

Northern Ireland Human Rights Commission ¹

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I will provide an overview of my background, my motivations to undertake a placement within my chosen field of children's rights, my objectives for the placement and finally an overview and analysis of the placement.

I am currently undertaking the Bar Professional Training Course Student (2010-12) at City University, London and intend to work within the field of human rights upon qualification. Prior to this my extensive research on the rights of the child at undergraduate level led me to complete an LLM in International Human Rights. Studying at the Transitional Justice Institute, Northern Ireland (NI) I was encouraged to develop and transfer knowledge, experience and expertise of the transformative possibilities of human rights law. Studying and growing up in a society which has experienced over 30 years of civil and often deeply violent strife offered me unique insights into the experience, management and negotiation of deeply entrenched conflict with multiple communal and state elements and an awareness of the need for law to protect the vulnerable, which developed my interest in the rights of the child.

Organisations emerged in NI following the Belfast (Good Friday Agreement) 1998² to promote and protect human rights including the Northern Ireland Human Rights Commission,³ although children come within the remit of these bodies they are not specific to the rights of the child. In contrast The Northern Ireland Commissioner for Children and Young People (NICCY) was established under the Commissioner for Children and Young People (NI) Order 2003⁴ to provide an independent voice to promote and protect the rights of children and young people in NI and to represent their interests. The legislation created a broad remit; including both rights and duties, placing the Commission under a duty to take action, to bring and intervene in legal proceedings and powers of investigation. To date NICCY have played a pivotal role in ensuring the implementation of the United Nations

¹ For the purposes of this report I provide a brief overview, further details about NICCY and its work can be obtained from <http://www.niccy.org/> which provides in-depth details on all aspects of the organisation.

² See <http://www.nio.gov.uk/agreement.pdf>

³ See further <http://www.nihrc.org/>

⁴ To view the legislation see <http://www.legislation.gov.uk/nisi/2003/439/contents/made>, which details the powers, functions and duties of NICCY.

Conventions on the Rights of the Child (UNCRC) within NI, for example undertaking invaluable research in their report *'Children's Rights: Rhetoric or Reality'* evaluating the current state of children's rights in NI against the framework of rights contained within the UNCRC which is remarkable progress in relation to the history of NI. They play an influential role in ensuring children's rights are on the political agenda which has included recommendations in relation to the Proposed Bill of Rights in Northern Ireland.

In being fortunate enough to undertake an internship with NICCY, I had many unanswered questions which had emerged from my research; how does it operate on the ground, can it make a difference and will it make a difference to the children of NI? The aim of my internship was to allow me to gain practical experience of the implementation of children's rights, and allow me to utilise the skills and knowledge I have developed in practise while learning more about NICCY. I also hoped to have the opportunity to contribute to ongoing research to ensure it was a meaningful experience where I would have the opportunity to make a contribution.

The placement commenced with a meeting with the Senior Case Worker within the Legal and Casework department where I had the opportunity to discuss my expectations and the role I would play. Meetings had been arranged for me with the Head of each department; Legal and Casework, Research and Participation and finally a meeting with the Commissioner Patricia Lewsley. I was given defined areas of research relating to on-going cases and possible future legal interventions (related to human rights) which NICCY are currently investigating. I would also have the opportunity to meet with children in on-going casework regarding individual complaints, participate in the weekly case reviews and attend the NICCY team meetings. From the outset I was able to engage with key members of staff within NICCY which was very valuable given their expertise within the area.

Due to the confidential and sensitive nature of the complaints (some of which are ongoing) which NICCY deal with, understandably I am unable to provide specific details for the purposes of this report. My area of research was within the remit of Education focusing on the right to education⁵ within specific aspects of the right including exclusions and suspensions, special educational needs, disciplinary procedures, the complaints procedure

⁵ Article 2, European Convention on Human Rights

within schools (concentrating on the right to a fair trial⁶) and finally school transport. Upon completion of the research I compiled a report and believe this is an area which will see further litigation within NI in the future in the name of children's rights. It is an area which impacts and is critical to every child throughout their early years and growing up which should benefit all children.

After a short time within the Legal and Casework department I was under no illusion as to the valuable and real contribution that NICCY makes to the lives of children implementing international rights at a local level, not only as a mechanism to investigate individual complaints, but having the power to intervene in proceedings⁷ see for example *Re E (a child)*⁸ focusing on the right of children and young people to be protected from inhumane and degrading treatment under Article 3 of the European Convention on Human Rights. Inevitably taking into account the trouble background of Northern Ireland which poses obvious difficulties in terms of governance structure, political agreement combined with the need for funding and the fact that they have the power to deal with complaints against statutory bodies- NICCY do face challenges, which are beyond the remits of this paper. However despite these types of challenges NICCY are playing an instrumental role in placing children's rights on the agenda within NI, driving home international standards to ensure that children's rights are not only promoted but respected and more importantly enforced. I witnessed the difference that NICCY can make in the time that I was there and met people that they continue to assist, I am confident that if they continue to do so-they are paving the way for a society which allows the vulnerable members equal enjoyment of their human rights.

This internship presented me with the opportunity to gain relevant practical experience implementing the knowledge I have acquired, applying theory to practice and enabling me to undertake further research in my chosen field with the ultimate goal- the promotion of human rights for children. Thus, although the welfare of the child is protected by international instruments of which the UK has ratified, it has not necessarily led to the

⁶ Article 6, European Convention on Human Rights

⁷ I had the opportunity to examine previous cases of this nature during the internship all of which are listed on the NICCY website see <http://www.niccy.org/legalandcasework/practitionerssection/interventions>.

⁸ [2008] UKHL 66:

absolute protection of children, who are ultimately without a voice which places greater importance on NICCY to play an active role in the process.

I would like to take this opportunity to convey my sincere gratitude to NICCY for accommodating my placement and making me feel so welcome while there and allowing me the opportunity to learn as much as I did. Finally, I am indebted to the Human Rights Lawyers Association(HRLA) for facilitating me with a bursary for my expenses, I am currently juggling full-time employment with the demands of studying in order to self fund my studies so it would have been impossible for me to undertake this placement without their assistance, for that I am extremely grateful. Most of all, I would like to commend the HRLA for making such a provision available, as all too often those who can make a difference are excluded because of financial constraint and the HRLA Bursary enable me overcome these barriers. The experience enabled me to learn a lot, developed my interest further and strengthened my desire to work in the field. I am now returning to my studies eager to learn and looking forward to undertaking further research in the future where I intend to spend further time with NICCY!