

# A BILL OF RIGHTS FOR NI

The Voices of Young People – NI Youth Forum March 2021



# BACKGROUND AND INTRODUCTIONS

- NIYF work on the issue of a Bill of Rights including 2010 & 2015
- Presentation to the UN Committee on the Right of the Child 2015/16 – knowledge of rights a key issue;
- Young people have highlighted the need for additional protection for those most vulnerable including 18-25 year olds; those experiencing homelessness or housing issues; refugees and asylum seekers; the disabled etc;
- Age is a key concern – especially given Stormont's age GFS recommendations which would have discriminated against those under 16
- COVID-19 has has a significant impact on rights

# NIYF WORKSHOP – FEB 2021

## Underpinning Principles:

- International Treaties and Conventions;
- Protection for all, especially the most disadvantaged / vulnerable;
- Accountability and Enforcement;
- Inclusion and Diversity;
- Socio Economic Rights;
- UNCRC & the Universal Declaration on Human Rights

## Key issues:

- Language used and barriers to understanding rights;
- Categories of people requiring additional protection; and the fact that you can fall across categories;
- Access to Legal Protection; Education; Jobs; Health Care;
- Rights need to be enshrined in Law;
- COVID-19 and Education
- Socio Economic Rights – poverty, class division, welfare reform, housing, benefits, minimum wage – all discriminate against young people.

# LIVED EXPERIENCES – PEOPLE SEEKING ASYLUM / REFUGEES

- Protection for all – especially most disadvantaged;
- The Law and legal protections;
- Education;
- Media & stereotyping;
- Access to health services and impact on mental health – including COVID-19 and vaccinations;
- Racism;

# LIVED EXPERIENCES – THOSE WITH DISABILITY

Disability and Education: UNCRC Article 23 – ‘if I have a disability I have the right to special care and education’

- Access to education;
- Statements and equipment in place for children and young people starting school;
- That disabled young people are given the right support to access education
- Lack of funding;
- Access to youth services – funding withdrawal and protection for 75 groups



# LIVED EXPERIENCES – COVID -19 & YOUTH RIGHTS - **OUR VOICES** RESEARCH (4,000 RESPONSES)

UNCRC Article 12 (the right to have a say):

- 89% of respondents felt the voice of young people has not been heard throughout Covid-19.

UNCRC Article 24 (the right to health care):

- 74% of respondents highlighted that they felt their mental health had deteriorated during the course of the pandemic.

UNCRC Article 13 (the right to access information)

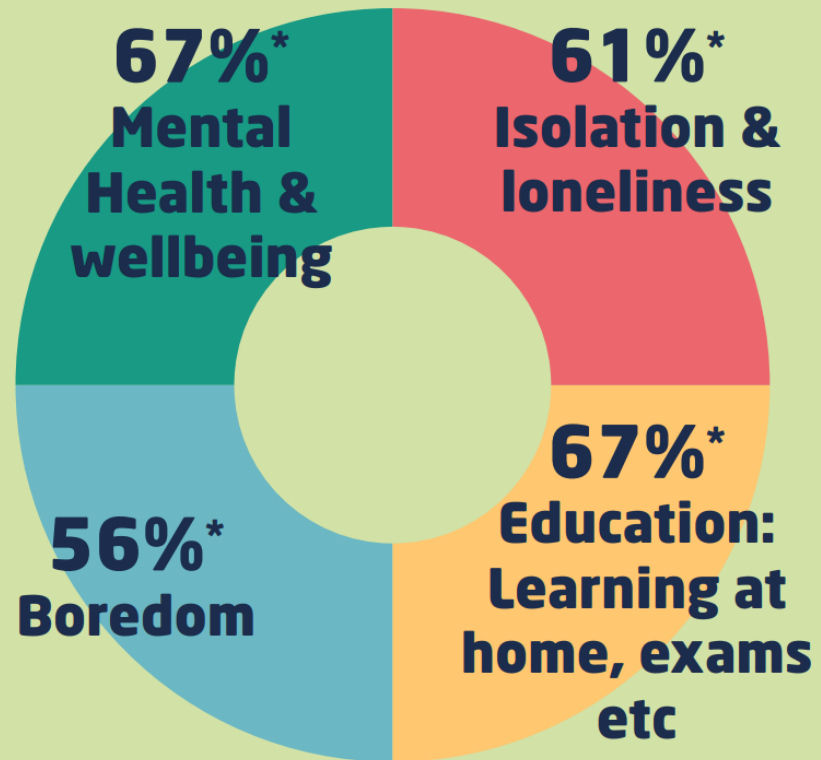
- 55% of respondents said they do not fully understand restrictions, rules, regulations.

UNCRC Article 3 (best interests of the child):

- 45% of our survey respondents highlighted that they do not feel safe in their learning environment or workplace.



# TOP 4 ISSUES FOR YOUNG PEOPLE



Article 4 UNCRC:

- Government should make sure my rights are respected

Article 15 UNCRC:

- The right to meet friends and join groups

Article 24 UNCRC:

- The right to healthcare

Articles 28 & 29 UNCRC:

- The Right to Education

Article 31 UNCRC:

- The Right to Relax and Play

# KEY ASKS

- Enshrine the UNCRC in **Law**;
- **Accountability** - ensure that the Bill of Rights is **enforceable**.
- Will the Bill of Rights Protect those seeking **asylum**? (UNCRC article 22)
- Include **age** as an issue in the Bill of Rights & consider those aged 18-25 who often 'fall between the cracks'.
- **Knowledge of rights** – if we have a Bill Rights will people know how to use them? Key ask – to include knowledge of rights in the school curriculum taught by youth workers / rights campaigners etc;
- What is the next step in the process and how can **young people continue to have a say** on the Bill of Rights?



**NIYF Bill of rights workshop:  
28<sup>th</sup> January 2020**

In attendance:

32 young people from across NI.

Q1) What rules should be in place in society to keep us all protected:

- Give everyone a job
- Food water sustenance
- Sharing resources
- Do what you have to – share the load
- the right to have your opinion heard/valued
- make sure everyone gets on with each other
- ensure safe housing and equal opportunity to help and healthcare
- make sure everyone gets rest and a safe place to sleep.

Young people spoke about their rights and referred to some things that they remembered:

- article 12 UNCRC – having a say
- UN Convention on Human Rights – the right to a home

Q2) To what extent do you agree that everyone in NI enjoys the same human rights?

- Everyone does not experience the same level of human rights – e.g. asylum seekers and refugees don't experience the same human rights e.g. education and employment; drivers licence; housing;
- 'I think it (the pandemic) has affected everyone in different ways'
- Elderly and disabled – particularly during COVID-19 – the right to life
- Disability – access to health care
- Right to education and online learning

Q3) Do people in NI need extra protection? What groups?

- Disabled
- Trans LGBTQ+
- Homeless
- Refugees and asylum seekers
- Shouldn't have to be placed into a box to say who is more important than who?
- You can fall into multiple 'categories'
- Young people in care
- Age
- Elderly People – and those in 'old people's homes'

Young people discussed how rights need to be in law.

Q4) What values for an appropriate foundation for rights in NI?

- Freedom
- Respect
- Equality
- Equal access to competent legal protection

- Equal access to education
- Equal access to job opportunities
- Equal access to mental health care
- Right to practice any religion
- Justice
- Democracy
- Need to distinguish between rights and values
- Rights need to be enshrined in Law

Q5) How important do you think a bill of rights for NI is?

- Very important

Q6) To what extent do you agree a bill of rights set out an aspirational vision on guiding or foundational values?

- Disagree – rights should not be aspirational – it was felt that the question is unclear;

Other discussions / points:

- Survey is not really young people friendly and wording hard to follow
- Young people want to have a say but language needs to be clearer

COVID-19 and Bill of Rights – comments from young people:

Key Concerns:

- Education
- University fees and not getting full tuition
- Stressful being a single mum as I have to bring my daughter out with me to go shopping etc
- it's a scary time
- I feel like I'm not getting a proper education in my last year of high school and its very discouraging when my teachers actually send me work to do
- School has caused a lot of stress because of work load and lack of motivation
- I think you appreciate family and friends more
- Mental health has gotten really bad for loads of people
- Socialising and not seeing people
- Hard on young people's mental health without the ability to socialise and online school can be hard to keep up with
- Being held back and its not within your control harder moving on and planning ahead
- Teachers are expecting high standards on work from home without considering we are basically trying to teach ourselves
- Digital divide and relying on overpriced internet access
- Too much uncertainty over school and exams
- There isn't much to do so there's literally no motivation to get up and do something and with everything closed you have no escape from anything which really affects mental health

- It's hard not being able to socialise or going to groups, it's hard when you live on your own etc
- We're doing it ourselves and some peoples parents are also working so some older children are left having to take care of younger siblings and still do their own work
- People are also putting a lot of blame of the lockdown on specific groups of people like the younger age groups but then schools were open for a while, but people were still made to feel guilty
- Parents expected to be teachers
- SEN provision
- They are now sending 10x more work than what I ever would've done in school, they believe now we have to work at home we have a lot more time which isn't the case as some people work, have to babysit or help younger siblings with homework and many more reasons
- Those in Irish medium and needing help with language
- Some homes are sharing one laptop among 3+ young people is impossible
- People with terminal illnesses may find it stressful that they cannot get out and make much needed experiences, especially seeing friends and families
- More families are using food banks

## **Welfare Bill of Rights or NI: NIYF Discussion Paper October 2020**

### **Background:**

The Youth Forum is a youth led regional body with the key purpose of supporting young people to have a say on issues that affect their lives. Our work is delivered from a rights-based perspective. In 2015 young people from NIYF and other local NGOs reported to the UN Committee on the Rights of the Child their desires to have a greater knowledge of rights. We have asked decision makers consistently to take this point on board through education as knowledge of rights is an important starting point for young people in all areas of their lives. A Bill of Rights for NI is very important to young people.

NIYF have engaged young people in discussions with regards to the Bill of Rights through events in 2010 as well as again as part of the NIO consultation in 2015.

Young people presented to the UN Committee on the Rights of the Child in 2015 & 2016 – with knowledge of rights being a key point put forward to the committee.

NIYF agree with the Government's assessment that a Bill of Rights which has the support of the people of Northern Ireland could play an important role in underpinning the peace, prosperity and political progress of Northern Ireland.

The majority of young people recognise the need for a Bill of Rights for NI and are concerned about the protection of our rights generally. This has been exacerbated as we move towards a post Brexit NI. We have concern with regards to the status of the Charter of Fundamental Rights of the European Union in this context, including article 24 which focuses specifically on young people.

NIYF believe that the UNCRC should be enshrined in law. We are also of the view that we should work to protect the European Convention on Human Rights via local legislation such as the Bill of Rights.

Key to this work are the voices of Children and Young People. We have a duty to ensure that they have a voice in discussions on the development of a Bill of Rights, as well as its implementation and accountability measures - particularly when we consider the impact of legacy issues, Brexit and more laterally COVID-19 has / will have on young people's lives.

### **The Good Friday Agreement:**

The Good Friday Agreement helped bring about 'peace' and providing for a Northern Ireland government based on power-sharing as well as a North-South dimension, an East-West dimension, with mechanisms facilitating relations between Ireland and the various parts of the United Kingdom.

The GFA is based on the rights of all citizens of NI and includes issues around national identity, discrimination (e.g. via section 75 legislation) it also outlines commitments to

include human rights protections based on the European Convention on Human Rights ('the ECHR').

A Human Rights Commission is established, with the role (among others) of developing proposals for a Northern Ireland Bill of Rights to supplement the ECHR.

It also outlines that and that an all-Ireland Charter of Rights would be produced.

The Equality Commission is responsible for implementing the legislation on age, fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation and disability. The Equality Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998, and the disability duties under the Disability Discrimination Act 1995.

Under the terms of the Belfast (Good Friday) Agreement 1998, an Equality Commission was set up and asked to consult and advise on a Bill of Rights for Northern Ireland.

It delivered advice to the Secretary of State for Northern Ireland on 10 December 2008. The form of a possible Bill of Rights has been debated vigorously, although very little progress has been made towards the adoption of the instrument.

### **New Decade New Approach:**

The New Decade New Approach agreement has placed renewed emphasis on the need for a Bill of Rights for NI.

As such an Ad-Hoc Assembly Committee has been established to consider the creation of a Bill of Rights *"that is faithful to the stated intention of the 1998 Agreement in that it contains rights supplementary to those contained in the European Convention on Human Rights (which are currently applicable) and "that reflect the particular circumstances of Northern Ireland"; as well as reflecting the principles of mutual respect for the identity and ethos of both communities and parity of esteem."*

NIYF believe that young people need to be central to this process. Young people have consistently told us that they feel detached from key, long term, high impact, pieces of work such as this.

### **What should be in a Bill of Rights and What is it for:**

The public consultation on the Bill of Rights (2015) clearly evidenced the massive public support across all communities in Northern Ireland for a comprehensive local Bill of Rights that includes protections for rights to basic bread and butter issues like health, housing and education.

A strong and enforceable Bill of Rights would ensure that regardless of which particular parties were in power, a common set of rights that provided a basic safety net to everyone in Northern Ireland would be an enduring part of our structures of government that could not be undermined.

This will not take control away from our elected representatives by handing power to judges on the allocation of resources. The fundamental role of implementing and assessing the delivery of the protections in a Bill of Rights would rightly be placed with our elected politicians. Only in cases where there was a clear failure to implement the protections in a Bill of Rights would the role of courts come in to play, and as such would be part of the normal checks and balances of any healthy democracy.

A common set of rights shared by everyone in Northern Ireland that protects issues that so many agree need further protection, such as health, housing and education, can act as a unifying element for everyone in Northern Ireland and a fundamental element in moving us towards a shared future.

It is widely recommended that a bill of rights for Northern Ireland should include various rights supplementary to the European Convention on Human Rights. The majority of these extra rights are drawn from international human rights treaties to which the UK is already legally bound.

These extra rights include socio-economic rights, children's rights and environmental rights, amongst others. They also propose widening the definitions of a 'public authority' and that of a 'victim', arguing that the definitions under the Human Rights Act (HRA) are too narrow.

NIYF argue that Youth Rights should be a stand-alone section of any Bill of Rights and are of the view that current legislation and policy discriminates against this age band – particularly those aged 18-25.

In addition special and urgent attention needs applied to the proposed implementation of anti-age discrimination legislation which was designed in such a way that it would discriminate against those aged under 16. We need to act differently and ensure young people have their rightful places within spheres of influence – for example via the Ad Hoc Committee on a Bill of Rights.

**Question: What is the status of the ECHR with regards to Brexit?**

**Potential underpinning principles:**

*International treaties and conventions:*

NIYF are of the view that the Bill of Rights should incorporate its international treaty obligations. This is in line with the Good Friday Agreement, which states that recommendations for a Bill of Rights should draw on international instruments.



This should include the delivery of all rights based commitments made in agreements that have been already made.

*Protection for all, especially the most disadvantaged / vulnerable:*

The Bill of Rights must be more than a 'paper exercise' and must put in place for societies most vulnerable.

As outlined, we have concern that children and those aged 18-25 are particularly vulnerable. Any new narrative on the Bill of Rights needs to take this into account. This should include a range of areas including economic rights and access to services.

Young people face particular barriers in terms of health, housing and education and these rights need specific protection to protect the disadvantaged in our community.

*Accountability and enforcement:*

Consideration must be given as to how the Bill of Rights will be enforceable as well as what accountability mechanisms will be in place. Its important that the Bill of Rights has impact. NIYF also believe that a creative approach to putting in place accountability measures should be considered and the voices of young people should be included as part of this.

*Inclusion and Diversity:*

Young people are concerned that we live in a society where sectarianism, racism, sexism, ageism, homophobia etc are all rife. The Bill of Right must include protections for all section 75 categories including older people, and children, and people with disabilities, community associations working in republican and loyalist areas etc. etc.

*Socio-economic rights:*

NIYF are concerned that class division and socio-economic rights continue to be major issues and indeed perhaps the root cause of many of the issues that we continue to grapple with. We are of the view that these issues are particularly concerning when we consider their impacts on children and young people.

For example, austerity and welfare reform has had a massive negative impact on children and young people and we live in a society where young people are disadvantaged in terms of minimum pay and housing rights.

**The UNCRC:**

NIYF believe that the UNCRC needs to be enshrined in law. We agree with the position of the Commissioner for Children and Young People as laid out below (Ref: NICCY presentation to Ad Hoc Committee 2020)

*The United Nations Convention on the Rights of the Child (UNCRC) is celebrated as the most complete statement on children's rights ever produced, containing civil, political, socio-economic and cultural rights and is the most widely-ratified international human rights treaty in history. The UK Government signed the UNCRC in 1990 and ratified it in 1991.*

*Each time the Committee has examined the UK on the implementation of the UNCRC, it has expressed concern that the Convention has not yet been incorporated and emphasised that this must be rectified. The Concluding Observations of the Committee in 2016 linked the incorporation of the UNCRC to the Bill of Rights when it recommended to the UK that it should:*

*“The Committee recommends that the State party: (a) Expedite bringing its domestic legislation, at the national and devolved levels as well as in the Overseas Territories and the Crown Dependencies, in line with the Convention in order to ensure that the principles and provisions of the Convention are directly applicable and justiciable under domestic law. (b) Expedite the enactment of a Bill of Rights for Northern Ireland, agreed under the Good Friday Agreement.”*

### **Economic Wellbeing & Rights protections for 18-25 year olds:**

Young people's transitions to adulthood have changed significantly in recent decades, and a re-think of youth policies and services has become necessary. Age is a poor indicator of need. Young people of the same age are at various stages in the process of becoming economically independent of their parents or carers. Age cut-offs in policy and provision make it more difficult for young people to achieve smooth transitions to adulthood. Youth work caters for 13 to 25-year-olds and can help with smoother transitions to adulthood.

Rightly or wrongly, poverty and wealth in adulthood are defined on an individual basis, taking into account responsibility for dependants. Child poverty (and wealth) is defined, on the basis of an assumption that children are dependants, according to the financial circumstances of their family household.

Statistics around child poverty may be higher than figures suggest in that for example many children under 16 have jobs or are carers and may be contributing to the household economy as well as drawing on it, so their status may better be described as 'inter-dependence' than dependence (viz Morrow and Richards, 1996).

Youth poverty is even harder to identify. Over the school-leaving age it is even more difficult to determine whether people should be treated as independent individuals or as dependants, or as a combination of the two (semi-dependent), when measuring the extent of their economic wellbeing or disadvantage.

Economic wellbeing underpins many other areas of life in that economic disadvantage (or relative poverty) limits life chances, increasing the risk of ill health, creating a barrier to developing important life skills, and preventing young people from achieving their full potential.

The economic wellbeing of young people is defined in Every Child Matters (2003) as 'not being prevented by economic disadvantage from achieving their full potential in life'. This use of a negative definition (in contrast to the other four themes) indicates that it is harder to identify the positive impact of economic wellbeing than to identify the risks associated with its absence.

Despite the great disparities and complexities in the ways that young people effect their transitions to adulthood, many of the current provisions for young people are nevertheless structured according to their age. Welfare benefits are age-graded. Young people receive different levels of benefit at different ages, kicking in for most at 18 and culminating in adult levels at 25.

The National Minimum Wage is also age graded: the 16 to 17 rate (since 2005), the 'development' rate at 18 to 21, then adult rates at 22. There is an assumption in both these policy areas that young people can be dependent on their parents or carers until they are 18, and at least semi-dependent until they are 25 years of age (Jones and Bell, 2000; Harris, 1989).

### **Key Issues** (*thought storm*):

What should be included in a Bill of rights

## **Knowledge and recognition of Rights – and the state's responsibility in relation to this**

### **Children and Young People**

- Including special Protection of Rights for those aged 18-25

### **Application and Accountability of the Bill of Rights**

- And the role of young people in this process
- Justice and Litigation action

### **Equality / Equity**

- including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

### **Freedom and Security**

- Policing and Justice
- Stop and Search

### **Privacy**

- Including issues around social media, surveillance

### **Cultural**

- Language and Cultural Rights
- Freedom of expression
- National identity and citizenship

### **Environmental Rights**

- Climate change;
- Renewable Energy;
- How we produce food and access to healthy foods (link to economic rights)

### **Education**

- Key issue for young people – particularly in light of COVID-19

### **Transgenerational Trauma / Legacy of the Past:**

- Segregation, community division, socio economic deprivation and trauma continue, to be part of daily life for many children and young people.
- The link between civil, political, social and economic rights and the conflict in Northern Ireland which was recognised in the Agreement
- There has been insufficient focus in the Peace Process to date on the impact of the conflict on children and young people.
- Shared future and reconciliation ??

### **Mental ill Health**

- Access to services & Elephant in the Room recommendations
  - Government backed youth led mental health campaign;
  - Establishment of a mental health dictionary;
  - Safe digital solutions designed for young people by young people;
  - School curriculum to include mental health education;
- COVID-19 – our voices findings:
  - Access to services and heightening mental ill health

### **Access to services – age discrimination EITR**

- Minimum standards of health care & age discrimination
- Anti Age Discrimination Legislation – that protects all ages (not just those over 16 as previously proposed)
- Health care
  - Including access to services and anti age discrimination on this..
  - Accountability of people within HSC that act as barriers; access to services.. crisis etc..

### **Economic Deprivation and Poverty**

- Workers rights
  - Including age related pay
- Welfare and Economic Rights

- Housing Rights – particularly with regards to the right to the state’s responsibility to take reasonable steps to prevent youth homelessness.
- Child and Youth Poverty:
  - A staggering 103,400 out of 444,000 children in NI live in poverty
  - 1-4 families struggle to provide basic needs for their children i.e. warmth, food , clothing
  - 61% of children living in poverty come from 1 parent homes
  - Children living in poverty are twice as likely to leave school with less than 5 GCSE’s
- Welfare reform
  - Impact on young people
- 500% increase in 18-25 year olds living in temporary accommodation during COVID-19
- Those in poverty are more likely to experience human rights violation – so think about homeless, care experienced, addicts
- 1/5 of UK live in poverty
- 1/3 of children living in poverty
- Foodbanks, rough sleeping, homelessness all on the rise
- Austerity as an ideological agenda and how this impact on human / youth / child rights.
- Equal pay
- Welfare reform
- Employment rights:
  - Equal pay for equal work (age discrimination)
- Welfare Reform
- Individuals, families and support networks
- Readiness for employment and employment opportunities
- Education and Training
- Sustainable communities and decent homes
- Access to transport
- Vulnerable young people

## **Brexit:**

## **European Charter on Human Rights**

## **COVID-19**

- The right to Education
- Health and wellbeing
- Housing and Homelessness
- Unemployment
- Mental Health
- Freedom of movement

### **Youth Voice:**

- Youth Assembly:
  - Needs to be enshrined in legislation

### **Age Discrimination:**

- Age of criminal Responsibility:

### **Rights protections for 18-25 year olds:**

- Do we need a Specific UN Convention on the Rights of Young People?
- Why child rights should not stop at 18
- The rights of children and young people
- When you turn 18 does this mean that you have more rights?? Or benefit from social justice?
- Do we need a UNCRYP?
- Should young people be one of the 7 areas of human rights declarations / treaties?
- Is the 18-25 year age bracket one of the biggest transitions socially, economically, etc..
- Education
- Employment
- Future prospects
- Aspiration
- Dependence v independence
- Some of society's most needy are aged 18-25? Can we change society by protecting this group?
- **Housing rights?**
  - **Does having a home entitle you to having more rights?**

### The right to vote:

- Votes at 16
- Democracy & voting rights

### The right to access services:

- Age GFS
- Mental Health Service
- Barriers within HSC system

### The right to free movement & impact of Brexit”:

### Gender equality

### Sexual preference equality

### The voices of young people

- Rights for those who are detained, in prison or leaving prison



## **Recommendations:**

- Enshrine the UNCRC in Law;
- Accountability - ensure that the Bill of Rights is enforceable.
- Will the Bill of Rights Protect those seeking asylum? (UNCRC article 22)
- Include age as an issue in the Bill of Rights & consider those aged 18-25 who often 'fall between the cracks'.
- Knowledge of rights – if we have a Bill Rights will people know how to use them? Key ask – to include knowledge of rights in the school curriculum taught by youth workers / rights campaigners etc;
- What is the next step in the process and how can young people continue to have a say on the Bill of Rights?

References:

ECM Outcomes Economic Wellbeing, National Youth Agency...  
Human Rights Consortium Bill of Rights Next Steps  
Human Rights Consortium The GFA Brexit and Rights  
<https://justice.org.uk/bill-rights-northern-ireland/>

## Bill of Rights Delegation March '15

### EU Charter on Human Rights:

- Article 21 - non discrimination
- Article 22 - Cultural, religious and linguistic diversity
- Article 23 - Equality between men and women
- Article 24 - rights of the child

### Discrimination:

- Proposed GFS legislation - discriminatory of those aged under 16
- Votes @ 16
- Age of Criminal Responsibility - currently 10 years
- Gender Equality - equal marriage & gay blood ban
- Austerity; Youth Unemployment and Emigration - decades of policy

### Austerity, Youth Unemployment and Emigration:

- The past 25 years of government policy and more recent austerity measures have resulted a series of gross policy errors that have adversely affected young people.
- The hardship that young people face is further exasperated by disproportionate inflation of house prices; job insecurity and record highs in terms of youth unemployment; low pay; an education system that favours the top 17%; tuition fees; over-taxation; over-indebtedness; rampant consumerism and public finance crisis with massive government debt which will invariably be paid off by our young people. Our entire system appears to be weighted against the young.
- Young people have been disproportionately affected by the economic crisis that started in 2008, particularly on the labour market. Approximately one in four young people under 25 is unemployed in the North of Ireland.
- Disproportionate Cuts that the Voluntary Sector are facing further exacerbating all of the above.

### Language Rights:

- Acht na Gaeilge - GFA & St Andrews Agreements

### Young People's representation at Local and European Levels:

- Exclusions at European level in relation to young people who identify as being Irish and live in the North of Ireland;
- The voice of young people in the policy making process:
  - Regional; Cross Border and International participative democracy and social justice