

Northern Ireland Commissioner for Children and Young People Written Response to The Jay Review of Child Criminal Exploitation

30th November 2023

Executive Summary

The Northern Ireland Commissioner for Children and Young People (NICCY) has long expressed concern at the continued legacy of the conflict on children in communities in Northern Ireland (NI), who continue to be subject to threats, intimidation, violence and exploitation by powerful actors, groups and gangs and called for government and statutory agencies to work together as a priority to safeguard young people in such situations. Much of the full range of harm and abuse which affects children and young people's daily lives remains marginal to public and political discourse, and there is a lack of data and statistics in relation to Child Criminal Exploitation (CCE).

NICCY has previously provided advice to Government on how children and young people (CYP) should be safeguarded from abuse and exploitation and recommended a unified strategic response to protect children from harm including abuse, violence, coercion and exploitation by organised gangs and groups. This response must be embedded in safeguarding and children in need processes and must:

1. Raise awareness of child abuse and exploitation in this context: and build confidence in the role of statutory agencies to support and protect children, families and communities;
2. Prevent harm and abuse to children and young people: through sustained activity to reduce community vulnerability to violence and exploitation, including those actions set out in the Action Plan on Tackling Paramilitary Activity, Criminality and Organised Crime;
3. Protect and intervene where children are abused and exploited: ensuring that robust safeguarding procedures are in place and that agencies are working together to protect children and support their recovery. This will require the ongoing involvement of children's social care in all aspects of the strategic response and the review of key guidance and procedures, including Co-operating to Safeguard Children and Young People and Working Arrangements for the Welfare and Safeguarding and Trafficking and Modern Slavery procedures to make sure that consistent definitions and agreed referral and response pathways to all forms of

harm, including criminal exploitation, are in place.

4. Pursue those who seek to harm, abuse, and exploit children: through effective identification, disruption, investigation and prosecution of offenders. This will require the review of available criminal offences and arrangements to assess where these and approaches to investigation and prosecution may need strengthened.

This strategic response must be supported by data which identifies the numbers of children known to be at risk and directly affected. CYP, families and community and voluntary organisations should be involved in the development of this strategic response.¹

While it is important to recognise the legacy of the conflict, the role of ex-paramilitaries in NI, particularly in relation to how groups and gangs may seek to use ideas of identity, belonging and community and the defence or promotion of these in their activities, NICCY is clear that CCE relates directly to the abuse and exploitation of children and young people and must be recognised and named as such. NICCY therefore welcomes the opportunity to submit written evidence to the Jay Review on CCE.

Introduction

NICCY was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in NI. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of CYP by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on these matters.

The Commissioner's remit includes CYP from birth up to 18 years or 21 years, if the young person has a disability or experience in the care of the State. In carrying out his functions, the Commissioner's paramount consideration is the rights of the child or young person, having regard to their wishes and feelings. In exercising his functions, the Commissioner has regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

Children's rights and safeguarding

The UNCRC sets out minimum standards for children's rights across all areas of their lives

¹ NICCY (2021), 'Child Criminal Exploitation – Safeguarding Children and Young People from Abuse and Exploitation'. Available at: <https://www.niccy.org/publications/advice-to-government-child-criminal-exploitation-safeguarding-children-and-young-people-from-abuse-and-exploitation/>

such as civil and personal protections, health, education and welfare.² The four guiding principles of the Convention are: children's right to non-discrimination (Article 2); right to survival and development to the highest level (Article 6); their best interests being a primary consideration (Article 3); and to their voice being heard in all matters affecting them (Article 12).

The safeguarding provisions within the UNCRC relate to the most fundamental rights that should be afforded to all children and young people in NI – rights to life and protection from all harm, abuse, exploitation, and violence including torture or other cruel, inhuman or degrading treatment or punishment. This includes specific protections from: all forms of physical and mental violence, injury or abuse, sexual abuse and exploitation and neglect or maltreatment; protection from abduction, sale or trafficking; from all forms of economic exploitation; and from use in the illicit production and trafficking of narcotic drugs and psychotropic substances.

The Convention also highlights that, as rights-holders, children have special rights to be supported in their recovery from abuse and that the State party, or government, has an obligation to ensure that appropriate measures and procedures, including prevention measures and court and judicial processes, are in place to realise these rights. The UNCRC also affords particular rights to any child in contact with the criminal justice system, including child defendants, while the Optional Protocol to the Convention on armed conflict provides further protections to children in the context of recruitment and involvement in armed conflict in relation to both state and non-state forces.³

In 2023, the UNCRC Committee's Concluding Observations set out a wide range of recommendations to the UK and devolved Governments in order to better fulfil children's rights in this area. This included:

- Improving the collection and analysis of data on violence against children
- Ensuring that child protection systems take a child rights-based approach to preventing and addressing cases of abuse and neglect, including psychological violence;
- That social services and other mechanisms for identifying and supporting children at risk of violence and child victims of violence are adequately resourced;
- That child victims are fully recognised as victims and have access to community-based trauma care and child-sensitive support services;

² See: UNCRC. Available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

³ UNCRC (2002), 'Optional Protocol to the UNCRC on the involvement of children in armed conflict'. Available at: <https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx>

- To strengthen measures to protect children from intimidation, racist attacks and other forms of violence committed by non-State actors, including so-called paramilitary organisations in NI, and from recruitment by such actors into violent activities;
- Implementation of the Gillen Review into the law and procedures in serious sexual offences;
- Ensuring child victims and witnesses have access to interventions, services and support and;
- To further develop comprehensive support services for children who are at risk of or have been subject to violence, abuse and exploitation.⁴

Understanding the scale and nature of CCE in NI

Violence is one of the most pressing and pervasive issues facing CYP, and in the context of NI, interpersonal violence is the most experienced form of adversity among young people.⁵ Violence has become normalised, tolerated and embedded across communities with armed and violent groups and individuals yielding levels of fear, legitimacy and acceptability.

While NI has been impacted by the conflict, the nature and extent of this has varied across communities and circumstances and the legacy of the 'Troubles' on many children, families and the areas in which they live is still heavily felt. According to the Executive Program on Paramilitarism and Organised Crime, almost 1 in 3 people are affected by paramilitary activity.⁶ Segregation and community division continue to be a part of daily life for many children and research demonstrates that there are increased levels of child poverty, childhood mental ill-health, educational inequalities and disabilities in the areas which have suffered most as a result of the conflict.⁷

While there has been progress in addressing key aspects of the conflict, the existence of so-called paramilitary and organised crime groups and gangs within and across communities, their position in influencing and controlling communities and their role in

4 UNCRG (2023), 'Concluding Observations on the combined sixth and seventh periodic report of the United Kingdom of Great Britain and Northern Ireland'. Available at: <https://digitallibrary.un.org/record/4013807?ln=en>

5 Walsh, C. (2022), 'From Contextual to Criminal Harm: Young People's Perceptions and Experiences of Child Criminal Exploitation in Northern Ireland' p.36. Available at: https://pureadmin.qub.ac.uk/ws/portalfiles/portal/431364356/Criminal_harms_final_2_.pdf

6 See: 'Written evidence submitted by the Executive Programme on Paramilitarism and Organised Crime, relating to the effect of the paramilitaries on society in Northern Ireland inquiry'. Available at: <https://committees.parliament.uk/writtenevidence/111013/html/#:-:text=At%20a%20population%20level%2C%20P,in%20their%20area%20than%20adults.>

7 NICCY (2018), 'Advice to NIO on addressing of legacy of the past'. Available at:

<https://www.niccy.org/publications/2018/october/05/response-to-the-northern-ireland-office-s-nio-s-consultation-paper-addressing-the-legacy-of-northern-ireland-s-past/>

criminal activities remains and has been assessed as a continuing “clear and present danger”.⁸

For such communities, structural issues, such as historic and current lack of investment and economic and social inequalities can combine powerfully with intergenerational trauma, concerns about the legitimacy and effectiveness of, and confidence in, government and statutory agencies including the PSNI, lack of political consensus in addressing key legacy issues and contested ideas of identity and belonging to create conditions of vulnerability for CYP.

Studies on gang violence highlight the complex dynamics of children’s vulnerability and exploitation that are often at play, and we note that many have had adverse childhood experiences.⁹ Indeed, practitioners from statutory and voluntary and community organisations have spoken about the levels of vulnerability they identify amongst young people who can become exploited, abused, recruited or ‘claimed’ by organised groups in their communities. Such vulnerability, echoing the findings of research on a range of other forms of abuse against children, may be associated with prior experiences of abuse and exposure to violence, mental health difficulties, exclusion from education, drug and substance use, lack of self-esteem or identity and lack of opportunity or hope for the future.

The theme of young people being provided with drugs and then developing, at times very significant, drug debts which must be paid through involvement in the activities of these groups including distribution of drugs or other activities (including those which may intimidate, harass or harm others) and the pace at which this can escalate, has been a consistent theme in concerns described to us, as well as in research findings, as have expectations that young people will be present and involved in protest, unrest and associated activities. In recent meetings held with the Children’s Commissioner, CYP have described examples of what they witness in their local communities. This has included accounts of children as young as seven and eight knowing how and where to get drugs, and that it got you into debt. Others spoke about being recruited by groups and intimidated from the age 12, as well as how youth projects available to them helped young people avoid getting trapped, recruited, coerced.¹⁰

8 Independent Reporting Commission (2022), ‘Fifth Report’; p4. Available at: <https://www.ircommission.org/files/ircommission/2023-03/IRC%20Fifth%20Report%20-%20Web%20Accessible.pdf>

9 English Children’s Commissioner (2021), ‘Still not Safe - The public health response to youth violence’. Available at: [cco-still-not-safe.pdf](https://www.childrenscommissioner.gov.uk/wp-content/uploads/2021/06/Still-not-Safe-The-public-health-response-to-youth-violence.pdf) ([childrenscommissioner.gov.uk](https://www.childrenscommissioner.gov.uk))

10 Accounts from CYP to the Children’s Commissioner are firsthand and from various meetings taken place throughout Northern Ireland since September 2023.

The challenge for young people of removing themselves from such situations and the dynamics of exploitation associated with the impact on the ways children are exploited, and these experiences are differentiated by gender. NICCY notes that the development of debts or forms of 'debt bondage' are recognised as a key element in modern slavery. It must be remembered that such exploitation is also set against the broader range of harmful activities of organised groups and gangs, including threats to life, shootings and assaults, exclusion from areas or harassment and intimidation.

While it is difficult to establish the scale of harms that young people are exposed to and the ongoing impact of the conflict on their communities, there are some indicators of this. For example, official security statistics report that between November 2022 and 31st October 2023, there were seven bombing incidents, 36 shooting incidents, 29 casualties of paramilitary style assaults and 19 casualties of paramilitary style shootings.¹¹ It is also of note that CYP have mixed feelings towards so-called paramilitaries. The 2023 'Perceptions of Paramilitarism in Northern Ireland: Findings from the Young Life and Times Survey' found that around 1 in 5 young people felt paramilitary groups contribute to crime, drug-dealing and anti-social behaviour within their area. A relatively consistent proportion of young people strongly agreed or agreed that paramilitary groups help keep their area safe.¹² Similarly, in studying perceptions and experiences of child criminal exploitation among young people, researchers found that a minority of young people living in specific areas believed that the presence of paramilitary and organised crime groups provided a protective function, and they were generally safer with those networks in place. Yet, they also suggested that their presence presented a threat to young people, and despite the façade of enhancing community safety, their influence undermined it and contributed towards cultures of criminality and violence.¹³

It is, of course, important to highlight that without more comprehensive data, the number of children and young people subject to such harms and the full range of these will remain unknown.

NICCY has received reports from officials, voluntary and community groups and young people themselves about the wide range of persistent and serious harms to which they

¹¹ PSNI, (2023) '2023/24 Security Statistics - monthly update to 31 October 2023'. Available at: <https://www.psni.police.uk/official-statistics/security-situation-statistics>

¹² DOJ, (2023) 'Perceptions of Paramilitarism in Northern Ireland: Findings from the Young Life and Times Survey'. Available at: [Perceptions of Paramilitarism in Northern Ireland: Findings from the Young Life and Times Survey 2017 to 2022 | Department of Justice \(justice-ni.gov.uk\)](https://www.justice-ni.gov.uk/Perceptions-of-Paramilitarism-in-Northern-Ireland-Findings-from-the-Young-Life-and-Times-Survey-2017-to-2022)

¹³ Walsh, C. (2022), 'From Contextual to Criminal Harm: Young People's Perceptions and Experiences of Child Criminal Exploitation in Northern Ireland' p.14. Available at: https://pureadmin.qub.ac.uk/ws/portalfiles/portal/431364356/Criminal_harms_final_2_.pdf

are/have been subject. The Commissioner has previously brought together stakeholders to address assaults on children and young people within particular areas but is mindful that concerns about young people's safety includes not only threats of, and actual assaults (including common assault, assault occasioning actual and grievous bodily harm), beatings and shootings but also: threats to life if children do not leave specified areas or comply with stated requests; the exploitation of young people in relation to the 'development' of debts; exploitation into criminal activities such as drug distribution and supply; involvement in the intimidation of or harm to others; involvement of children in public order offences, violent protest and civil unrest; and young people being recruitment into or claimed by paramilitary or criminal groups.¹⁴

NICCY is also aware of concerns regarding the presence or involvement of such groups and gangs or individuals associated with these in child sexual exploitation (CSE).¹⁵ NICCY also acknowledge that the nature of harms and abuses that children and young people will be at risk of, the profile of groups and gangs involved, and the dynamics of these may vary considerably across communities, as well as gender differentials. Studies have found that boys and young men were generally believed to be more actively involved in the activities of drug distribution, engaging in violence and unrest and car spotting. References to sexual exploitation and abuse were referred to more in relation to young women, and young women described entering into a transaction where the supply of substances was met with the expectation of sexual favours.¹⁶ The Criminal Justice Inspectorate (CJINI) has completed a review into CSE making two strategic recommendations and seven operational recommendations to enable a better criminal justice system response, including on data collection.¹⁷ There is little data currently available in relation to the scale of CSE in NI, or information to properly understand the overlap between CSE and CCE. NICCY supports and urges the establishment of a Barnahus model for Northern Ireland, to support CYP who are victims of CSE.¹⁸

14 For example, during the Spring 2021 riots, it was reported that many young people were taking part to pay off and clear debts. See: [NI rioters have drug debts cleared by paramilitaries, MPs told - BBC News](#). Research has found that young people's involvement in the riots were not politically motivated, and they were actively encouraged to take part. See: Walsh, C. 'Beyond the Spark' (2021). Available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/beyond%20the%20spark.pdf>

15 Montgomery-Devlin J. (2020), 'The influence of paramilitarism in Northern Ireland on the recognition of CSE in young males'. Available at: <https://www.safeguardingni.org/sites/default/files/202101/Briefing%20paper%20No.2.pdf>; Marshall K. (2014), 'Report of the Independent Inquiry into CSE in Northern Ireland'. Available at: <https://www.rqia.org.uk/RQIA/files/37/379f52ad-b99e-4559-847e-e2688e0648c6.pdf>

16 Walsh, C. (2022), 'From Contextual to Criminal Harm: Young People's Perceptions and Experiences of Child Criminal Exploitation in Northern Ireland' p.24. Available at: https://pureadmin.qub.ac.uk/ws/portalfiles/portal/431364356/Criminal_harms_final_2_.pdf

17 See: CJINI (2020), 'Child sexual exploitation in Northern Ireland: An inspection of the criminal justice system's response'. Available at: [Child Sexual Exploitation: An inspection of the criminal justice system's response \(cjini.org\)](#)

18 For more information on NICCY's work in relation to Barnahus, please see: [niccy-report-putting-the-child-at-the-centre-final-feb-2022.pdf](#)

NICCY has concerns over the application and understanding of the National Referral Mechanism in NI. NICCY casework demonstrated a lack of understanding of when this could be used in Northern Ireland. In addition, it is understood that while in some Trust areas there are specific representatives dealing with the issue of child sexual exploitation, that child criminal exploitation falls under teams with other responsibilities such as the Intensive Adolescent Support Teams.

NICCY is also concerned over the particular barriers facing asylum seeking, unaccompanied and separated CYP and refugees vulnerable to exploitation. There are well known difficulties in accessing services in health, translation, housing, education, and other support. Many are being impacted by poverty and deprivation, experiencing levels of racism and harassment, whilst dealing with the impact of trauma.

Separated children are from different groups, - asylum seekers and victims of human trafficking are particularly vulnerable. Previous research suggests women and children are being trafficked through and to NI. There is evidence that human traffickers are using Belfast International Airport as a point of entry to the UK, as well as the border between the Republic of Ireland and NI, according to NSPCC and Barnardo's.¹⁹

NICCY has expressed deep concern over the Illegal Migration Act, and its implementation on vulnerable children and young people in the broader context of protecting children in the asylum system.

Understanding the response of safeguarding partners, education, and other agencies

This section identifies approaches that have been taken by various agencies and gives examples of projects that have been piloted or rolled out to tackle CCE and its root causes in NI.

Child Protection and safeguarding

Approaches to child protection and safeguarding have traditionally developed with a strong focus on children's early years and on harm that occurs within family settings although more recently, the need for responses to effectively address sources of abuse which occur elsewhere in young people's lives has been highlighted – starkly illustrated by investigations and reports into failures to respond to CSE. 'Contextual safeguarding' seeks

¹⁹ Webb, M. and Toner, K., (2011), 'Separated children and child trafficking in Northern Ireland'. Available at: [Separated children and child trafficking in Northern Ireland \(lastradainternational.org\)](http://www.lastradainternational.org)

to take better account of the risks and harms that young people can be exposed to outside of their home environment, highlighting the need to identify, understand and respond to abuse and exploitation regardless of the place or context in which it occurs.²⁰ Associated with work on CSE and young people and gang violence, this highlights that interventions must be effective in the environments in which children are exposed to risk and violence, including neighbourhoods and public spaces, and that as there will likely be many children at risk in the setting, they must have a wider focus than on an individual child.²¹

Public health approaches to violence reduction, which have been under development in this context in NI, can also be understood as seeking to address the levels of harm and violence in community spaces with both these models and initiatives, such as Violence Reduction Units, requiring not only that underlying conditions are addressed but also that multi-agency and partnership approaches are developed and deployed.²² NICCY supports and has previously called for the use of a safeguarding and public health framework to deal with CCE.

In NI, the framework of the 2015 ‘Fresh Start Agreement’ and the action plan on ‘Tackling Paramilitary Activity, Criminality and Organised Crime’ and commitments of ‘New Decade, New Approach’ seek to address the legacy of the conflict on communities. For example, the Action Plan includes specific areas to support those who may be particularly vulnerable to ‘criminal control’ and ‘paramilitary activity’, to respond to underlying social and economic conditions and improve young people’s educational and employment prospects.²³ In considering safeguarding guidance in NI, this recognises that, in the context of the conflict,

“Children may also be abused or exploited by adults who hold power within their communities ...” and notes that young people may be threatened with violence and subject to forced expulsion from their homes and local areas by those linked to

20 Firmin C. and Lloyd J., (2020) ‘Contextual safeguarding: An update on the operational, strategic and conceptual framework’. Available at: <https://contextualsafeguarding.org.uk/wp-content/uploads/2020/05/CS-Briefing-2020-FINAL.pdf>

See also Wroe L., (2019) ‘Contextual Safeguarding and ‘County Lines’’. Available at: <https://csnetwork.org.uk/assets/documents/Contextual-Safeguarding-and-County-Lines-Briefing-Wroe-Oct-2019-FINAL.pdf>

21 Ibid.

22 Walsh C., (2021) ‘Common Purpose: A model for enhancing complex services designs in the prevention of higher harm youth violence’. Available at: <https://www.youthandpolicy.org/articles/common-purpose/>

23 Northern Ireland Executive, (2016) ‘Tackling Paramilitary Activity, Criminality and Organised Crime Action Plan’. Available at: <https://www.justice-ni.gov.uk/publications/tackling-paramilitary-activity-criminality-and-organised-crime-action-plan>; New Decade New Approach (2020). Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade_a_new_approach.pdf

organised gangs or groups.²⁴

The development of Threat to Life Practice Guidance which defines such threats as “an extreme form of child abuse” and seeks to ensure a co-ordinated response to these is welcome and reflects the depth of harm contained in such threats.²⁵

However, regional guidance does not directly explore the broader range of harms that children may be subject to within community contexts. For instance, while exploitation is acknowledged elsewhere within ‘Co-operating to Safeguard Children and Young People’ and it is recognised that abuse associated with this may fit within the existing child protection framework of physical, emotional, sexual abuse and neglect and so trigger safeguarding procedures, exploitation by groups and gangs in the context of the legacy of the conflict is not explored.²⁶ A similar theme is apparent in NI’s guidance on Trafficking and Modern Slavery which, while highlighting the need to recognise child exploitation and follow safeguarding procedures, does not draw attention to this in relation to exploitation by organised groups and gangs within communities.²⁷ While we understand this document is due to be revised, it is of note that currently neither this, nor the safeguarding guidance, address the need for contextual safeguarding or identify the full nature of child exploitation as it is addressed in equivalent guidance elsewhere. For example, Home Office guidance clearly states that the involvement of young people in criminal activities is CCE, a form of modern slavery which:

“occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual. Child Criminal Exploitation does not

24 DoH (2017), ‘Co-operating to Safeguard Children and Young People in Northern Ireland’, p.9. Available at: <https://www.health-ni.gov.uk/publications/co-operating-safeguard-children-and-young-people-northern-ireland>

25 HSCB and PSNI (2019), ‘Practice Guidance on Actions to be Taken when a Child/Young Person is Subject to a Threat to Life’. Available at: https://www.proceduresonline.com/sbni/files/threats_to_life.pdf

26 Exploitation is defined as: “the intentional ill-treatment, manipulation or abuse of power and control over a child or young person; to take selfish or unfair advantage of a child or young person or situation, for personal gain.”. DoH, (2017) ‘Co-operating to Safeguard Children and Young People in Northern Ireland’; p.15. Available at: <https://www.health-ni.gov.uk/publications/co-operating-safeguard-children-and-young-people-northern-ireland>

27 HSCB and PSNI (2018), ‘Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery’. Available at: https://www.proceduresonline.com/sbni/files/working_arrang_guid.pdf

*always involve physical contact; it can also occur through the use of technology”.*²⁸

Noted examples, such as acquisitive crime and drug cultivation and production are given and listed warning indicators, including young people carrying or selling drugs, being associated with gangs, going missing, carrying weapons, being assaulted or injured or having significant changes in emotional wellbeing, are cited.

While ideas of exploitation and slavery may be associated with the trafficking of children or adults from other countries or with particular forms of abuse, many of the dynamics of exploitation, the harms to children and the range of activities involved are mirrored in the context of paramilitary or criminal groups/gangs operating in communities. For instance, ‘County Lines’, which refers to the distributing of illegal drugs often involving children, is recognised as a form of CCE with UK referrals in respect of child victims of modern slavery increasing significantly - directly due to such cases in England now following associated referral procedures (through the National Referral Mechanism).²⁹ The UK Independent Anti-Slavery Commissioner has noted the low referral rates for children in NI and has stated that statutory agencies view that ‘County Lines’ is not a significant issue here.³⁰ This is not a perspective shared by all stakeholders who have highlighted concerns to us about the use of young people in the movement of drugs within and across geographical areas.

Importantly, Home Office guidance is also clear that in addition to safeguarding procedures being instigated, referral in relation to modern slavery should trigger the gathering of evidence about abusers, ensuring that there is a strong criminal justice focus on taking action against those who exploit and abuse children is a key aspect of seeking to effectively safeguard young people in this context.³¹

Government approaches

²⁸ Home Office (2021), ‘Modern Slavery Statutory Guidance for England and Wales and Non-Statutory Guidance for Scotland and Northern Ireland’, pp.73. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/993172/Modern_Slavery_Statutory_Guidance_EW_Non-Statutory_Guidance_SNI_v2.3.pdf; See also Department for Education (2018) Working Together to Safeguard Children https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942454/Working_together_to_safeguard_children_inter_agency_guidance.pdf See also: Home Office (2018), ‘Serious Violence Strategy’. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698009/serious-violence-strategy.pdf

²⁹ UK Independent Anti-Slavery Commissioner, (2020) ‘Annual Report 2019-2020’. Available at:

https://www.antislaverycommissioner.co.uk/media/1461/ccs207_ccs0520602790-001_iasc_annual-report-2019-2020_e-laying.pdf

³⁰ Ibid.

³¹ Home Office, (2021) ‘Modern Slavery Statutory Guidance for England and Wales and Non-Statutory Guidance for Scotland and Northern Ireland’. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/993172/Modern_Slavery_Statutory_Guidance_EW_Non-Statutory_Guidance_SNI_v2.3.pdf

In 2021, after the riots and civil disturbances witnessed across NI, NICCY produced an advice to government paper on safeguarding CYP from abuse and exploitation.³² The then Ministers for Health and Justice agreed that the recommendations issued by NICCY should be progressed by the Child Protection Senior Officials Groups (CPSOG), an inter-agency group representing social care, education and justice. In October 2021, the Commissioner met with the CPSOG and was informed that a Task and Finish group would be established to seek to address child criminal exploitation in NI. It was understood that this would take approximately six months. NICCY understands that the group undertook work scoping the issues and exploring areas such as:

- Definitions, existing policies and procedures and vulnerability factors;
- Awareness of Criminal Coercion and Exploitation (CCE);
- Gaps in current provision, identifying and addressing specific needs;
- Collaboration and multi-agency training; and
- Emerging approaches to CCE across both NI and other jurisdictions,

Additionally, the Education Authority and Queen's University, Belfast were commissioned by CPSOG to conduct a piece of work to better understand the views and experiences of CYP, which was published in March 2023.³³

In March 2022, the NI Affairs Committee commenced an Inquiry into: "The effect of paramilitary activity and organised crime on society in Northern Ireland." The Inquiry has taken evidence from a range of stakeholders including PSNI, Department of Justice (DoJ) and youth groups as well as NICCY. Overwhelmingly it is clear that there is significant concern that children and young people continue to be coerced and exploited by organised gangs and paramilitary style organisations. The Inquiry closed in May 2022.

Throughout the Inquiry it was recognised that the 'Tackling Paramilitarism Taskforce' is working to address the needs of young people and supporting statutory and voluntary youth work groups to identify and support young people vulnerable to such exploitation. However, there remains concern that the child protection system has yet to adapt and reform its processes to recognise these children and young people as victims.

The CPSOG Task and Finish Group completed its work and reported to the CPSOG who

³² NICCY (2021), 'Child Criminal Exploitation – Safeguarding Children and Young People from Abuse and Exploitation'. Available at:

<https://www.niccy.org/publications/advice-to-government-child-criminal-exploitation-safeguarding-children-and-young-people-from-abuse-and-exploitation/>

³³ Walsh, C. (2022), 'From Contextual to Criminal Harm: Young People's Perceptions and Experiences of Child Criminal Exploitation in Northern Ireland'. Available at:

https://pureadmin.qub.ac.uk/ws/portalfiles/portal/431364356/Criminal_harms_final_2_.pdf

agreed 15 recommendations (organised across the four overarching NICCY recommendations). There was a proposed timeframe of between six to 24 months for completion of the work but eight of the recommendations are deemed to require additional funding.

Due to the delay in the completion of this work NICCY is not in a position to provide detailed feedback to the CPSOG on their work. However initial impressions are that whilst it is accepted that some unavoidable delays meant that the original six-month timeframe, initially presented to the Commissioner could not be met, it is unacceptable that over two years after the advice was issued an action plan has been issued and there has been no substantive progress on relevant issues. The work undertaken by the CPSOG and the task and finish group whilst welcome, should not have taken this long. NICCY is concerned that with tensions in NI increasing, children will become increasingly vulnerable and the two-year timeframe is of serious concern and unnecessarily long. Additionally, dependence on additional resources for half of the recommendations makes the stated timeframe aspirational at best, especially given the lack of functioning government in NI.

Therefore, NICCY is not assured at this time that the awareness of this form of child abuse and exploitation has been given the serious consideration required, or that there is an increased likelihood that harm is prevented, nor that children are being protected to a greater extent through robust safeguarding procedures. The lack of timely progress in these areas and in pursuing those responsible, has also meant that the number of adults being prosecuted continues to be unacceptably low.

However, an examination of existing arrangements in NI by the CPSOG Task and Finish Group identified a range of current multi-agency service provision arrangements already working well in NI that could be adapted or scaled up to respond to CCE including, among others:

- CSE multi-agency processes;
- Support Hubs;
- Mid and East Antrim Youth Vulnerability Hub pilot;
- HSCTs' Edges Teams;
- Threat to Life processes; and
- Youth Justice diversion forums.

It recommended a bespoke child protection pathway through a community safety plan so that police, social care and others can provide a more robust child protection

response. Multi-agency safeguarding arrangements should be clarified to put beyond doubt their strategic role, supported by improved accountability, learning and transparency. It identified as a priority the need for frictionless sharing of information and improving data collection and its use in informing decisions.

Projects and programs

In terms of approaches that are in place to identify CYP at risk, to intervene and divert, several schemes and programs have been established across NI aimed at different groups which take a public health approach.

The Fresh Start Agreement set out the NI Executive's commitment to tackling paramilitary activity and associated criminality. It set up an independent panel to report on the disbandment of paramilitary groups.³⁴ They produced a number of recommendations, which included initiatives to set up a Tackling Paramilitarism, Criminality and Organised Crime Taskforce, who developed programmes including projects to help build capacity in communities in transition (CiT) promoting early intervention and prevention of at-risk individuals becoming involved in paramilitary activity.

For example, a pilot project, called the Connect Programme modelled on a public health support system in Minneapolis, USA and Scotland's Navigator Programme has been in place in Altnagelvin hospital for several years. This approach means that youth workers based in the hospital engage with young victims of violence and perpetrators of violence and provide follow-up support, building a wrap-around them including work with their wider family. NICCY would support the roll out of this pilot and others proven to have the desired impact, to other locations across NI.

Projects tend to fall into one of three categories:

- **Primary interventions:** projects designed to prevent harm before it occurs. These are generally broad-based – a typical example is the WRAP Project: a wrap-around, flexible education service for children and young people facing significant challenges in four geographical areas. This initiative focusses on educational under attainment and on the impact of socio-economic deprivation on children and young people's outcomes.
- **Secondary Interventions:** projects that deal with harm immediately – as it is happening – and which help to stabilise the situation and prevent it worsening. These projects apply to a smaller group of people. An example is the Mid and East

³⁴ See: 'Fresh Start Panel Report' (2016). Available at: [The Fresh Start Panel report on the Disbandment of Paramilitary Groups in Northern Ireland](#)

Antrim Youth Support Hub: this project involves the creation of a multi-agency youth stream of the Mid and East Antrim Support Hub to support young people (up to 25 years) who are at risk of being involved with, influenced by, or exploited by paramilitary gangs.

- Tertiary Interventions: projects designed to minimise the long-term impact of paramilitarism and organised crime and prevent further victimisation. These are the most narrowly focused and bespoke types of intervention. Examples include the Aspire project: an important initiative targeting marginalised young men (aged 16 to 30) who are most susceptible to paramilitary / criminal influence and, therefore, most at risk of becoming involved in paramilitary or criminal activity.³⁵

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Protecting children at risk of exploitation is also key component of the draft three-year Modern Slavery and Human Trafficking Strategy (issued for consultation in October 2022 and closed on January 2023).

There are issues and gaps in approaches that have been taken to identify young people at risk and intervention methods. For example, services funded under the CiT program are based within eight areas and are often 'closed' to young people who may live outside a defined area, particularly if they are provided through a pilot scheme.³⁶ As such, many CYP will 'miss out' on support systems or engagement yet they may be vulnerable to coercive control and CCE but do not reside or attend school in a defined area. It is also

³⁵ See: 'Written evidence submitted by the Executive Programme on Paramilitarism and Organised Crime, relating to the effect of the paramilitaries on society in Northern Ireland inquiry'. Available at: committees.parliament.uk/writtenevidence/111013/pdf/

³⁶ The Communities in Transition Project aims to support eight geographic areas where there has been a history of paramilitary activity and coercive control to transition into communities where paramilitary activity no longer plays a role. The 8 areas are: North Down (Kilcooley & Rathgill), West Belfast (Lower Falls, Twinbrook, Poleglass, Upper Springfield, Turf Lodge and Ballymurphy), East Belfast (The Mount and Ballymacarrett) Shankill, Derry/Londonderry (Brandywell and Creggan), Carrickfergus and Larne (Antiville and Kilwaughter in Larne, Northland and Castlemara in Carrickfergus), North Belfast (New Lodge and Ardoyne), Lurgan (Drumgask and Kilwilkie)

worth noting that not all communities have been wholly receptive to support, or opportunity provided and there are varying levels of engagement through potential delivery partners.

In a recent study on the perceptions of young people of CCE, there was limited understanding of the support systems in place, and also a reluctance to engage even if they were more widely available.³⁷ The study found that young people have few safe spaces to critically engage with issues such as CCE but are willing participants with experience and ideas. They pointed to youth work, youth services and clubs, with positive role models as important interventions. There was also a lack of awareness of CCE and a lack of recognition of CYP involved as 'victims'.

Tackling CCE across NI will require sustained and long-term funding. It will also require the addressing of wider socio-economic issues on poverty, deprivation, disadvantage, lack of aspiration and vulnerability, addressing the difficulties faced by young people – the 'ecologies of harm'.³⁸ The links between these are well established through research and such in tackling systemic issues will be critical to the success of work to tackle paramilitarism, and CCE.³⁹ According to the End Child Poverty Coalition, 22.2% of children were living in poverty, after housing costs in 2021/22.⁴⁰ The Joseph Rowntree Foundation estimated that this equated to over 100,000 children and certain areas of NI and groups such as workless families, disabled people, carers and people in ethnic minority households having much higher poverty rates.⁴¹ The recent 'cost of living' crisis, spikes in energy costs, inflation, increasing food and fuel costs, will lead to many more families being disadvantaged and vulnerable. Areas with higher proportions of the population experiencing low-income deprivation are also areas with higher experience of increased crime, reduced access to services, education, healthcare, and employment.⁴² NICCY is extremely concerned at the cuts to the current NI Budget and how these affect reducing services and lack of provision for children and young people.

Understanding how well the legal and policy framework is working

As noted in the call for evidence, there is no statutory definition of CCE and no legislative

37 Walsh, C., (2022) 'From Contextual to Criminal Harm: Young People's Perceptions and Experiences of Child Criminal Exploitation in Northern Ireland'. Available at: https://pureadmin.qub.ac.uk/ws/portalfiles/portal/431364356/Criminal_harms_final_2_.pdf

38 Walsh, C., (2022) 'From Contextual to Criminal Harm: Young People's Perceptions and Experiences of Child Criminal Exploitation in Northern Ireland' p.3. Available at: https://pureadmin.qub.ac.uk/ws/portalfiles/portal/431364356/Criminal_harms_final_2_.pdf

39 Independent Reporting Commission, (2022) 'Fifth Report'; p57. Available at: <https://www.ircommission.org/files/ircommission/2023-03/IRC%20Fifth%20Report%20-%20Web%20Accessible.pdf>

40 Available at: [Local-indicators-of-child-poverty-after-housing-costs-Final-Report-3.pdf](https://www.endchildpoverty.org.uk/wp-content/uploads/2022/07/Local-indicators-of-child-poverty-after-housing-costs-Final-Report-3.pdf) (endchildpoverty.org.uk)

41 See: Joseph Rowntree Foundation, (2022) 'Poverty in Northern Ireland'. Available at: <https://www.jrf.org.uk/report/poverty-northern-ireland-2022>

42 Ibid.

footing in NI. In 2016, the Fresh Start Panel recommended this noting that specific legislation related to organised crime in other parts of these islands is not in place in NI.⁴³ They recommend that the DoJ should urgently review the legislation relating to organised crime in NI to make sure that it is as effective as possible, drawing on international best practice. In December 2022, the Independent Reporting Commission (IRC) restated the need for the passage of organised crime legislation and further work to remove avoidable delay from the criminal justice system.

A working definition of CCE has been drafted and agreed with the young people included in recent research, with several participants suggesting including additional elements such as the psychological impact of CCE, as well as requesting a child friendly version of the definition.⁴⁴

The current legal system does not always act in the best interests of the child, nor does it wholly incorporate child's rights. Children aged 10 to 17 may be held criminally responsible for their actions as the minimum age of criminal responsibility (MACR) in NI is 10 years old, one of the lowest in Europe. Reform of the youth justice system has begun, and progress has been made, for example through the use of Youth Courts and Diversionary Disposal measures. Much work yet remains to be done, on policing, the bail and remand system, early intervention, diversion and dealing with delay, and retention of criminal records.⁴⁵

Legal representation is available, with advice provided by many non-statutory agencies. NICCY also provides advice under its duties and powers as per 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003), allowing it to bring, intervene in or assist in legal proceedings.

Concerns have been raised over the impact of budget cuts within the DoJ in the last number of years, specifically on access to justice, notably by the Law Society NI, the Bar Council of NI. They have warned that cuts would include reduction in court sittings, and potential court closures causing further delays with associated impacts on vulnerable witnesses, families and children.⁴⁶ For this financial year, they warned that further cuts to

43 Some legislative changes have been made since the Report was published. One recommendation on the reform the committal proceedings to try and address some aspects of delay in the justice system, was passed in the previous Assembly mandate under the Criminal Justice (Committal Reform) Act (Northern Ireland) 2022.

44 Walsh, C., (2022) 'From Contextual to Criminal Harm: Young People's Perceptions and Experiences of Child Criminal Exploitation in Northern Ireland' p.42. Available at: https://pureadmin.qub.ac.uk/ws/portalfiles/portal/431364356/Criminal_harms_final_2_.pdf

45 For more information on developments within Youth Justice, see 'Tracing the Review, 2021'. Available at: [TRACING THE REVIEW PDF.pdf \(qub.ac.uk\)](https://www.qub.ac.uk/research/centres/youth-justice/tracing-the-review-2021/)

46 Bar Council of NI and Law Society NI, (2023), 'Access to Justice Under Threat: A joint submission on the draft Northern Ireland Executive Budget 2022-25'. Available at: https://www.lawsocni.org/DatabaseDocs/nav_3030773__lsni_and_bar_joint_submission_-_draft_budget_2022-25.pdf

publicly funded legal services, including legal aid, would be a ‘catastrophe for access to justice’.⁴⁷ NICCY has engaged extensively with the Secretary of State for NI, Permanent Secretaries, and political parties expressing deep concern with the impacts on CYP of the Budget for this financial year, as well as submitting information to all Equality Impact Assessments published by the Government Departments. NICCY will continue to engage with relevant officials and representatives on the impact of this Budget, and the potential impact of further planned cuts into next year. It is also of note that over 100 NGO organisations and individuals have urged the NI Secretary of State to reverse cuts which will “cause serious harm” to children and young people. The UNCRC Committee also urged the withdrawal of the NI Budget 2023/24 on similar grounds, calling for all possible steps to be taken to mitigate any adverse impact on children’s rights before issuing a revised one.⁴⁸

Conclusion

NICCY is aware of the concerted work being undertaken in areas to support and protect children and young people in their communities across NI. This ranges from ongoing community-based support to specific responses in addressing threats to life, to bespoke interventions to protect CYP. It is important to acknowledge the vital role of community and voluntary sector organisations in this work, as well as the involvement of many statutory agencies, such as the Education Authority and PSNI.

However, the consistent and active presence of safeguarding agencies and children’s social care (identified as having a key role in partnership working elsewhere) is less clear. NICCY notes this may well reflect the current lack of robust safeguarding policy or procedures in relation to the full range of violence and abuse to which children are subject from organised groups and gangs. This raises questions about how well the framework for safeguarding children and young people currently protects those who come to harm outside the home in these contexts. This must be addressed, through a safeguarding lens, as a matter of priority, as well as being fully funded and resourced. Austerity measures, recent budget cuts, and lack of a functioning NI Executive and Assembly will negatively impact on the responses required for protection, intervention and diversion of CYP from harm.

⁴⁷ Joint letter to Secretary of State for Northern Ireland on behalf of the Law Society NI and Bar Council of NI (2023). Available at:

[nav_4903193_joint_letter_on_behalf_of_lsni_and_bar_of_ni.pdf \(lawsoc-ni.org\)](https://www.lawsoc-ni.org/na/4903193-joint-letter-on-behalf-of-lsni-and-bar-of-ni.pdf). In November 2023, a funding package of £10.9m was issued by the Secretary of State to legal aid. Whilst this was welcome, the impacts on access to justice will still impact on CYP. Any restriction on access to justice for families will have a knock-on effect on CYP.

⁴⁸ UNCRC (2023), ‘Concluding Observations on the combined sixth and seventh periodic report of the United Kingdom of Great Britain and Northern Ireland’. Available at: <https://digitallibrary.un.org/record/4013807?ln=en>

In order to be effective, the response (including the policy and legal framework as well as service provision) to this abuse and exploitation of children and young people must reflect children's rights as set out in the UNCRC; be collaborative across government departments, statutory agencies and voluntary and community organisations; address how such harms to children will be prevented; how young people at risk will be protected; and the steps that will be taken to disrupt and pursue perpetrators.