a right to have a shelter and clean water and food."

Many younger children noted the right to healthy food:

"Healthy diet."

"Vegetables and fruit to make you healthy."

While most believed that they had access to food, some felt that this was "Not [a right] for everyone," particularly in families experiencing poverty. The food available in school was generally regarded as unhealthy.

Younger children also noted the importance of a "clean environment":

"To have a clean, healthy environment—no litter."

"Right to have . . . fresh air."

Being Listened To

The most important right across the groups was "being listened to" (participation in decisions and to have their views taken into account: Article 12). When asked what rights children should have, younger children expressed this in a range of ways:

"To take part."

"Teachers and adults listen to children."

"Let the little man have a voice—adults don't listen to children."

This was particularly important in terms of protection from harm:

"If adults don't listen, you can't get help."

"They've got to listen to be safe, in case something bad happens."

"If you're being bullied and nobody listens, who will you tell? If you can't tell anybody, you might do harmful things to yourself."

Children and young people in seven of the twelve groups illustrated how they were not listened to by adults, and the assumptions underpinning adult responses:

"Nobody listens."

"They're treated as if they have nothing to say because they are too young."

"Adults don't act on what we say."

"They [children and young people] are regarded as ill-informed in general."

"Adults don't listen to children. They think they're right."

"Adults think kids should be seen and not heard" . . ."They should be seen and heard, but you have to be seen first to be heard!"

Being Treated with Respect

Young people did not feel that they were treated with 'respect':

"No one listens just because they are kids/ [Not] respected."

"Respecting their judgement—mostly people are making decisions for them."

Young people who were regularly out on the streets with friends generally had a negative experience of the police (administration of juvenile justice: Article 40):

"PSNI (Police Service of Northern Ireland)—don't treat kids with respect."

"When you're on the streets they [police] shout at you."

Part of being respected is "being treated equally" (non-discrimination: Article 2), best explained by a group of eleven- to twelve-year-olds in a special school:

"Blind, deaf, different colour, different religion, from a different country— everybody should be treated the same."

"It's important that everybody is treated the same because you don't know when something might happen to you to make you different."

Young people reported discriminatory treatment because of age, especially in shops:

"Security assume anyone in school uniform carrying bags will steal, so they ask you to leave your bags outside."

"Young people are told to get out of a shop . . . The shop door is locked when you want to get in."

They also mentioned gender discrimination:

"In court—the Judge says 'You're the only wee girl causing so much trouble' and he gave me an ASBO (Anti-Social Behaviour Order)" [for behavior that would probably not have received such a response if carried out by a young man].

"Some teachers pick girls to do messages. Boys are told they can't because they're 'too irresponsible'!"

Although a few groups noted the right to express sexuality—"be whatever sex you want to be—gay, lesbian, bisexual," young people did not believe that this right was respected:

"'You're gay' is used pejoratively in schools and on the streets."

"Homophobic/anti-gay ethos of schools, churches, youth services, neighbourhoods."

This was particularly the case in schools:

"In RE [Religious Education] we had to read about abortion but couldn't mention homosexuality."

"In RE teachers say there is a strict syllabus they have to address, so they won't discuss homosexuality. In class, someone asked a teacher, "Does God hate gays?", knowing I was gay, and the teacher wouldn't say anything. By saying nothing they imply, "Yes." They don't say 'God loves everyone, whoever and whatever they are.'"

"Equality and sexuality are discussed in jobs and at FE/HE (Further Education/Higher Education) but not in schools—teachers think if you find out about sexuality at an early age you may 'turn that way'!"

"If we have civil partnerships now, and homosexuality is recognised as a way of life, why is this not recognised in schools?"

Discrimination on the basis of disability was recognised by children and young people in a few groups:

"There's loads of things they [disabled young people] can't do that others can—they don't have wheelchair access, they can only go to special schools."

"They're excluded."

"They're treated like they're invisible."

Wheelchair-using young people described how they were severely affected by inaccessible public transport. Access to buildings was also a problem for them. However, the main form of discrimination experienced by young people with disabilities was attitudinal: "People assume you can't do something."

Young people who had a criminal record, or had been in trouble with the law, also experienced discrimination:

"People treat you unfairly because you've been in trouble, because of the reputation you have where you live."

"If you're looking for part-time jobs and you've got a criminal record, you won't get one. That's happened to me three or four times."

Being Involved in Decisions

Not "being involved in decisions" occurred in every aspect of children and young people's lives. For example in courts:

> "Kids should be allowed to say what they want to in court, not through a Guardian *Ad Litem*, whatever their age . . . You're not allowed to go to Court if you're under ten. But the Guardian *Ad Litem* didn't say the full story of all I was saying . . . Even if this is to protect children, they should be able to say what they want to say" [in Family Law, when decisions are being made about who should have custody of children or care placements].

> "When your parents get divorced, you don't have a say."

When legislation is being developed:

> "If ever they're making laws, they don't ask young people."

When decisions are being made by social workers:

> "Social workers don't give you choices—they make choices for you." [e.g., about where you want to live, where you want to be]

Or health professionals:

> "Doctors should talk to you, not your parent—you might want your parent with you, but the doctor should still talk to you and then maybe to your parent to clarify things."

This was the case particularly for young people with disabilities, sometimes with potentially dangerous consequences (e.g., concerning allergies) or leading to a loss of dignity (e.g., ignoring what a young person says about their personal care needs).

At school, most young people felt excluded from decision-making:

> "School Councils are ineffective—teachers are there and they shoot down ideas they don't like. They don't consider serious suggestions. The head teacher is given the final veto, so there's no real power or democratic structure."

> "Pupils have no say in what appears on the menu."

Being Able to Practice Your Own Religion

Although some young people felt that they were able to "practice their own religion" or culture (freedom of thought, conscience and religion: Article 14), others disagreed:

> "In Northern Ireland, the religious stuff is difficult."

A number of groups referred to sectarianism:

"People can be attacked because of their religion."

"Like Catholics and Protestants."

Residential care homes are usually mixed. One young person stated: "I've been in mixed situations all the time and never had a problem," yet another commented: "I felt intimidated going to Mass because I was the only Catholic in the care home. I ended up getting beat for it."

In schools, emphasis was placed on Christianity: "RE [Religious Education] doesn't respect other religions." Those not Christian felt singled out and defined as marginal:

"Teachers talk about 'non-Christians'—they are targeted and expected to know about the bible and how to pray."

"The teacher always looks at our side of the room when mentioning 'non-Christians.'"

Being Safe and Protected From Harm

"Being safe" or "protection from harm" (protection from all forms of violence, injury, abuse, neglect and exploitation in family or alternative care environments: Article 19) was an issue raised by many younger children when asked what rights children should have:

"To be cared for and protected."

"Not to be bullied."

"Looking after children."

"Being safe."

"Taking care of children."

"To be in a place where you're not abused."

Young people understood the difficulty that may be faced in disclosing experiences of harm or abuse:

"They're scared to tell people of their abuse."

"They think people won't listen to them."

"I wouldn't tell a counsellor."

"You wouldn't feel right telling a teacher—they know you, and some of them take grudges on you."

Support for young people was a significant issue. Some believed that it is typical for young people to engage in risk-taking behaviours:

"Fourteen- to sixteen-year-olds are going to do things like joyride, stay out all night, take drugs, drink, get suspended from school."

"They just do these things because of their age, no matter how much support they have."

They suggested that young people need to be supported through these situations, and that those without family support required youth workers or specialized education provision, with teachers "who don't shout at them for not doing their homework, aren't strict—where they have less hassle and do things that are useful to them. Not youth clubs, but education centres set up for them."

On the issue of physical punishment, one group noted that children and young people do not have the right to protection from physical violence by their parents or carers. When asked what could be done to stop parents physically punishing their children, the group suggested:

"Remind them what it was like to be a child."

"Courses for adults—to show there's different ways of dealing with children."

"Course for children—at Tech [Technical College], in the evenings."

"Counsellors."

While one young person stated: "There are some good cops out there," several raised issues of police brutality and sectarianism towards young people on the streets in their communities:

"The PSNI can be abusive and sectarian."

"The police hit young people."

Some felt that they were goaded by police officers. When they reacted, the police responded punitively:

"One wee man, who tried to kill himself, the cops were shouting, 'Where's the grave?'"

"They try to entice you to lose your temper—tell you you're worthless, say things about your family to make you lose it."

"They provoke you until you hit them. Then they can restrain you or hit you back."

Asked if they had complained about such treatment, the young people responded negatively:

"No. The judge believes the cops all the time."

"They wouldn't listen to young people."

"Got no faith in the system."

The continued presence of paramilitaries, or vigilante groups, in some communities prohibited children's access to space and led to "community-based" punishments for perceived misdemeanors:

"Paramilitaries stop kids being in the streets and parks."

"[Young people] get punishment beatings . . . for fucking about, stealing cars, house burglaries."

Access to Healthcare

Most children and young people believed they and their peers had access to free health care if they were under 18 (Right to health care: Article 24). But several did not know how to access available health care. Inevitably, access to information about drugs, sexual health, pregnancy (Access to appropriate information: Article 17) is affected by literacy: "I want to know how to do things myself. But I can't read." Others did not know where information was located: "I wouldn't know where to get information about drugs, drink." Some felt that access to information was affected by how information is provided:

"They have the right but not the access—they have libraries, but these don't provide information in the way that young people need it. You wouldn't know where to look for information."

"I tend to use the internet, but not everyone has access to this."

Although a few young people felt confident about seeking sexual health information, they were the exception. While some believed that: "Information about drugs, pregnancy, drink, etc. should be provided in primary as well as high school," others felt it should be available in places frequented by young people:

"Not in school . . . if you ask teachers, they tell your parents and then you get into trouble at home."

"You could have more leaflets at the doctors, in youth clubs, libraries."

Readily available access to mental health care was a particular problem: "You're always on the waiting list." They also raised the need for counselling for children and young people. While some young people felt that this should be identified in school, most were critical of current school-based provision:

"You have to sign up to see them, and everyone can see who has signed up so the other kids and staff know."

"People shouldn't be called out during class time."

"There's an interview room—people know who goes and might make a big deal about it."

Teachers were considered inappropriate providers of counselling:

"You don't talk to a teacher unless you know them and get on well with them."

"Some schools have them [counsellors], but they're teachers so you wouldn't go. Teachers share their business in the staffroom."

Access to advice outside school was important:

"They could advertise confidential services."

"You could use a phone number or text to make appointments."

"They need outreach work—at night, in clubs."

"Youth workers—more casual, comfortable, easier to tell . . . teachers are less confidential, they may have to pass it on."

In seeking information and support, LGBT young people were inhibited from approaching school counsellors because of the risk of being "outed." They considered teachers did not respect confidentiality, perceiving "being gay" as "risk" or "harm" requiring reporting. It was not uncommon for young people to be referred to a psychiatrist when they came out: "Being gay is seen as a mental illness. That's how we're treated."

Inadequate sex and relationship education was an issue:

"There's no appropriate sex education—it's just about reproduction, pregnancy, having a baby."

"Schools don't accept that kids of thirteen or fourteen years old have a sexuality. They leave it [sex education] until they're about sixteen and then say "Now that you're sexual, this is what these feelings are about, what the law says, how you can negotiate relationships.'"

In discussing the right to "life," young people were aware of the risk of self-harm or suicide among peers:

> "There's a lot of suicide—if everyone had their rights, there wouldn't be as much suicide."

> "Some people harm or take their own lives because of abuse or not being able to talk because they think they won't be heard."

Not Having Enough Money

"Not having enough money" was a commonly raised issue (Right to an adequate standard of living: Article 27). Welfare benefits did not cover basic necessities:

> "You couldn't live on the brew [benefits]."

> "You have £80 every two weeks to cover food, heating, electric, clothes, visiting family, having a social life."

> "It's not enough for going out, going to Tech[Technical College], travelling—to have a life."

In addition to the struggle of "making ends meet," not having enough money was perceived to have an impact on mental health:

> "It's the shortage of money that leads to kids being taken into care. The social [services] see you're not giving your child what they need. And it adds stress, which makes you depressed—it's a vicious circle."

Education for All

"Education for all" (Right to education: Article 28) was identified as important:

> "Children have the right to education."

> "You should have the right to safe education—at all ages—that is appropriate or relevant to people's needs."

One group considered that Travellers, homeless young people, and those in the criminal justice system did not receive the education to which they were entitled. Further, those excluded from school were not able to enjoy their right to full-time education, although this was not always an explicit process:

> "They don't necessarily expel you. They send you to the Alternative Education Project so you're out of school."

Several young people in conflict with the law had not attended school or alternative provision for some time. Their reasons included frustration, illiteracy, lack of support, and not liking routine.

Many young people were unaware of training and vocational education or employment opportunities, especially after leaving school. A group of care leavers agreed that the school leaving age should be raised:

> "Sixteen is too young to be leaving school—they should stay on until eighteen. At sixteen, you don't know what you want to do."

The group suggested that:

> "Young people aged eighteen to twenty should be paid more money to stay in education or training. This would encourage them to get qualifications."

Access to vocational training and employment were particularly difficult for young people with disabilities:

> "You're told all you can do is sit in an office when you leave school."

> "They throw disabled young people into admin., but they don't give us a chance to demonstrate our potential."

> "I was told I couldn't do a placement because of Health and Safety reasons. I can do as much as anybody else. They're underestimating me . . . there are always barriers, something in the way."

Rather than being offered qualifications of limited potential, disabled young people argued that mainstream training should be adapted to meet their support needs.

A group of care leavers believed that every young person had the right to higher education, but "Lots of people aren't able to afford it." They argued that university education should be free for those whose parents cannot afford to pay, but recognized that poverty was not the only issue affecting access—self-esteem and confidence were also vital: "Some people don't have the belief in themselves that they could go."

Bullying

Education to develop tolerance, respect, and friendship is expected within the Convention (Aims of education: Article 29). However, bullying in school was raised by children and young people as a key issue in half the groups:

> "You get pushed around because you're different—you look different, wear different clothes, like different music. You're treated like an outcast. School

has an anti-bullying policy, but don't see it as bullying—being pushed around is part of life, hitting and kicking is bullying."

"I got bullied because I was a girl with my hair cut short wearing a skirt."

" . . . because I did Irish dancing (male)."

Anti-bullying policies in schools were considered deficient in practice:

"Teachers are trained for dealing with bullying, but they are not effective— they don't do anything about it."

"People don't listen when you tell them you're being bullied."

"They don't take it seriously—they just tell you, 'They're having a laugh.'"

One young person stated, "Teachers can actually be bullies as well."

A group of gay and lesbian young people felt that homophobia needed to be explicitly included in school anti-bullying policies:

"Teachers know when a young person picks on another young person because of who they are. If it's because they're gay, the teacher ignores it. If it's because they're black, the teacher sees it as racism."

"Young people need to know that all bullying will be taken seriously, including racism and homophobia. And that there are different ways of dealing with specific issues." . . ."It's important to have it in writing."

Having Safe Places to Play

The right to "play and have fun" was important for children and "having places to go with mates" was an issue raised by both children and young people (Right to age-appropriate play, leisure and recreational activities: Article 31). Most children and young people felt that having safe places to play in their communities was a right they did not enjoy:

"There are not enough places to play."

" . . . Some areas don't have parks or youth clubs. No play area."

"There's no after school activities and places to play."

"There's fuck-all to do. That's why kids are out on the streets."

Existing youth club provision was inadequate:

"They're for younger kids."

"They close at 10.30 p.m. and aren't open at the weekends."

"There's nothing for girls or for seventeen- to twenty-five-year-olds."

Children and young people wanted more parks and a range of community-based activities such as clubs, trips to the cinema or bowling, outdoor activities, and drop-ins.

Younger children were aware of the marginalization experienced by those with disabilities:

> "We have this right [to play] but disabled people should be able to do the things they want to—activities should be inclusive."

Disabled children and young people themselves noted the limitations on their leisure opportunities:

> "Leisure is often according to what your parents allow you to do. You rely on your parents."

THE CONTRIBUTIONS OF A RIGHTS-BASED PERSPECTIVE TO UNDERSTANDING ABOUT CHILDHOOD AND YOUTH

The Convention defines a person under the age of eighteen as a "child," establishing "childhood" as a broad span of ages. This does not reflect how children and young people define themselves, since both usually make a distinction between "children" (aged under twelve) and "teenagers," "adolescents," or "young people" (aged thirteen to eighteen). Whatever terms they use to describe the different age groups within childhood, children and young people generally make clear distinctions between "childhood" and "adulthood." This is not in terms of protection of innocence or vulnerability. Rather, it relates to a separate phase of their lives during which they want to receive respect as people without being expected to take on the responsibilities associated with adulthood:

> "We're not allowed to be young people in our own right."

> "We want to be able to act our age, not be told to 'Grow up' all the time."

This reveals the imposition of anticipated, age-related behaviors on children and young people by adults. Within most Western European societies, "children" have traditionally been regarded as passive recipients of adult protection and care, the "property" of their parents, requiring "socialization" by social institutions (e.g., family, church, and school) during the transition from childhood to adulthood. In interpersonal relationships and institutional responses, their behavior and actions have been interpreted in relation to age-related "developmental stages," "maturity," and "need."

The evolving, cross-disciplinary area of "childhood studies" has challenged such objectification, re-defining children and young people as "human beings" rather than "human becomings."[45] Children and young people of all ages define

themselves as citizens in their own right. They reject traditional constructions, which marginalize their views or experiences, and stress the important contributions they can provide to decision-making processes. Being respected and listened to was the most important right for the children and young people consulted. They resented adults ignoring them, treating them as incompetent, ill-informed, incorrect, and unable to make judgments. Apart from the questionable assumptions that adults are well-informed, competent, and know what is best for children, such responses are disempowering and devaluing for children—reinforcing their structural vulnerability. Not being involved in the process of contributing their thoughts and views also undermines their capacity to develop the skills required to make informed decisions and negotiate relationships in the various aspects of their lives. As illustrated in the quotes above, they are well able to articulate the significant issues for them, identify current problems, and suggest pragmatic solutions.

Popular and media discourses reinforce the myths that adults' primary focus is protecting children, and that harm is perpetrated by "strangers." The reality is that children and young people are subjected to physical, sexual, and emotional abuse and neglect predominantly by those closest to them (parents or caregivers; relatives or friends of the family; responsible adults such as representatives of the church, teachers or health professionals; and other members of their community). Despite the harm caused by such experiences, children often have strong emotional links to the adults involved, and their views need to be taken into account in responses to such situations. The consultations revealed that fears about not being listened to or taken seriously have potentially harmful consequences, particularly in relation to disclosure of abuse, bullying in school, sectarianism, and police brutality. Perceived lack of confidentiality was an additional problem—children's concerns that adults (particularly teachers) may breach confidentiality stopped them from seeking help, advice, and information. Promotion and protection of children's and young people's rights tends to emphasize their difference from adults and the need for special consideration because of their structural vulnerability. But a balance is needed between adult responsibility for protecting them from harm and enabling them to develop the strategies to protect themselves and contribute to decision-making about their own lives.

Listening to children and young people does not imply doing everything they ask for or privileging their views. It means taking their perceptions, experiences, concerns, and suggestions into account, respecting them, and making decisions or taking actions informed by them. The key issue is enabling development of children's and young people's skills and capacity to present their

views, respect those of others, and negotiate. For this to happen, adults need to provide environments in which children and young people feel comfortable expressing their views, resist imposing adult interpretations on children's words or behavior, take seriously and act on children's suggestions, feedback decisions made and the rationale underpinning them.[46] The full extent of the Article 12 obligation is far greater than giving children a "voice" (facilitating the expression of a view). It also involves "space" (providing opportunities for children to express a view), "audience" (listening to the view), and "influence" (acting on the view).[47] Thus, participation is concerned with children and young people being actively involved in negotiating reciprocal relationships and informing decision-making processes, rather than their representation in formal administrative structures such as forums and councils. Article 12 "is a barometer of children's experience generally since, if it is implemented effectively, many other rights should fall into place."[48]

The "new sociology of childhood" emphasizes diversity and how the social, economic, political, and historical contexts of children's lives lead to a multiplicity of "childhoods." It also questions adult interpretations of children's behavior, asserting the experiences of children as social agents.[49] Critical analysis, however, explores how the determining contexts of culture, ethnicity, gender, sexuality, abilities, class, geographical location, and age affect children's everyday lives, the impacts of structural inequalities on their experiences and opportunities, and the centrality of power in interpersonal and institutional relationships.[50] In Northern Ireland, the relationship between poverty and conflict is central to analysis of the historical, political, social and economic contexts of children's lives. Sectarianism is an added and pervasive determining context.[51] Children's experiences are mediated by where they live, their socioeconomic class, and their religious and political beliefs as well as those of their family or community. As a period of transition evolves, the experiences of children shift with the times—starkly contrasting with the experiences of their parents, many of whom were children at the height of the conflict.

Academic, legal, and professional discourses have linked constructions of childhood to the conceptualization of rights.[52] This includes examination of the rights of children as a social group and the rights of specific "disadvantaged" or "vulnerable" groups. In addition to focusing on children's rights to particular entitlements (e.g., education, health, play) and comparative perspectives, ratification of the Convention has led to analysis of its implementation.[53] The consultations provided a significant update to the NICCY audit of children's rights in Northern Ireland.[54] Lack of progress in implementation of the Convention remains a concern. The rights to participation, practice one's own religion and

culture, protection from harm, health care, a decent standard of living, education, and age-appropriate play are fundamental rights incorporated into a range of international human rights standards. Yet these are the rights which at least half of the groups consulted felt were not currently realized.

The general principles of the Convention (non-discrimination; best interests; right to life, survival and development; and participation) do not underpin policy and practice. The needs and rights of the most vulnerable children and young people (those living in poverty, with disabilities, from minority ethnic communities, in or leaving care, identifying as LGBT, excluded from school, in conflict with the law, aged sixteen to eighteen) are unaddressed and unfulfilled. This reproduces established inequalities and limited opportunities for these groups. Adequate and necessary information, support, and guidance is not provided for children and young people, which affects their educational attainments, access to health care, personal well-being, and safety. The interrelated issues of poverty and the legacy of the conflict are not addressed, particularly for those children in the most disadvantaged communities. Children and young people do not feel safe—at school, in play and leisure spaces, or on the streets in their communities.

Analysis of children's lived experiences provides evidence about whether their rights are being realized, existing barriers, and how these could be addressed. The consultations also explored children and young people's understanding about the meaning of rights, their knowledge of the Convention, and their expectations of the government in relation to promotion and protection of their rights. When asked what "rights" are, they gave the following definitions:

"Something you're entitled to."

"Expectations about what people should do for other people."

"Universal—a fundamental rule of law, applied to everybody."

"Mechanisms in place to ensure health and safety; no danger; well-being—laws or social conventions."

"The right to do something—be educated; be included in your community; have your say in a way that suits you; have support and care to live a full and independent life; have the services you need."

"Things you're entitled to—what you're allowed to do or have."

"Rights are:

something you're allowed to do

a law

something that gives you a place in society

a promise to you

a contract."

These explanations demonstrate children's intuitive understanding of the principles incorporated into the Convention and other international human rights standards: binding mechanisms with associated accountability; and frameworks to enable inclusion, ensure protections from harm, and access to appropriate services.

In a 2007 survey of sixteen-year-olds in Northern Ireland, seventy percent responded that they had not heard of the Convention, and the majority did not know anything about their rights or could only list a few.[55] Although some children and young people in the consultations knew about the Convention, had worked with the Northern Ireland Commissioner for Children and Young People (NICCY), or were involved in lobbying about children's and young people's rights, most had limited knowledge:

"Children and young people don't have information about their rights."

"Young people don't have any rights."

The Convention had little tangible relevance in their lives. While aware that rights may be enshrined in laws, the basis of children's and young people's discussion was their lived experiences—how they were perceived and responded to by those in their immediate spheres (parents or carers; teachers, tutors, employers; health care professionals; shop keepers; and police on the streets). Evidencing how their views were ignored in their everyday lives, they also recognised lack of formal mechanisms through which children and young people could make their views heard: "Young people can't vote." As a social group, those under the age of eighteen in Northern Ireland are disenfranchised. They have no political power and, consequently, are often ignored by politicians who attempt to seek and act on the views of the electorate. Although NGOs, independent human rights institutions, and youth-led organizations advocate on behalf of children and young people, their calls for change are generally not prioritized. Young people's suggested response was lowering the voting age, in line with other social responsibilities, to around fifteen to sixteen years of age: "Young people should be able to vote from when they understand."

Given a political climate in which children and young people are the recipients of overwhelmingly negative representations in media and politi-

cal discourses, securing a rights-based agenda can only be achieved through ideological, cultural, and political change. As discussed earlier, a rights-based perspective is predicated on entitlements to all people, regardless of their personal choices or assumed responsibilities. Central to policy reform and service provision is the involvement of children in decisions about their lives, and clear understanding about their views of, and contributions to, "their" worlds. This extends to flexible provision which accommodates the needs of identifiable groups or individuals and responds to special or exceptional circumstances. The views and experiences of the children and young people involved in the consultations provide significant insight into requirements for successful implementation of the Convention. While realization of children's rights is dependent on the adults living or working with them really listening and taking their views seriously, accountability at a structural level is also important. International human rights standards provide useful baselines, and periodic review of their implementation provides opportunities to compare rhetoric with reality. As analysis by NGOs in each of the U.K. jurisdictions has shown, seventeen years after ratification the Convention is still not being effectively implemented, and the rights of many children are still not being fulfilled.[56] The children and young people consulted were asked to express messages for the government. Some of these exemplified their expectations of the duty-bearers whose responsibility it is to ensure that all children in Northern Ireland enjoy safe, happy, and fulfilled childhoods:

> "Make sure that all the rights are followed through."

> "Get services right for children and young people—health, education, employment, family support."

> "There should be more information for young people about their rights and let them have their say and actually listen to them and treat thy neighbour as you yourself would want to be treated. Children today are adults for the future, so everyone should have the same respect."

> "Instead of talking about what you are going to do, DO IT!"

> "Do your promises and tell the truth. Treat us with respect . . ."

ACKNOWLEDGEMENTS

to write this paper; to Phil Scraton for his constant encouragement and useful suggestions.

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7.   NIO (Northern Ireland Office) *St Andrews Agreement* (2006). http://www.nio.gov.uk/st_andrews_agreement.pdf. Accessed May 15, 2008.

8.   Excepted matters include international relations; immigration; national security; taxes and duties. Reserved maters include criminal justice; policing, civil defense; fiscal policy such as social security administration, national minimum wage, pensions, financial services and markets (*Northern Ireland Act 1998*, Schedules 2 and 3 respectively).

9.   The estimated population of Northern Ireland on 30 June 2006 was 1,741,600, of which 24.8% were under 18 (i.e., 432,014 total composed of 221,598 males and 210,416 females). NISRA (Northern Ireland Research and Statistics Agency), *Registrar General Northern Ireland General Annual Report 2006*, December 2007, 3. http://www.nisra.gov.uk/archive/demography/publications/annual_reports/2006/RG2006.pdf. Accessed May 15, 2008; NISRA, *Estimated population by sex and age, 30 June 2006*, http://www.nisra.gov.uk/archive/demography/punlications/annual_reportss/2006/Table2.1_2006.xls. Accessed May 15, 2008.

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13.   Hillyard, et al., *Poverty and Conflict in Ireland,* xx.

14. According to 2001 Census figures, more than half the population lives in areas that are over 90% Catholic or Protestant.

15. U. Hansson, *Troubled Youth? Young People, Violence and Disorder in Northern Ireland* (Belfast: Institute for Conflict Research, 2005); M. Leonard, "Trapped in Space? Children's Accounts of Risky Environments," *Children and Society* 21 (2007), 432–446. "Rioting" is sometimes regarded as "fun" by both Catholic and Protestant children—arising out of boredom and bravado, or for excitement, rather than for political reasons. N. Jarman, *No Longer A Problem? Sectarian Violence in Northern Ireland* (Belfast: OFMDFM/ ICCR, 2005). It also provides a mechanism for demonstrating religious/sectarian identity and hostility towards the "other" community, although occasionally it may be manipulated to serve adult political ends. M. Leonard, *Children in Interface Areas: Reflections from North Belfast* (Belfast: Save the Children, 2004).

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28. Use of violence as a way of resolving disputes, demonstrating opposition or drawing attention to perceived injustices has been "normalized" by children and adults. Horgan, "Why the Bill of Rights," 13.

29. In some areas, local residents still rely on paramilitaries to deal with young people's alleged anti-social behavior (e.g., moving them on when they are standing on street corners drinking alcohol, giving punishment beatings to deter them from joy-riding). Feuding as a result of divisions between different factions of paramilitary groups also affects young people (e.g., 200 families were forced to move from the Shankill area of Belfast in September 2000). Leonard, *Children in Interface Areas.*

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