

Ninth Meeting of the Children & Young People Working Group
Children's Law Centre
Wednesday 28th November 2007, 2.15-7.00 pm

1. Attendance and apologies

Members Present: Sorcha McKenna, Children's Law Centre/Save the Children – Chair

Jenny Palmer, DUP
Mathew McDermott, SDLP
Anna Lo MLA, Alliance 2.30pm-End
Paddy Kelly, Children's Law Centre
Bronagh Byrne, Disability Action 5pm-End
Liam Larmour, Rainbow Project
Pip Jaffa, Parents Advice Centre
Lindsay Conway, Irish Council of Churches
Chrissie Mc Auley, Sinn Fein

Apologies: Roy Beggs MLA, UUP

HR Advisor: Linda Moore 2.45-End

Observers: Paula Molloy, DFA.

2. Minutes of last meeting

- On the first bullet point at pg10 of the last meetings notes Paddy wanted corrected that her point was that children do not have adequate representation in employment as a whole and that the remaining two lines should be removed as they misrepresent what was being discussed.
 - Mathew McDermott submitted two changes via email and the minutes were amended accordingly.
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3. Matters arising

- Lindsay Conway referred the group back to the age of criminal responsibility of children, and explained that he and Sorcha had discussed the matter with the Criminal Justice & Victims Working Group. It was agreed that both Working Groups would

include a provision on youth justice and that they would attempt to harmonise the content. The main difference between the two groups proposals was that the Children's Working Group had agreed to set the age of criminal responsibility at 16 and to progressively realise it to 18. The Criminal Justice & Victims group did not have consensus on this issue since one member was unwilling to change the age of criminal responsibility at all. As a compromise the group had decided that the age of criminal responsibility should be tied to the school leaving age. At the meeting Sorcha and Lindsay outlined the negative implications of attaching the age of criminal responsibility to school leaving age. One of the points argued was that the age at which a child leaves school differs depending on what month the child was born and that if the age of criminal responsibility was aligned with the school leaving age there would be a lack of equality among children. A further point was that the government could lower the school leaving age in favour of alternatives schemes and thus lower the age of criminal responsibility. Essentially both Working Groups had the age of 16 in mind but were wording their provisions differently. Sorcha asked the Criminal Justice & Victims Working Group whether for the sake of consistency they would consider adopting the age of 16 in their provisions and the members stated that with one exception the group would, in theory, be willing to take this approach. Sorcha asked the group if they would consider adopting the age of 16 and noting that one member disagreed as a means of including the provision in their draft report. It was agreed that the Working Group would discuss this among its membership.

4. Brief review of agreed text to date

- A handout detailing the previously agreed provisions was distributed to members.

5. Definition of the Child

Discussions were based on the following recommended text:

“For the purposes of the Bill of Rights a child means every human being below the age of eighteen years.”

(based on UNCRC, Art 1)

Points of Discussion

- Mathew McDermott asked if this provision would be placed at the start of the Bill of Rights and Sorcha McKenna confirmed this was considered the most appropriate place.
- Liam Larmour queried if there should be an explanation of what is meant by ‘child’, coupled with an explanation of what is meant by ‘young person’ as the working definition of ‘child’ was encompassing both.
- Lindsay Conway felt that it was unfortunate that ‘child’ has been used as a comprehensive label due to the fact that young people under the age of 18 do not like to be called children but current legal provisions dictate so. Paddy agreed with Lindsay and thought that the group should recommend that in the interpretative Paragraph there is an explanation of child as well as young person. It was agreed that the suggested interpretative Paragraph would read “For the purposes of this Bill of Rights the term children refers to all children and young people up to the age of eighteen years”.

Agreed Text

1. For the purposes of the Bill of Rights a child means every human being below the age of eighteen years.

6. Best Interests of the Child

Discussions were based on the following recommended text:

1. In all actions concerning 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 primary consideration.

(based on UNCRC, Art 3)

Points of Discussion

- Chrissie Mc Auley questioned whether parents and guardians should be included in accordance with discussions at the last meeting around the inclusion of these persons in provisions.
- Paddy Kelly explained that the Bill of Rights places direct obligations on the State alone but that it would have horizontal effect on non –state actors, including in this case on parents and guardians in terms of their duties in ensuring the best interest of the child.
- Paddy also explained that in directing the provision towards the state it can not only be seen as applicable to the state, but also to public bodies so that they ensure that their activities do not impinge on children's rights e.g. in terms of planning or policy decisions.
- Pip Jaffa questioned the applicability of the provision in circumstances of paedophile allocation and other members explained that the provision wording is aimed at encompassing this scenario.
- Lindsay explained that the aim and implementation is to trigger all relevant authorities to consider all children who may be affected by their plans, policies and actions when making decisions e.g. if the issue of a busy road being placed beside a school was engaged, consideration and consultation should not only be directed at children living within a certain proximity to the school, but to all children attending the school.
- Pip also queried the applicability of this provision in terms of criminal sentencing of parents and the consideration of the effects that the latter might have on the child.
- Paddy addressed Pip's concerns and explained that this does happen at present. She pointed out that criminal law will operate in terms of determining the guilt or innocence of the parent as well as sentencing standards to be engaged; however, the effect that the latter has upon the parents child is considered and there has been a case where she believed that the result was the sentence being suspended as this

course of action was thought to be in the best interest of the child.

- There was general discussion over the use of the word 'and' between key words in the Paragraph and it was agreed that 'or' was more inclusive as it did not impose interdependence.

Agreed Text

1. In all actions and decisions, including policy and legislative decisions, concerning or impacting on 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.

7. Right to Participate

Discussions were based on the following recommended text:

1. The Public Authority shall promote and protect the right of every child to participate in matters affecting them in accordance with their individual capability.
2. The views of the child should always be considered and given due weight in accordance with the age and understanding of the child.
3. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Points of Discussion

Paragraph 1

- Paddy Kelly questioned the use of the word 'matters' as she thought this was unclear as to when it should apply and therefore there felt that there was a need to be more specific.
- Pip felt individual capability was not suitable and suggested 'age and understanding'.

- In discussions around Paragraph 2, Paddy returned to Paragraph 1 and felt that 'in accordance' with should be made stronger by imposing a duty to use an appropriate methods to assist the participation of the child e.g. children with special needs, disabled children, linguistic minorities etc.

Paragraph 2

- Mathew and Liam queried the use of 'age and understanding' and if the word and should be used questioning the independence and interdependence of the terms in this context.
- Discussion looked at the use of 'maturity' as an alternative, but this was also rebutted as 'age and understanding' was more of a catch all encompassing those with disabilities etc.
- Mathew still had difficulties with the use of 'and' believing it should be 'or' as some children may have the ability to have an input into decisions affecting them but may not be considered by adults at the appropriate age to.
- Sorcha suggested leaving out 'age', but members considered that this would leave children vulnerable in terms of them not being consulted as the adult may be able to simply not consider that a child of a certain age can understand the situation and thus exclude them from participation on this basis.
- It was generally felt that 'due regard' would impose a stronger duty than 'due weight'.
- Linda explained that the overall feeling of the discussion was moving towards the 'evolving capacity of the child'.
- Paddy had difficulties with the duty imposed by 'in accordance with' as she felt it may be too weak in a similar vein as Mathew's earlier concerns that adults may simply decide that it is not relevant to discuss with children of a certain age and

therefore render the standard for implementing this provision ineffective in some instance.

- Paddy also discussed the that the challenge for adults was to refer to children who have experiences in or encounter the area on which they are making decisions etc on the basis that such decisions may affect the children and this was in essence what the group wished to portray in this Paragraph.
- She explained that whatever wording is used, it should not be viable to interpret the wording in such a way as to 'get out' of consulting children.
- Lindsay used the example of school inspectors not actually talking to children support Paddy's reasoning.
- Sorcha felt that the Paragraph should refer to the rights of 'all children'.
- Paddy cautioned that this was leading the group onto another difficulty in terms of drafting as there may be an interpretative problem with using 'all children' as opposed to 'the child'.
- Sorcha argued that the fact that her proposed use of 'all children' was being used in relation to matters affecting them and therefore it would encompass the individual child if the circumstances only involved one child, or a group of children if a group of children were being affected. It was decided that this matter needed further research whilst consultation on the proposed recommended provisions was occurring.

Paragraph 3

- Mathew referred to a matter that he recently encountered in his constituency which he felt may be related to the judicial proceedings reference in Paragraph. He alluded to a 'loop hole' that a person who is 17 years old and legally still a child can refuse the right to have their parents contacted and refuse legal representation despite being under 18 and also being given no explanation as to the ramifications of taking this decision when they may lack an appreciation and understanding of the matter.

- Paddy felt that Mathew's matter would be covered by the criminal justice provision.
- Liam suggested using 'any proceedings including judicial or administrative proceedings...'
- Chrissie felt that the word 'mechanisms' should be used to encompass the likes of video conferencing involving children.
- In terms of representation in the third line of this Paragraph, Mathew reiterated concerns over the anomalies that people who are 17 may experience as previously outlined. Paddy felt would be better under the criminal justice section by using 'Every person under the age of 18 shall be considered a child for the purposes of the criminal justice system' –General consensus on this and will be returned to in the Criminal Justice Section.
- Lindsay also raised concern that there was the potential for further problems in the area that Mathew previously discussed where someone who is arrested at 17 is married as their partner may have the right to know they have been arrested.
- Anna Lo felt that in the same vein as the latter, teenage parents can also be adversely affected by this loophole.
- The group also discussed placing a burden on relevant authorities or public bodies where, in the absence of a legal identification document to the contrary, a person claims to be under 18 years of age. There was general consensus that they shall be treated as under 18 if they are claiming to be until it is proved otherwise. This issue was considered to be important in relation to immigration and child trafficking.

Agreed Text

1. The Public Authority shall promote and protect the right of every child to participate in all matters or decisions affecting them in a manner consistent with the age, understanding and maturity of the child.
2. The views of the child shall be respected and considered and given due regard, taking into consideration the age, understanding, maturity and evolving capacities of the child.
3. For this purpose, the child shall in particular be informed of their right to participate and to be provided with appropriate

opportunities to be heard in any proceedings , including judicial or administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

8. Right to Play

Discussions were based on the following recommended text:

1. The Public Authority shall recognise the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. The Public Authority shall respect and promote the right of all children to participate fully in cultural and artistic life and shall encourage the provision of all appropriate resources and equal opportunities for cultural, artistic, recreational and leisure activity.

Points of Discussion

Paragraph 1

- Lindsay thought sport needed a specific mention as it can be an important in terms of the health and development of children.
- Pip also thought that there was a need to encompass the capabilities of disabled children in respect of this provision. She also questioned if 'rest' should be included under a provision for play, but Lindsay pointed out that it was necessary here as breaks in terms of rest and/or play had a particular relevance to the education of children.
- 'Needs' were discussed in terms of encompassing disability but it was thought that the term would be too open to interpretation in terms of legal arguments of necessity.
- It was thought more appropriate to simply remove 'age' so that it became more inclusive.

Paragraph 2

- 'All appropriate resources' was accepted by the group as being subject to the same test of reasonableness in terms of available resources as every other provision.
- Discussion turned to including a reference to the benefit of play and leisure to the health and well being of the child as Chrissie felt that this may get lost in the preamble.
- Sorcha explained that the value of play and leisure to the health and well being of the child is so widely accepted in society that it would be unnecessary to state the rationale behind the provision, something which had not done with any other provision.

Agreed Text

1. The Public Authority shall promote and protect the right of every child to rest and leisure, to engage in play, sport and recreational activities appropriate to the child.
2. The Public Authority shall promote and protect the right of all children to participate fully and freely in cultural and artistic life and shall ensure the provision of all appropriate resources and guarantee the right of every child to access cultural, artistic, recreational, sport and leisure activity.

9. Children and Armed Conflict

Discussions were based on the following recommended text:

1. The Public Authority shall ensure that persons who have not attained the age of 18 years are not recruited into their armed forces nor into any armed group.
2. The Public Authority shall ensure that children shall not be involved in hostilities in any capacity, including their use as informers.

3. The Public Authority shall take all feasible measures to prevent the recruitment of children to armed groups that are distinct from the armed forces of the Public Authority.
4. The Public Authority shall take all feasible measures to protect children from any violence resulting from armed conflict.
5. The Public Authority shall take all feasible measures to ensure that children affected by violence and conflict are accorded appropriate assistance for their physical and psychological recovery and their social reintegration.

Points of Discussion

- Lindsay questioned if there was going to be ambiguity with air rifle legislation as he thought that the current age for purchasing them was 14, but other members thought that current legislative proposals meant that this was being raised to 18.
- The group debated whether children under 16 should be allowed in any circumstances to use a rifle and under the age of 18 to use such a weapon in war.
- Sorcha pointed out that the remit of this section was to look at the specific circumstances of armed conflict as Jenny Palmer had pointed out that in the domestic sphere, children can be trained to use rifles in the likes of army cadets and junior gun clubs.

Paragraph 1 (changed to Paragraph 2 in line with discussions)

- Paddy felt that the sticking point for the group was 'recruiting' and that the distinction in terms of state armed forces such the army as to whether a child is being recruited for armed combat may be if they are being paid for participating in armed conflict. This reasoning was a suggestion in the light of references made by Jenny to army cadets who are trained yet not paid or participating.
- Linda pointed out that there exists an argument as to whether a child should be able to volunteer under 18 to enter armed conflict.

- The latter prompted Lindsay to refer to the stance of the army in relation to parental consent for joining the army under employment provisions.
- There was general agreement that there should be no compulsory recruitment i.e. subscription and due to the strong consensus it became Paragraph 1 in the agreed text.
- Jenny felt that those at 16 in the army upwards to 18 should be allowed the opportunity to participate in armed combat as they are making in most cases a career choice. She felt that if under special license at 16 a child has the choice to marry, then why limit their choice in this respect?
- It was pointed out that the limitation in this respect is concerned with the level of risk that the child is being placed in. In participating in armed conflict their right to life is engaged whereas in marrying at 16 they are only at risk of entering into the contract of marriage.
- Sorcha asked the group to consider whether minors in the armed forces might already be covered under the provision on employment protection but members concluded that the Ministry of Defence is not bound by employment legislation.
- Most members had difficulty with the fact that by allowing under certain instances those under 18 to participate in armed conflict there may appear to be a weakened stance in terms of other child protection recommendations.
- Paddy felt that 'nor into any armed group' should be in a separate Paragraph as this related to humanitarian standards.
- The group has agreed to go ahead with the entry into the draft recommendation of this Paragraph as only Jenny Palmer at present disagrees with this provision. Whilst Jenny does not support sending minors in armed conflict she believes that children in this instance should have a choice.

Paragraph 2 (changed to Paragraph 3 in line with discussions)

The reference to informers was included to take into account the particular circumstance of Northern Ireland in terms of the way children have been used in conflict and hostilities.

Paragraph 4 (remained Paragraph 4)

- 'Feasible' was changed to 'necessary' which was thought to be a better word.

- The possible inclusion of the 'threat of violence' was discussed but the overall feeling was that it would be impossible to implement
- The inclusion of intimidation and trauma was discussed alongside violence but it was concluded that 'all violence' would encapsulate the latter as well as emotional violence.

Paragraph 5 (remained Paragraph 5)

- The group looked at the use of 'accorded' and the possibility of replacing it with 'guaranteed' as it was a stronger word.
- It was generally felt that the provision of support and services should be specifically mentioned in relation to integration.

Paragraph 3 (became Paragraph 6 in line with discussions)

- There was general consensus that paramilitaries should not be referred to specifically as it would be too narrow in application and exclude criminal organised and unorganised gangs.

Agreed Text

1. The Public Authority shall not conscript any child into their armed forces.
2. The Public Authority shall ensure that persons who have not attained the age of 18 years are not recruited into their armed forces. (Not agreed to by Jenny Palmer)
3. The Public Authority shall ensure that children shall not be directly engaged or involved in any capacity in hostilities, including their use as informers.
4. The Public Authority shall take all necessary measures to protect every child from all violence resulting from armed conflict.
5. The Public Authority shall take all necessary measures to guarantee that children affected by violence and conflict have access to prompt and appropriate support and all necessary services for their physical and psychological recovery and their social integration which is in accordance with the best interests of the child.

6. The Public Authority shall take all necessary measures to prevent children being recruited or otherwise involved with any non-state armed group.
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10. Child Carers

Linda felt that the issue of child carers should be looked at and proposed the following recommended text:

1. The Public Authority shall ensure that the education, development and general well-being of young carers is not affect by caring responsibilities.

Points of Discussion

- Sorcha thought that the issue could be incorporated into employment provisions in terms of domestic tasks.
- Lindsay agreed that it was important to specifically refer to child carers and ensure that they are afforded at least rights in line with those of a paid carer. He felt that overall children should not be primary carers.
- Pip found it difficult discussing rights of child carers as in doing so may be read as endorsing children as carers when she felt the group should be against the idea.
- Linda pointed out that some children actually want to help care for those relatives who need it.
- There was general consensus that child carers is not intended to not cover teenagers caring for their own children.
- Anna Lo felt that it needs to be made clear that the state is to ensure that the child is not put into the position of becoming a child carer in the first instance.
- The provision is not intended to prevent children form having a caring responsibility it is primarily meant to prevent children from being given a caring responsibility which negatively impacts on their standard of living, health, wellbeing and education etc.

Agreed Text

1. The Public Authority shall take all necessary steps including financial and other to support to protect the rights of child carers to ensure and guarantee that the education,

development and general well-being of young carers is not affect by their caring responsibilities.

11. Child witnesses and victims of crimes

Discussions were based on the following recommended text:

1. "Child witnesses should be supported throughout the court process to ensure that they feel safe, are heard in court and are able to give evidence effectively.
2. This support should be provided by an independent agency ensuring that:
 - a. Children should be well informed throughout the process;
 - b. Children should be dealt with in a non-abusive atmosphere;
 - c. Children should be cross-examined by trained individuals with child specific expert ise;
 - d. The court process should be taken forward without delay."

(based on Belfast Declaration, 2006)

Point of Discussion

Paragraph 1

- Mathew felt that an 'all necessary measure' section be added to the beginning to impose a positive duty upon the public authority.

Paragraph 2

- There was agreement that where the word 'should' in each subsection was used that it was replaced with the word 'shall' as the latter confers a more concrete duty.
- In relation to subsection (b), a general consensus was reached that the atmosphere must be one that is sympathetic and appropriate to the child.
- The point was raised to what extent a state funded agency might be considered independent and Sorcha explained that

the term independent in this context meant independent of either the defence or prosecution. Sorcha explained that currently the NIO fund the NSPCC Young Witness Service which provides independent support and assistance to young witnesses and their families before during and after criminal hearings. What the current provision is suggesting in part is that the State would be responsible for providing the necessary funding so that services such as the NSPCC Young Witness could provide support and assistance to all young witnesses across NI crown, magistrates and youth courts.

Agreed Text

1. The Public Authority shall take all necessary measures to ensure that child witnesses should be supported throughout the court process to ensure that they feel safe, are heard in court and are able to give evidence effectively.
2. This support shall be provided by a State funded independent agency ensuring that:
 - a. Children shall be continuously and appropriately informed throughout the process;
 - b. Children shall be dealt with in a respectful manner in a child appropriate environment free from exploitation, intimidation and abuse;
 - c. Children shall only be cross-examined by trained individuals with child specific expert ise;
 - d. The court process should be taken forward without delay.”

12. Youth Justice

Agreed text TO DATE

1. The Public Authorities recognise the right of every child alleged to, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion if the child’s human rights and dignity, which reinforces the child’s respect for their human rights and the rights of others and taking into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.

2. In all decisions taken within the context of the administration of youth justice, the best interests of the child shall be the paramount consideration.
3. No child under the age of 16 will be held criminally responsible.
4. The Public Authority shall progressively increase the age of criminal responsibility to 18.
5. The Public Authority shall provide effective alternatives to the criminalization of children including family based support and community based diversion, which are in the child's best interests. All programmes should be effectively regulated and monitored to protect the child.
6. The following minimum rights shall be guaranteed to every child:
 - a) the right to have criminal charges explained promptly and in appropriate language;
 - b) the right to have access to appropriate legal and other assistance in the preparation of a defence;
 - c) the right to have any criminal charge determined without delay by a competent, independent and impartial tribunal in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is contrary to his or her best interests and taking into account his or her age or situation, of his or her parents or legal guardians;
 - d) the right to have an appropriate adult present to represent the interests of the child even if a solicitor is also present;
 - e) the right to be tried for a criminal offence in an appropriate setting and manner, having regard to the child's age, maturity, needs, vulnerability and understanding;
 - f) the right to have measures taken to ensure his or her participation in and understanding of the criminal proceedings; and

g) the right to have his or her privacy respected before, during and after the proceedings.”

Points of Discussion

- Lindsay pointed out that there is a need to have an appropriate adult present which if addressed would cover Mathew’s earlier concerns over the ‘loop hole’ for children of 17 being deemed an adult in the criminal justice system whilst falling under the legal definition of a child.
- Mathew felt that the onus on provision of information should be more than just the rights or charge(s) being read out and that in such instances, the actual processes explained and ramifications of decisions which the young person makes should also be explained.
- Lindsay pointed out that PACE has certain protections for young people but that there exists gaps and discussions of these issues for inclusion could help to rectify some of them.

Agreed Text

1. Every person under the age of eighteen years should be treated as a child for the purposes of the administration of criminal justice.
2. The Public Authorities recognise the right of every child alleged to, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s human rights and dignity, which reinforces the child’s respect for their human rights and the rights of others and taking into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.
3. In all decisions taken within the context of the administration of youth justice, the best interests of the child shall be the paramount consideration.
4. No child under the age of 16 will be held criminally responsible.

5. The Public Authority shall progressively increase the age of criminal responsibility to 18.
6. The Public Authority shall provide effective alternatives to the criminalization of children including family based support and community based diversion, which are in the child's best interests. All programmes or initiatives should be effectively regulated and monitored by the Public Authority to protect the child.
7. The Public Authority shall guarantee that every child questioned, detained or charged with an offence shall:
 - a) have criminal charges, subsequent process, their rights and the consequences of their actions explained to them in an appropriate and timely manner.
 - b) the right to have access to appropriate legal and other assistance in the preparation of a defence;
 - c) the right to have any criminal charge determined without delay by a competent, independent and impartial tribunal in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is contrary to his or her best interests and taking into account his or her age or situation, of his or her parents or legal guardians;
 - d) the right to have an appropriate adult present to represent the interests of the child even if a solicitor or responsible adult is also present;
 - e) the right to be tried for a criminal offence in an appropriate setting and manner, having regard to the child's age, maturity, needs, vulnerability and understanding;
 - f) the right to have measures taken to ensure his or her participation in and understanding of the criminal proceedings; and
 - g) the right to have his or her privacy respected before, during and after the proceedings."

Further Paragraphs for consideration

8. "The detention of a child must occur only in exceptional circumstances and in accordance with the law. Detention shall be used only as a measure of last resort and for the shortest appropriate period of time. A variety of dispositions and alternatives to institutional care shall be available to ensure that children are always dealt with in a manner appropriate to their well-being and proportionate to their circumstances and the alleged offence."
9. "Every child deprived of liberty shall have the following minimum rights:
 - a) To be treated with respect for his or her dignity and human rights and in a manner which takes into account his or her age and particular needs.
 - b) the right to be separated from adults in detention and (if not yet found guilty) from children who have already been found guilty;
 - c) the right to receive care, protection and all necessary individual assistance-social, educational, vocational, psychological, medical and physical-that they may require in view of their age, sex and personality;
 - d) the right to prompt access to appropriate legal and medical assistance and pastoral care;
 - e) the right to privacy and respect for his or her correspondence;
 - f) the right to maintain regular and direct contact with parents, siblings or other family members and friends, save in exceptional circumstances;
 - g) the right to access the Northern Ireland Curriculum and/or educational and vocational training necessary to prepare for his or her re-integration and constructive participation in society following release.
9. Girls in detention deserve special attention as to their personal needs and problems. They shall by no means receive less care,

protection, assistance, treatment and training than young male offenders.

10. corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the child's physical or mental health is forbidden.
11. use of force or instruments of restraint used only in exceptional cases 'where all other control methods have been exhausted and failed'. Physical restraint and use of force should not cause humiliation or degradation, and should only be used for the shortest period of time."
12. "On release from an institution children shall be assisted and supervised by an appropriate authority and shall receive full support by the community."

Action Points:

- The issue of referring to 'all children' as discussed under the section titled 'Right to Participate' is to be explored in terms of existing standards and possible uses, with the issue being returned to in January.
- The working group had insufficient time to discuss all provisions relating to Youth Justice and Safety & Technology and therefore, these issues will be returned to in January but still be released for consultation in the meantime.
- ALL Members of the Working Group to;
 - a) sign off on minutes
 - b) comment on today's agreed provisions by **Monday 3rd Dec 5pm.**

AOB

Sorcha explained the process which would follow the submission of the completion working group draft report;

The following three steps will take place simultaneously;

1. Sorcha submits WG Draft report to the Forum for discussion on the 14th Dec

2. Sorcha submits WG Draft report to the secretariat for inclusion in the consultation document which will form the basis of the outreach work undertaken by the four outreach workers.
3. Sorcha sends a copy of the WG Draft report to all interested parties on the CLC/Save the Children Mailing List as well as to the working group members for circulation within their party/sector. Recipients will be invited to submit a response preferably by email in Word format to Sorcha for analysis by week ending 4th January.

Next Meeting

Preliminary dates: Tuesday 8th Jan. 2007 12.30pm-5pm at Stormount (MLAs will only be available 12.30pm-2pm); and Wednesday 9th Jan. 2007 1pm-5pm, venue T.B.C.
The final report of the working group is due on 15th January so attendance at the final meetings is vital.