



Response to Extension of Offence in Domestic Violence, Crime and Victims Act (2004) to include: “causing or allowing serious physical harm to a child or vulnerable adult.”

Introduction

Children in Northern Ireland (CiNI) is the regional umbrella body for the children's sector in Northern Ireland.

CiNI represents the interests of its member organisations providing policy, information, training and participation support services to members in their direct work with and for children and young people. CiNI membership also includes colleagues in the children's statutory sector, recognising that the best outcomes for children and young people are increasingly achieved working in partnership with all those who are committed to improving the lives of children and young people in NI.

We welcome this opportunity to respond to the consultation on the extension of offence in Domestic Violence, Crime and Victims Act (2004) to include "causing or allowing serious physical harm to a child or vulnerable adult."

UN Convention on the Rights of Child (UNCRC)

The UN Committee identified a range of issues to the state party, including the 'alarming high prevalence of violence, abuse and neglect of children, including in the home.' CiNI therefore warmly welcomes the extension of the offence "causing or allowing serious physical harm to a child or vulnerable adult". Government has an obligation to ensure that all children and young people have their rights promoted and upheld through the ratification of the United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Convention of the Rights of Persons with Disabilities (UNCRPD).

Question 1: Do you agree with the proposed provisions to extend the offence as outlined?

Yes. Children in Northern Ireland believe that there should indeed be an extension of an offence in Domestic Violence, Crime and Victims Act (2004) to include "causing or allowing serious physical harm to a child or vulnerable adult." It is somewhat perplexing that as the law currently stands if a child is seriously physically harmed but has survived, that there potentially could not be a successful prosecution case. Arguably, if an actual cause of death cannot be specified, this too could result in non-prosecution.

Do you agree with the proposed sentence?

It appears that the proposed sentence is in line with similar procedural provisions within English legislation. We have no objections to the proposed sentence.

Equality Legislation and Consultation

We are unsure why the decision was taken to provide a ‘targeted’ consultation. We believe the consultation should have been extended to allow all interested parties to make a response. Obviously these proposals will have an impact upon children and young people. We suggest that consultation should also be carried out with children and young people. We would highlight the Ask First principles which have been endorsed by Government departments. The principles are underpinned and informed by the UNCRC and Section 75 of the Northern Ireland Act (1998). Ask First principles are the Northern Ireland standards for children and young people’s participation in public decision making. The standards were developed by the Participation Network to assist public authorities to establish effective direct engagement with children and young people. The standards set out the various elements, which together, ensure that the involvement of children and young people in public decision making is both meaningful for them, and effective for the public authority with whom they are engaged.

Such consultation is essential not only in ensuring compliance with Section 75, but also in ensuring the Government’s compliance with Article 12 of the UNCRC, one of the principles of the UNCRC - Respect for the views of the Child. In examining the government’s compliance with Article 12, the UNCRC Committee recommended that the government,

“...take further steps to promote, facilitate and monitor systematic, meaningful and effective participation of all groups of children in society.”¹

Also, the Equality Commission’s, *“Guidance for Implementing Section 75 of the Northern Ireland Act 1998”* states that consultation should take place in accordance with its stated Guiding Principles on Consultation,

“...specific consideration is given to how best to communicate information to children and young people...”¹³¹

¹ Para 30 CRC/C/15/Add.188

We would like further information as to the reasons for a 'targeted' consultation and whether you have conducted consultation with children and young people. We do not believe cost nor is time a satisfactory reason for not complying with the Department's legal obligations.

Conclusion

We very much welcome the opportunity to respond to this consultation. We look forward to receiving information on these outstanding issues as highlighted throughout this consultation response.

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