

Active Ageing Policy Team
Office of the First and Deputy First Minister
Room E3.18
Castle Buildings
Stormont Estate
Belfast
BT4 3SL

19th May 2014

Dear Sir / Madam,

Re. Active Ageing Strategy

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.

Many of the issues which impact on the lives of children and young people are also concerns for older people in society, including experiencing discrimination in accessing goods, facilities and services, for example equal access to health care provision.

CiNI is therefore extremely supportive of the development and implementation of a Government Strategy for older people which aims to ensure that our society embraces an ageing population where everyone's rights are respected and people can live free from discrimination.

We note that the Strategy states that the Northern Ireland Executive plans to introduce legislation to end unfair age-related discrimination in the provision of goods, facilities and services¹. We also note that it states that in Northern Ireland equality legislation already protects against discrimination in the provision of goods, facilities and services on grounds of gender, disability, race, religious belief, political opinion and sexual orientation. The aim of the proposed legislation is to provide a similar protection for age².

We are extremely supportive of the inclusion of this commitment within the context of the Active Ageing Strategy. Protection for all people in Northern Ireland in accessing goods, facilities and services on grounds of age is long overdue and we wish to see the Northern Ireland Executive introducing legislation urgently, following a comprehensive consultation, including an Equality Impact Assessment of proposals and widespread direct consultation with older people and children and young people and their representatives in line with the Government's statutory obligations under section 75 of the Northern Ireland Act 1998. This would give effect to the commitment within the Programme for Government 2011-2015 to

¹ Para 7.6, Active Ageing Strategy 2014-2020 Consultation Document February 2014

² *Ibid*, para 7.8

extend age discrimination legislation to the provision of goods, facilities and services which has a target of date of 2014 / 2015 for the completion of the legislation.

You will be aware that the Committee for the Office of the First Minister and Deputy First Minister was briefed by the Children's Law Centre along with the Commission for Children and Young People, the Equality Commission and the Older Person's Commission³ on the need for age discrimination legislation to be introduced in Northern Ireland which would protect all people, both young and old, from discrimination in accessing goods, facilities and services.

We are aware that there is some disagreement with regard to the proposed scope of the legislation and whether it should include under 18s. It is CiNI's position that the proposed exclusion of children and young people from inclusion within future Age Discrimination Goods Facilities and Services (GFS) legislation in Northern Ireland is a fundamental breach of the Government's obligations under the UNCRC and will entrench a hierarchy of inequalities, with children and young people at the bottom. The proposed exclusion of under 18s from the Age Discrimination GFS legislation will result in the introduction of age discrimination legislation which in itself discriminates on the basis of age and will not afford children and young people protection from discrimination in accessing goods, facilities and services and is incompatible with the obligations contained in Section 75 of the Northern Ireland Act 1998.

In October 2008, the UN Committee on the Rights of the Child urged the UK Government to take urgent action to address negative age discrimination against children referencing the clear opportunities to mainstream children's right to non-discrimination into anti-discrimination law.⁴ Children and young people are already covered with regard to accessing good, facilities and services in Northern Ireland on the basis of sex, sexual orientation, race and disability and we do not believe that there is any justification for the exclusion of under 18s from the scope of the Discrimination GFS legislation. We believe that all children and young people have the right to be treated fairly and to have equal access to goods, facilities and services, regardless of their age.

We are entirely supportive of the development and implementation of the Active Ageing Strategy for Northern Ireland and the need to create a positive society for people of all ages where everyone's rights are respected and people can live free from discrimination. In its evidence to the OFMDFM Committee the Older Person's Commission stated,

"...the Commissioner for Older People is wholly in support of goods, facilities and services regulations that afford protection to all age groups, including children and young people... Although the Commissioner for Older People's statutory duty is limited to speaking on behalf of issues relating to people over the age of 60, the commissioner is concerned that legislation that seeks only to afford adults with specific protections from discrimination cannot, by its very nature, be considered to be equality legislation if it also ignores the rights of the children and grandchildren of those adults... Throughout the commissioner's recent programme of engagement directly with older people she has not encountered any older people specifically calling for protection from discrimination to be limited to older people, nor of any older person calling for children and young people to be excluded from the legislation. The commissioner is concerned by the risk of critical issues, such as the scope and application of this legislation being ultimately decided through potentially avoidable and time consuming legal challenge. It is, surely, preferable for the legislature to decide and define the scope of the regulations at the outset."

³ 2nd April 2014

⁴ Concluding Observations on the United Kingdom of Great Britain and Northern Ireland. CRC/C/GBR/CO/4. Paragraphs 24 and 25.

We are grateful for the opportunity to make this submission and we would be grateful if you would keep us fully informed of progress in the development of the Active Ageing Strategy and in particular, the development of proposals for the extension of age discrimination legislation to goods, facilities and services. We look forward to the issues raised being addressed, taken forward by OFMDFM.

Yours sincerely,

Pauline Leeson
Chief Executive