

Response to the UNCRC Day of General Discussion on the Child's Right to be Heard

Introduction

1. The Equality Commission for Northern Ireland (“the Commission”) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation and disability. The 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.
2. The Commission’s general duties include:
 - working towards the elimination of discrimination;
 - promoting equality of opportunity and encouraging good practice;
 - promoting positive / affirmative action;
 - promoting good relations between people of different racial groups;
 - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities; and
 - keeping the legislation under review.
3. The Commission welcomes the opportunity to respond to what is a unique opportunity to ensure that children are given their rightful place in the policy making process; the Commission is firmly of the view that policy development internationally would benefit from an inclusive approach that considers the views of children.
4. Children and young people continue to be under-represented in decision making at present and have not yet secured their full potential in participative democracy as they look towards their

role in elected democracy. There can be no substitute for consulting with children and young people.

5. This response sets out the current legislative framework in Northern Ireland, and the development of a participative approach to policy making introduced by Section 75 of the Northern Ireland Act 1998 following the signing of the Belfast Agreement. From our experience of implementation of Section 75, the Equality Commission for Northern Ireland is therefore in a unique position to comment on ways to better ensure that a child's right to be heard is enshrined in the policy making process at all levels of government.

Section 75 of the Northern Ireland Act 1998

6. Section 75 of the Northern Ireland Act places a number of legislative obligations on public authorities in Northern Ireland. According to the legislation, they must carry out their functions relating to Northern Ireland with due regard to the need to promote equality of opportunity

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual
- orientation,
- between men and women generally;
- between persons with a disability and persons without, and
- between persons with dependants and persons without.

In addition, and without prejudice to this obligation, public authorities must have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, or racial group.

7. The main aim of Section 75 is to ensure that equality of opportunity is mainstreamed by public authorities in their policy making process, policy implementation and policy review. The legislation is outcomes focused; it requires public authorities to promote equality of opportunity and good relations and has introduced a framework to that end. It has placed legislative obligations on public authorities to consider the potential adverse impact of their policies on individuals of a different age, race, disability, gender, sexual orientation, marital status, political opinion, religious belief, and those with or without dependants.

8. As part of the process of considering the potential impact of their policies, public authorities are obliged to consult directly with children and young people. In this respect, the legislation recognises the central role of children and young people in participating in the policy making process; it gives value to their views. This is unique to Northern Ireland.
9. The Commission's *Guide to Implementation of Section 75* provides guidance to public authorities on consultation on the impact of existing or proposed policies. It advises public authorities on consulting with those directly affected by the policy to be assessed;
 - consultation should be as early as possible, that consideration must be given to which methods of consultation are most appropriate,
 - engagement should take place with affected groups to identify how best to consult
 - accessibility of the language and the format of information must be considered to ensure that there are no barriers to the consultation process
 - ensure that those facilitating discussion sessions are trained to ensure they have the necessary communications skills to engage with a particular group
 - measures should be taken to ensure maximum access and participation across equality groups, and that information should be made available to ensure meaningful consultation.
10. Section 75 is not about placing burdensome duties on public authorities, or setting in place processes to be implemented; it is aimed at ensuring that policy outcomes have equality at their heart. The participation of individuals from all equality categories must be meaningful; the views of children should be valued in the policy making process. The Commission is committed to removing barriers to participation, and to that end, is currently producing guidance for public authorities on consulting with children and young people. The Commission aims to publish the guidance in Spring 2007.
11. The guidance is aimed at policy makers within public authorities to promote positive culture change within policy making organisations in order to value the inclusion of the views of children and young people. It will provide practical guidance on

proactive engagement with children and young people as well as recognising and preserving a multi-identity dimension. The guidance will give practical examples of how to ensure children and young people feel benefits arising from their participation in the policy making process.

12. The guidance will be informed by good practice in consulting with children and young people currently taking place in Northern Ireland and further afield. [Add anonymised good practice examples from Pat's list.]

What has been the impact of Section 75 on children and young people?

13. Section 75 provides a framework which places mainstreaming of equality considerations at the heart of public authorities' policies and functions.
 - It has created a culture change within public authorities by opening them up to equality considerations and focusing on the effects of policy decisions.
 - It is a means of identifying and removing barriers without having to launch discrimination claims either in the tribunals or county court.
 - It promotes communication between public authorities, constituency groups and beyond.
 - It focuses more clearly at the issues of equality of outcome.
 - It creates a greater consensus on what are important priorities in the delivery of services and other functions of public authorities including employment issues.
14. Section 75 has resulted in the establishment of active and effective networks of organisations within the voluntary, community and public sectors to facilitate discussion with children and young people, improving access to the decision making process.
15. Finally, Section 75 has made policy makers think about the effect of their policies. Where potentially adverse impacts have been identified, Section 75 requires that changes are made to the policy, or mitigating measures brought forward to reduce the impact.

Conclusion

16. Section 75 has provided a unique opportunity to enhance the participation of children in policies that are made by public authorities, and ultimately on the promotion of equality of opportunity for people of all ages. Section 75 provides a space within the policy making process for children to provide their views and to be listened to. Participation means communicating in a way in which children and young people understand, and should be an intrinsic part of the policy making system and not a 'bolt-on'. The Commission aims to maximize the potential of Section 75 and see the greatest equality outcomes for children as their voices are heard by government.

Equality Commission
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