

# **TOGETHER. STRONGER. SAFER.**

**Community Safety in Northern Ireland: A consultation paper**

## **RESPONSE**

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## **Childhood, Transition and Social Justice Initiative**

Current UK government policy on social exclusion is predicated on the assumption that active, participatory citizenship is secured through the consolidation of safe and inclusive communities populated by 'responsible' individuals. Based at Queen's University, Belfast the *Childhood, Transition and Social Justice Initiative* engages critically with these assumptions. It adopts a critical rights perspective grounded in, but moving beyond, international conventions and standards (civil and political rights/ economic and social rights).

Previous Queen's-based research for the Northern Ireland Commissioner for Children and Young People, *Children's Rights in Northern Ireland*, identified two overarching determinants in the lives of children and young people: the legacy of conflict and violence; the concentration of poverty (Kilkelly et al., 2004). Economic marginalisation, social exclusion, criminalisation and 'community punishments' form the context in which a disproportionate and increasing number of children live. This research demonstrated the contradictions implicit in attempting to achieve 'communitarian' objectives through the imposition of authoritarian policies and practices in situations where communities are dislocated and disrupted by conflict, displacement and disadvantage. Such conditions, and the interpersonal and social tensions they create, destabilise the lives of children and young people who are excluded from active participation, experience egregious breaches of their rights, are denied their 'best interests' and risk abuse, violence, exile, mental ill-health, self-harm and suicide.

Our most recent research *Understanding the Lives of Children and Young People in the Context of Conflict and Marginalisation*, in partnership with Save the Children and The Prince's Trust, will be published in Spring 2009. It addresses inter-linked themes: Poverty; Family and Community Life; Violence; Health and Well-being.

Members of the Initiative have also been closely associated with development of Include Youth's *Manifesto for Youth Justice in Northern Ireland* (Include Youth, 2008).

## **Summary**

Our consultation response details key concerns with the proposed strategy. These fall into four broad categories summarised as follows:

### ***Social, political and economic context***

- Northern Ireland is in transition from conflict. It is problematic and counter-productive to introduce regulatory policies and practices in already tense situations where communities continue to experience the legacy of conflict. This includes: historical under-investment; persistent sectarianism; high levels of violence; trans-generational trauma.
- Given the anticipated devolution of policing and criminal justice powers, significant changes in legislation and policy should be the responsibility of the devolved administration.
- The proposed changes, particularly the focus on families, fail to take account of the imbedded problems and consequences of poverty which contextualise the daily lives of families often targeted by such interventions.
- The broader context of children's lives and behaviour lacks consideration. Social exclusion, political alienation and economic deprivation are central to the problems faced by many children and young people, contributing to what is perceived, or labelled, 'antisocial' or offending behaviour.
- Children and young people are regularly excluded from community life and decisions. They should be viewed and treated as valuable and active participants in their communities rather than passive recipients of socialisation, regulation and control.

### ***Resources***

- The document focuses on changing behaviours, with little reference to the resources that will be provided to tackle the underlying problems of poverty, marginalisation and social exclusion.

### ***Proposed powers to reduce offending and re-offending***

- Independent research illustrates that the proposed measures to tackle 'crime and antisocial behaviour': focus disproportionately on young people; criminalise behaviour that does not constitute an offence (e.g. hanging about public spaces); draw children and young people inappropriately into the criminal justice system; alienate children and young people from their communities; and fail to address wider concerns about antisocial behaviour.
- Independent research on Parenting Orders highlights their potential: to focus on 'vulnerable families'; to increase pressure on 'families in need'; to place further strain on child-parent relations; and to disempower rather than empower families.

### ***Potential equality and rights violations***

- The proposed powers are likely to have a disproportionately negative impact on children and young people (particularly young men) and parents living in poverty (particularly single mothers).
- The policies outlined in the proposed strategy potentially will breach a number of internationally agreed standards and principles to which the UK Government is a signatory (e.g. UNCRC; European Convention on Human Rights; Beijing Rules; Riyadh Guidelines). These include, among others: the right to non-discrimination; the principle that the 'best interests of the child' is a primary consideration in all relevant legislation and policy; the right to freedom of association and peaceful assembly; the right to information; the right to privacy; the right to play and leisure; the right to procedural safeguards including a fair trial and measures to divert children and young people from the criminal justice system.
- At a time when the European Human Rights Commissioners and the UN Committee on the Rights of the Child have expressed profound concern about the use of Antisocial Behaviour Orders and other civil orders used to control and criminalise children and young people, the proposed strategy seeks to expand, rather than reduce, the use of civil orders. We consider that such expansion will further marginalise, criminalise and violate the rights of children and young people.

## **Response**

### **Questioning the Timing of the Proposed Strategy**

The proposed changes have the potential to undermine the planned devolution of policing and criminal justice to the Northern Ireland Assembly and Executive. Devolution will provide opportunities for locally elected political representatives and Community Safety Partnerships to identify and agree local priorities and ways of solving problems. Policy changes of such significance should be a key responsibility of the devolved administration and relevant community-based partnerships. The *Community Safety Strategy* should also be linked explicitly to existing strategies (e.g. *Social Inclusion and Anti-Poverty Strategy*; *Strategy for Children and Young People*; *Play Strategy*; *Families Matter*; *Care Matters*), that generally emphasise: consultation with local communities about local issues, partnership working, priorities for action based on early intervention and provision of services to support children and young people in need or at risk.

### **Questioning the Consultation Paper's Three Themes**

The Initiative agrees with the *Community Safety Strategy* aim 'to make Northern Ireland a safer place to live, work and socialise' and with the three cross-cutting themes: 'creating safer neighbourhoods; focus on families and young people; building strong, confident communities'. We note the key objectives are crime reduction ('tackl[ing] the underlying causes and effects of crime and anti-social behaviour'), lessening the 'fear of crime' and greater personal responsibility within communities towards achieving these ends. We also note that 'additional legislation' is proposed in the context of 'maintain[ing] a balance between the rights of victims, witnesses, offenders and law-abiding communities'. However, as has become evident in other jurisdictions, these are complex issues.

We question the policy and legislative direction of the consultation proposals on the basis that:

- Within international criminological research, evidence overwhelmingly demonstrates that effective measures to respond to crime and antisocial behaviour cannot be achieved unless material circumstances (economic disadvantage, social-political-cultural exclusion) are addressed.
- Throughout the document there is discussion of 'supporting families and communities', 'offering alternatives to crime and antisocial behaviour', 'tackling environmental crime' and 'building strong confident communities', but no clear indication of the resources allocated to tackle these issues and support communities (e.g. street lighting, bins, safe play areas, later opening of youth facilities).

- The ‘fear of crime’, often as debilitating as the direct impact of crime, cannot be lessened without consideration of the part played by politicians and journalists in ‘talking up’ or sensationalising crime and antisocial behaviour.
- Throughout the document the distinction between crime and antisocial behaviour is ambiguous. Crime and antisocial behaviour are addressed as equivalents. Antisocial behaviour is discussed alongside violent crime on a number of occasions. Further, rhetorical language such as ‘spiralling out of control’ (p3) is not evidence-based. Taken together, these issues demonstrate the potential for the document and the proposed policies to heighten, rather than lessen, the fear of crime.
- Increased regulation of children and young people through the introduction of ‘harsh measures’ not only net-widens the definition of antisocial behaviour, it also creates resentment and alienation among targeted groups.
- The notion of ‘balancing rights’ reveals an inappropriate transactional approach to rights. ‘Rights’ are not about ‘balance’ nor are they about ‘responsibilities’. They are not aspirational, but are established in international conventions and minimum standards to which, through ratification, the State is an active Party.
- The focus on families and young people out of their social context is inappropriate. Targeting particular individuals or families emphasises their pathologisation, effectively holding them responsible for the failure of policies and their application. A community development approach would be more effective.

In focusing on families and young people the objectives of mentoring, family support, diversionary activities and parental responsibility are important considerations *regardless* of whether particular families are assessed as ‘at risk’, or have a record, of offending behaviour. Provision should be a core element of community development, long-term and detached from criminal justice programmes.

### **Questioning the ‘Suitability’ of Proposed Powers for Reducing Offending and Re-offending**

Measures intended to prevent or reduce offending should consolidate the preventive and restorative justice approaches promoted by the 2000 *Review of the Criminal Justice System in Northern Ireland*. Our previous research has shown, however, that legislation directed apparently generically to tackle antisocial behaviour has been used disproportionately to police children and young people (see: Scraton, 2007). Effectively authoritarian, in England and Wales such regulation has led to net-widening and increased criminalisation and imprisonment, thereby undermining preventive alternatives.

In international standards, prevention is perceived as a social responsibility: 'requir[ing] efforts on the part of the entire society to ensure the harmonious development of adolescents, with respect for and promotion of their personality from early childhood' (Riyadh Guideline 2). A 'child-centred orientation' is recommended, in which young people 'should have an active role and partnership within society and should not be considered as mere objects of socialisation or control' (Riyadh Guideline 3).

It is vital that the needs of children who have experienced harm within their families or who live in disadvantaged communities are identified and addressed. Poverty, 'chaotic' family environments, neglected communities are 'the products of institutional practices and social arrangements that perpetuate and amplify inequality' (Homel cited in Towler et al. 2007: 20). Social exclusion, political alienation and economic deprivation are central to the problems faced by many children and young people in Northern Ireland, contributing to what is perceived or labelled 'antisocial' or offending behaviour. Preventive strategies often target children and young people as 'troublesome' individuals, rather than individuals with complex experiences and unmet needs, whose opportunities are limited and voices rarely heard.

In contrast, international human rights standards emphasise that the well-being of young people, from their early childhood, should be the focus of all preventive programmes (Riyadh Guideline 4). They establish that promotion of young people's welfare in social policy will minimise the necessity of intervention by the juvenile justice system and, in turn, reduce the harm that may be caused by any intervention (Beijing Rule 1, Commentary). High priority should be given to plans and programmes for young people, with sufficient resources ensuring the effective delivery of adequate medical and mental health care, nutrition, housing and other relevant services (Riyadh Guideline 45).

Prevention policies should avoid criminalising or penalising a child for behaviour that does not cause serious damage to the development of the child or harm to others (Riyadh Guideline 5). They should facilitate the successful socialisation and integration of all children and young people through the family, the community, peer groups, education, vocational training and employment, and voluntary organisations. In the processes of socialisation and integration: 'due respect should be given to the proper personal development of children and young persons, and they should be accepted as full and equal partners' (Riyadh Guideline 10).

### **Current Measures: A Brief Critique**

In England and Wales, while Home Office research has been positive in its evaluation of the post-1998 'crime and disorder' legislation, a

range of independent research has emerged to challenge that which has been conducted 'in-house'.

#### *Antisocial Behaviour Orders (ASBOs)*

- The use of ASBOs is now widely considered to be 'a restrictive and fundamentally reactionary process' towards an already historically 'targeted population' (Donoghue, 2008: 343).
- Sadler's (2008) study notes that the antisocial behaviour agenda criminalised local young people who were hanging around the estate's public spaces, providing justification for police targeting. Her study highlights that young people feel stigmatised and discriminated against, particularly through the intensification of policing and use of ASBOs and Antisocial Behaviour Contracts (ABCs). She concludes that the specific use of ASBOs increased the already entrenched distrust of the police among local youth.

#### *Curfews*

- Waiton's study (cited in Sadler, 2008: 70) on the piloting of curfews in Hamilton, Scotland, suggests that measures of this kind cause young people to feel 'harassed and confused about why the police move them on or tell them to go home at night'.

#### *Dispersal*

- de Castella (2006, cited in Waters, 2007: 637) concludes that dispersal leaves young people in particular feeling victimized or alienated. Similarly, Garrett (2007: 847) argues that, through legislation and targeting, young people experience separation and exclusion within their communities. Further, Dispersal Zones have the capacity to undermine police-community relations, leaving young people resentful and stigmatised.
- Research by Crawford and Lister (2007) has shown that Dispersal Orders: have led to 'displacement' of perceived 'problem behaviour'; are used most frequently against young people; and further alienate and antagonise those who already feel unfairly stigmatised in public spaces. The authors conclude: 'Enforced alone, dispersal orders constitute a "sticking plaster" over local problems of order that affords a degree of localised respite but invariably fails to address the wider causes of perceived anti-social behaviour' (ibid:1).
- Dispersal Zones disproportionately target children and young people. The proposed legislation (NIO/CSU 2008: 41) extends the discretion of the police. In designating a Dispersal Zone a senior police officer bases a case on '*reasonable grounds to believe* that the public has been intimidated, harassed, alarmed or distressed by the presence of 2 or more people in public areas

in a locality' where antisocial behaviour has been identified as a 'significant and persistent problem'. In our current research with over 200 children and young people across Northern Ireland the majority consider that they are viewed negatively because they 'stand about the streets'. Young people are increasingly demonised for behaviour that is neither criminal nor antisocial and would not be of concern if adults were involved. A typical response was: "Antisocial behaviour is simply congregatin' in a group. Just bein' together with your pals is targeted as antisocial. You want to tell them [police, older people] that you're bein' social, not antisocial. They wouldn't get it!" As described the proposals are likely to lead to young people feeling further demonised, disrespected and disconnected from their communities.

- Crawford (2008: 755) argues that the significance of Dispersal Orders derives in large part from the symbolic messages and communication properties that they express, reinforcing dominant adult assumptions about young people. His research highlights the stark negative messages sent to young people about their status and how they are perceived by adults.
- Hillman (2001: 13, cited in Sadler 2008) states that: 'setting even tighter constraints on children's freedoms and making them more distrustful of adults they do not know, and resentful of the control that adults can exercise over them, could be seen as a clever way of inducing alienation, and anti-social behaviour'.

#### *Parenting Orders*

- Donoghue (2008: 343) considers the debilitating implications of Parenting Orders. These include: putting pressure on vulnerable families; parents' victimisation of the child thus affecting the relationship between parent and child.
- Jamieson (2005: 183) states that interventionist responses to 'the problems of "perceived parenting deficits" fail to take any account of, or responsibility for, the long term, intergenerational and embedded problems of poverty, social exclusion and inequality which are often characteristic of the lives of families targeted by "parenting" initiatives and legislation'.
- According to Jones (2001), no evidence has been produced to suggest that Parenting Orders are effective. They are coercive rather than supportive - blurring the distinction between support and punishment. Likewise, in her research, Holt (2007: 4) found: 'Parenting Orders are ideologically individual-focused and demand self governance via responsibility, yet in practice parents find them intrusive and disempowering ...'

- Parenting Orders are derived in a deficit model of ‘poor parenting’, stigmatising particular families in specific areas. They discriminate against women who are impelled into ‘training’ and experience the guilt of ‘wilful neglect’ (see Holt, 2007; Jones 2001).
- Parental Compensation Orders are likely to exacerbate poverty and put further strain on parent-child relations. Hogg (2000, cited in Jones 2001: 19) notes ‘the imposition of a fine on families that rely on state support to function ... is likely to make them less functional’.

### **Safeguarding the Rights of Children and Young People**

We consider that questions regarding ‘equality implications’ and ‘adverse equality impact’ should be considered within internationally agreed standards and principles to which the UK Government is a signatory.

In June 2005, reporting ‘on the effective respect of human rights’ in the United Kingdom, Alvaro Gil-Robles (European Human Rights Commissioner) expressed ‘surprise’ at the Executive’s ‘enthusiasm’ for the ‘novel extension of civil orders’, not least ‘particularly problematic’ Antisocial Behaviour Orders (Gil-Robles 2005: 34). He raised four principal concerns: ‘ease of obtaining such orders, the broad range of prohibited behaviour, the publicity surrounding their imposition and the serious consequences of breach’. Given the limiting form of conditions in many cases, breach was ‘inevitable’.

It was the Commissioner’s concern that such civil orders constituted ‘personalised penal codes, where non-criminal behaviour becomes criminal for individuals who have incurred the wrath of the community’. He questioned ‘the appropriateness of empowering local residents to take such matters into their own hands’. More a public relations exercise ‘than the actual prevention of anti-social behaviour itself’, ASBOs had been ‘touted as a miracle cure for urban nuisance’. Troubled that children between 10 and 14 could be considered ‘criminally culpable’, Gil-Robles concluded that ASBOs brought children to the ‘portal of the criminal justice system’. Naming and shaming constituted ‘a violation of Article 8 of the ECHR’ and potentially transforming ‘the pesky into pariahs’.

In October 2008, the UN Committee on the Rights of the Child issued its Concluding Observations on the most recent periodic report by the UK Government about implementation of the UNCRC in Britain and Northern Ireland. The Committee noted its concern about ‘the general climate of intolerance and negative public attitudes towards children, especially adolescents, which appears to exist in the State party,

including in the media, and may often be the underlying cause of further infringements of their rights' (UN Committee, 2008: para 24). Regarding ASBOs, the Committee recommended that the Government reconsider their use 'as they may violate the rights of children to freedom of movement and peaceful assembly, the enjoyment of which is essential for the children's development' (ibid: para 35). As previously noted, research on Dispersal Orders suggests a similar impact.

In line with the European Commissioner's 2005 Report, the Committee recommended an 'independent review of ASBOs, with a view to abolishing their application to children' (ibid: para 80). The Committee was particularly concerned about the status of civil orders that transfer to criminal offences when breached. Further issues included: the 'ease of issuing such orders'; the broad range of prohibited behaviour; the targeting of children from disadvantaged backgrounds (ibid: para 79); the infringement of children's privacy through 'naming and shaming' (ibid: para 36b). Agreeing with Gil-Robles, the Committee stated that, 'instead of being a measure in the best interests of children, [ASBOs] may in practice contribute to their entry into contact with the criminal justice system' (ibid: para 79b).

Also in October 2008, Thomas Hammarberg (Council of Europe Commissioner for Human Rights) noted that the 'legal definition of anti-social behaviour ... is so wide and open to different interpretation that almost any childhood behaviour could be brought before the courts'. The proposals, therefore, could further impact on the criminalisation of behaviour that some deem 'unacceptable' but which is neither criminal nor antisocial. Concerned that 'standards of criminal justice and due process do not apply in ASBO proceedings because they are *civil* procedures', Thomas Hammarberg considers that 'children, especially those with learning disabilities' have been made 'especially vulnerable to human rights violations'. Children 'subject to ASBOs are among the most disadvantaged', yet:

There does not appear to be any evidence that this approach to dealing with nuisance behaviour is effective and in practice often results in, or contributes to, custodial sentences. The Commissioner welcomes the recent recommendation of the Committee on the Rights of the Child that the UK establish an independent review on the use of ASBOs with a view to abolishing their application to children. (Hammarberg, 2008: para 29)

We include the strong critiques of ASBOs by the European Commissioners and the UN Committee on the Rights of the Child to emphasise our concern that the proposed *Community Safety Strategy* seeks to expand, rather than reduce, the use of civil orders. We

consider that such expansion will further marginalise, criminalise and violate the rights of children and young people.

There is tension between the recently published Northern Ireland Bill of Rights Forum (2008) report and the contents of the consultation document, particularly the failure of the latter to address the key UNCRC principle of the 'best interests of the child'. Reflecting agreed international standards, the Bill of Rights Forum (ibid: 148) stated:

In all actions and decisions, including policy and legislative decisions, concerning or affecting children, whether undertaken by public or private institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the paramount consideration.

This principle requires that public authorities see *all actions* concerning the child through the lens of their best interests. While there are several areas where the objective of increasing community safety has not 'balanced' the rights of diverse groups, it appears to have abandoned the best interests principle, particularly concerning increased enforcement of parental involvement. For children and young people who have strained, negative or abusive relationships with parents or guardians, powers such as Parenting Support Orders and Parental Compensation Orders have the potential to exacerbate tension and potential violence in their lives. Parental responsibility is an explicit objective throughout the consultation paper. Yet there is no acknowledgement of the diversity of circumstances in which increased pressure on parent-child relations is not in the best interests of the child.

The assertion that 'a small number of households are often at the centre of a high proportion of criminal activity and anti-social behaviour' (NIO/CSU 2008: 27), directs Parenting Support Orders, Parental Compensation Orders and Family Support Panels towards what will be 'risk-assessed' families. This strategy has the potential to discriminate against young people based on their life circumstances thus contravening the UNCRC and the proposed Bill of Rights. Further, the proposal for widespread Information Sharing specifying named young people has the potential to create an inter-departmental network of discrimination and exclusion of particular young people as well as breaching confidentiality and privacy.

While not identifying underlying reasons for young people spending time on the streets, the dispersal proposals also fail to take into account the best interests principle. To 'address particular crime, disorder or anti-social behaviour problems' in an area, the Community Safety Unit has proposed the power to remove groups of two or more from a designated zone. The breach of an Order to disperse would constitute a criminal offence. Given the consultation document's

explicit 'focus on young people', the discretionary method of application and evidence about their use in England and Wales, the power to 'move-on' groups from a Dispersal Zone is likely to be used disproportionately against young people. This issue is of particular concern in Northern Ireland as children and young people will be 'moved on' to unsafe spaces. For many, the immediate environment of 'their' community is the only space they identify as safe. Being moved to the boundaries of the community or beyond will increase potential victimisation through sectarian attack (see, for example, Jarman 2008; Leonard 2007; McGrellis 2004).

The NIO/CSU acknowledges that public perception of crime does not correlate with the actual trend in recorded crime. Yet 'fear of crime' is likely to be reinforced by the assumption that the presence of young people might cause public 'alarm' or 'distress', thus warranting dispersal by the police. Addressing public perception of crime in this manner will feed and encourage negative stereotyping and increasingly punitive measures directed towards young people.

The lack of child-oriented play-space, a particular concern in Northern Ireland, 'has the effect of pushing children into gathering in public open spaces, a behaviour that ... may be seen as anti-social' (UN Committee 2008: para 68). Dispersal Zones and the 'power to close premises which are causing significant, persistent and serious nuisance to local communities' (NIO/CSU 2008: 22) inappropriately restrict legitimate space for young people to engage with peers and experience social interaction in their communities. The 'right to play', outlined by the Bill of Rights Forum (2008: 156) and based on UNCRC provisions, calls on public authorities to 'ensure the provision of all appropriate resources and enable access to cultural, artistic, recreation, sport and leisure activity'. Young people in Northern Ireland lack space for these activities (Kilkelly et al. 2004), and the proposed further regulation of their freedom of association fails to address the reasons young people 'hang around' the streets.

Despite international pressure on jurisdictions in Britain and Northern Ireland to raise the age of criminal responsibility, children aged 10 and over are subject to the full criminal justice system. The Bill of Rights Forum (2008: 127), however, supports the following clauses aimed at reducing children's engagement with criminal justice:

Public authorities shall ensure that children are held responsible for any infringement of the law in a manner appropriate to the age, understanding and maturity of the child.

Public authorities shall provide a range of procedural options as alternative to the criminalisation of children.... in the child's best interests.

As stated above, Antisocial Behaviour Orders introduced criminal consequences for breach of non-criminal offences. The proposed Individual Support Orders extend the potentially retributive conditions alongside ASBOs, which would make it more difficult to comply with the civil order. Failure to comply with Dispersal Zones and Individual Support Orders has the potential to further criminalise children and young people. Rather than meeting the *Community Safety Strategy's* stated objective of focusing on social inclusion, the likely outcome is increased marginalisation and alienation within targeted communities. It is extraordinary that, at a time when the UN Committee has called for a review of these powers, the NIO is seeking to extend their scope and severity.

Finally, it is crucial that the voices of young people are fully sought before these powers are initiated. In the consultation document there is considerable emphasis on community concerns. It is important to ascertain if these are concerns shared throughout communities or are those confined to adults. Children and young people are often excluded from community decisions – particularly decisions that directly impact upon their lives (McAlister, 2008). If children and young people are to have a stake in their communities, their inclusion in decision-making is vital. The Bill of Rights Forum (ibid: 51) supported the following clause for the right of children to participate in decisions made about their lives:

Public authorities must take all appropriate measures to ensure the right of every child to be informed of their rights and to have his or her views respected, considered and given due regard in all matters affecting the child, taking into consideration the child's age, level of understanding and evolving capacities.

There is a clear indication that the proposed powers will affect the lives of children and young people, indeed this is a stated objective. Children and young people have the right to have their views 'respected, considered and given due regard' before any implementation of these powers. Having ratified the UNCRC, the UK and Northern Ireland have accepted this obligation, consolidated by the Bill of Rights Forum.

### **Rights Violations within the Proposed Strategy**

The proposed measures are likely to contravene international human rights standards relating to:

#### *General Principles*

- The right to non-discrimination (UNCRC Article 2; UN Committee on the Rights of the Child 2008: para 25; European

Convention on Human Rights Article 14). The proposals target children and young people and ‘risk assessed’ families, and are likely to have a negative impact on young males and parents living in poverty (particularly single mothers).

- The principle that the ‘best interests of the child’ is the *primary* consideration in all legislation and policies which have an impact on children and young people (UNCRC Article 3; UN Committee on the Rights of the Child 2008: para 27). The focus and implementation of the proposed measures are likely to increase the alienation felt by children and young people within their communities and may lead to victimisation by parents who receive Orders as a result of their child’s behaviour.
- The right to life, survival and development (UNCRC Article 6). Children experiencing domestic violence may be returned to abusive situations in their home.
- The principle of respect for the views of the child (UNCRC Article 12; UN Committee on the Rights of the Child 2008: para 33). The proposals do not promote or ensure the involvement of children in decision-making within their communities or in administrative/ judicial proceedings.

#### *Civil Rights and Freedoms*

- Right to freedom of association and peaceful assembly (UNCRC Article 15; UN Committee on the Rights of the Child 2008: para 35; European Convention on Human Rights Article 11). ASBOs, Curfew Orders, Dispersal Orders each potentially restrict freedom of association and peaceful assembly.
- Right to information (UNCRC Article 17). The NIO has provided an inaccessible and inaccurate version of the consultation document for use by children and young people. This also breaches UNCRC Article 12.
- Right to privacy (UNCRC Article 16; UN Committee on the Rights of the Child 2008: para 37). Information sharing about individual children and ‘risk assessed’ families, and media messages publicly exposing individuals to shame, violate individual’s privacy rights.
- Right to protection from violence (UNCRC Article 19). Children and young people may be ‘moved on’ to unsafe social spaces or to unsafe homes through Dispersal Zones and Curfew Orders.

#### *Right to Play and Leisure*

- Right to play and leisure (UNCRC Article 31; UN Committee on the Rights of the Child 2008: para 69). ASBOs and Dispersal Orders place restrictions on use of public space (often resulting from the lack of age-appropriate play and leisure facilities).

#### *Right to an Adequate Standard of Living*

- Right to an adequate standard of living (UNCRC Article 27; UN Committee on the Rights of the Child 2008: para 65). The

imposition of fines on families already experiencing poverty is likely to exacerbate financial hardship and impact negatively on their standard of living.

### *Youth Justice*

- Rights to basic procedural safeguards, including the right to a fair trial (UNCRC Article 40; European Convention on Human Rights Article 6; Beijing Rule 7.1). Individuals receiving a criminal conviction for breach of a civil order have not been afforded the protections of the criminal justice system, particularly the right to a fair trial.
- Low age of criminal responsibility (UNCRC Article 40; UN Committee on the Rights of the Child 2008: para 78a; UN Committee on the Rights of the Child *General Comment No. 10*: paras 32 and 33; Beijing Rule 4.1). Despite calls for an increase in the age of criminal responsibility, children as young as 10 will be subjected to the proposed measures.
- Promotion of preventive strategies, education, family support, community-based provision which respond to the needs, problems, interests and concerns of young people and offer appropriate guidance/counselling to them and their families (Riyadh Guideline 32). The proposed measures emphasise punitive regulation and social control of children and young people rather than promoting their well-being, meeting complex needs and addressing structural inequalities.
- Diversion from the criminal justice system and referral to community or other services with the consent of the young person (Beijing Rules 11). The proposed measures are likely to increase the criminalisation of children and young people.

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