



when accessing goods, facilities and services



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INTRODUCTION

The Equality Commission for Northern Ireland (ECNI) and the Northern Ireland Commissioner for Children and Young People (NICCY) believe that people of all ages, including children and young people, should be protected against unlawful age discrimination and harassment when accessing goods, facilities and services.

Many decisions made in our society are based on age. And levels of negative attitudes, barriers and hostility are frequently reported by young people trying to use shops, public transport, the criminal justice system and health and social care services.

Children and young people should not, without good reason, have access to a service restricted or receive an inferior service, simply because of their age.



WHY? THE CASE FOR CHANGE IN THE LAW

Previous experience of promoting good practice amongst service providers highlights that legislation is a key driver for change.

The introduction of other equality legislation for example, has helped to change discriminatory attitudes and behaviour by service providers and public bodies towards disabled children and children from a minority ethnic background.

Examples of issues faced by young people which impact on their everyday lives and on their well-being which relate directly to their age:

Health and Social Care

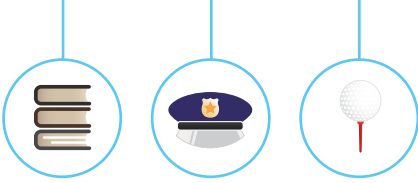
- Being denied access or receiving poorer services compared to working age adults or older people
- Experiencing difficulties in accessing age appropriate mental health services.

For example, almost 200 young people in Northern Ireland were admitted to adult psychiatric wards between 2007-2009.

General Services (shops, entertainment, travel etc)

- Receiving an inferior service due to prejudicial and negative attitudes held by some service providers.

The Ark Young Life and Times Survey (2010), revealed that 83% of young people believed they were judged negatively just because they were young.



EXEMPTIONS AND CONCESSIONS

While we call for changes to the law, ECNI and NICCY recognise and understand that there are situations where it is appropriate and right to treat adults and children differently. Therefore the law should allow exemptions where there are good and justifiable reasons for their use.

For example there are existing laws which impose age limits e.g. you must be 16 to get married, or 18 to buy alcohol. The proposed age discrimination legislation would not alter these.

We also believe there should be a specific exception for financial service providers, to allow them to take age into account - provided that is used in a way which is proportionate to risk and cost.

We have proposed that concessions aimed at children and young people should not be considered discriminatory. We believe that cheaper transport fares or admission to leisure facilities should continue to be permitted.



ADDRESSING CONCERNS

Parents may worry that enhancing children's rights may undermine their own responsibility and authority. We agree that that the law must allow for safeguards, checks and balances to protect children and young people.

Age is the very factor that can make children and young people more vulnerable than adults. They therefore require special protective measures, rather than no protection from age discrimination when accessing services.

Under the legislation different treatment should be allowed where justifiable. This would include such issues as health care screening for teenagers and vaccinations for infants.

There is a responsibility on Government and wider society to ensure Northern Ireland's children and young people are treated fairly. It is important to ensure that any changes to the law add to the protections for children and young people. Any decisions which have to take age into account must be objectively justifiable.



Michael Wardlow

Chief Commissioner of
the Equality Commission

“This is part of our efforts to extend the law so that people of all ages are protected against age discrimination when they are accessing goods facilities or services. The underlying principle for this is the same as for all forms of unlawful discrimination - people should not be treated less favourably because they are seen as part of a particular group. That is true for people who suffer discrimination because of their gender, race, religion, sexual orientation or because they have a disability; and it should be equally true for people who are treated unfairly because they are young, old or any age in between.”



Patricia Lewsley-Mooney

The Northern Ireland Commissioner
for Children and Young People

“This change to the law is an opportunity for the Northern Ireland Assembly to adopt an approach consistent with its international obligations and with the Northern Ireland Executive’s commitments to children and young people. It will also, most importantly, improve the lives of children and young people. Excluding children and young people from this age discrimination legislation would fly in the face of the principle of equal treatment which both European and wider international human rights law recognises as a fundamental right.”

WHAT ARE WE DOING?



ECNI and NICCY are working together to persuade government to include children and young people.

For more information on this please read our joint recommendations on the areas which age discrimination should cover, please visit our websites:

www.equalityni.org

www.niccy.org/gfs







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