

THE UNIVERSITY OF SYDNEY  
FACULTY OF LAW

**CURRENT ISSUES IN**  

---

**CRIMINAL JUSTICE**

**Special Issue**

**The Criminalisation and Punishment of Children and Young People**  
Issue Editor: Professor Phil Scraton, Queen's University, Belfast

**Journal of the Institute of Criminology**

---

Volume 20 Number 1

July 2008

---

## **CURRENT ISSUES IN CRIMINAL JUSTICE**

### **Volume 20 Number 1 July 2008**

*Issue Editor:* Professor Phil Scraton

*Executive Editor:* Professor Mark Findlay

*Production Editor:* Dawn Koester

*Book Review Editor:* Dr Arlie Loughnan

*Current Issues in Criminal Justice* is published three times per year, in July, November and March. This issue of *Current Issues in Criminal Justice* forms the first of three issues published in the twentieth volume. Volume 20 Number 2 will be published in November 2008. *Current Issues in Criminal Justice* Number 1 (October 1989) and Number 2 (March 1990) should be regarded as forming Volume 1, Numbers 1 and 2, respectively.

The views expressed in this issue are those of the individual authors and do not necessarily reflect those of the Institute of Criminology or the institution with which they are affiliated. Whilst every reasonable care has been taken in the preparation of this publication, no liability is assumed for any errors or omissions. *Current Issues in Criminal Justice* is a peer reviewed journal. The Editorial Board would like to thank the reviewers of submissions to this issue of the Journal.

ISSN 1034-5329

© 2008 Institute of Criminology University of Sydney. This work is copyright. Apart from any fair dealing for the purposes of private study, research, criticism or review as permitted under *the Copyright Act*, no part may be reproduced by any process without written permission. Inquiries should be addressed to the Director, Institute of Criminology, University of Sydney, Faculty of Law, 173–175 Phillip Street, Sydney NSW 2000, Australia.

Typeset by the Institute of Criminology.

Printed and bound by Ligare Printery, Sydney, Australia.

### **Subscriptions**

Subscription rates within Australia (gst incl.): \$110 (1 year), \$209 (2 years), \$308 (3 years). Overseas subscriptions: \$115 (1 year), \$220 (2 years), \$325 (3 years). Single copies of the current issue are \$44. Back issues are available for \$27.50. For subscriptions in North America, contact Gaunt, Inc, who are sole distributors of the journal in that country (Gaunt Building, 3011 Gulf Drive, Holmes Beach, Florida 34217-2199 USA).

### **Membership**

Membership to the Institute of Criminology includes a Journal subscription, entry to seminars and 10% discount on Institute publications. Contact the Institute for details.

### **Contact details**

Institute of Criminology, Sydney University Law School. 173–175 Phillip Street,  
Sydney, NSW 2000, Australia Ph: 61 2 9351 0239 Fax: 61 2 9351 0200  
e-mail: d.koester@usyd.edu.au <www.criminology.law.usyd.edu.au>

*Current Issues in Criminal Justice* is indexed in APAIS: Australian Public Affairs Information Service, produced by the National Library of Australia, and in CINCH, the Australian Criminology Database, produced by the Australian Institute of Criminology. Both databases are available on-line or in CD-ROM format. Contact: INFORMIT, phone: (03) 9341 3265; email: <info@rmitpublishing.com.au>.

*Current Issues in Criminal Justice* is published online at Informit: <<http://search.informit.com.au>>, and at HeinOnline: <<http://heinonline.org>>.

## **Current Issues in Criminal Justice Editorial Board**

Associate Professor Eileen Baldry, University of New South Wales  
Dr Harry Blagg, University of Western Australia  
Professor David Brown, University of New South Wales  
Professor Terry Carney, University of Sydney  
Dr Judy Cashmore, University of Sydney  
Professor Janet Chan, University of New South Wales  
Professor Dorothy Chunn, Simon Fraser University  
Professor Chris Cunneen, University of New South Wales  
Professor David Dixon, University of New South Wales  
Professor Mark Findlay, University of Sydney  
Professor Andrew Goldsmith, Flinders University  
Dr David Indermaur, University of Western Australia  
Associate Professor Gail Mason, University of Sydney  
Associate Professor Jude McCulloch, Monash University  
Mr David McDonald, Australian National University  
Professor Luke McNamara, University of Wollongong  
Associate Professor Sharon Pickering, Monash University  
Professor Scott Poynting, Manchester Metropolitan University  
Professor Rick Sarre, University of South Australia  
Dr Kristin Savell, University of Sydney  
Professor Martin Schwartz, Ohio University  
Professor Phil Scraton, Queen's University Belfast  
Professor Elizabeth Stanko, Royal Holloway University of London  
Professor Philip Stenning, Keele University  
Professor Julie Stubbs, University of Sydney  
Associate Professor Julia Tolmie, Auckland University  
Professor Stephen Tomsen, University of Western Sydney  
Professor Kate Warner, University of Tasmania  
Professor Rob White, University of Tasmania

## **Institute of Criminology**

### *Staff*

#### *Co-Directors*

M Lee, BA (*Newc*) BA (Hons) PhD (*UWS*)  
Associate Professor G Mason, LLB (*Qld*) DipCrim (*Melb*) MA (*SUNJ*) PhD (*La Trobe*)

#### *Deputy Directors*

Professor M Findlay, BA LLB (*ANU*) LLM (*Syd*) DipCrim MSc (*Edin*)  
Professor J Stubbs, BA (Hons) (*Woll*) MA (*Tor*)

#### *Professors*

T Carney, LLB DipCrim (*Melb*) PhD (*Monash*)  
D Chappell, BA LLB (Hons) (*Tas*) PhD (*Cantab*)  
P O'Malley, BA (Hons) (*Monash*) MA (Dist) (*Wellington*) PhD (*LSE*)

#### *Adjunct Associate Professor*

PB Shea, BHA GradDip (Health Admin) (*UNSW*) BA DipEnvStud MEnvPlan (*Macq*) MB BS  
BD MPH DipCrim (*Syd*) DPM (RANZCP) FRANZCP, FRACMA, FAIM, FAFPHM, FACLM,  
AFCHSE

#### *Senior Lecturers*

GB Coss, LLB LLM (Hons) (*Syd*) GradDip Inf&LibStud (*Curtin*)  
BA McKillop, LLM (*Harv*) BA LLB Bec (*Syd*)  
K Savell, BSc LLB (*Macq*) LLM (*McGill*) PhD (*Cantab*)

*Lecturers*

T Anthony, BA (Hons) LLB (Hons) PhD (Syd)  
A Loughnan, BA (Hons) LLB (Hons) (Syd) LLM (NYU) PhD (LSE)  
K Walton, LLB (Edin) MA (UCL) PhD (Edin)

*Publishing Officer*

D Koester, BA (Syd)

*Administration Officer*

R Miller, BA (Syd) MCrim (Syd)

***Management Committee***

The Management Committee is comprised of the teaching and research staff and the Administrative staff of the Institute of Criminology. Additional members of the Committee are:

Associate Professor E Baldry, University of New South Wales  
Associate Professor K Biber, University of Technology Sydney  
Professor D Brown, University of New South Wales  
Associate Professor M Carmody, University of Western Sydney  
Dr J Cashmore, University of Sydney  
Professor C Cunneen, University of New South Wales  
Professor G Triggs, Dean, Faculty of Law, University of Sydney

***Advisory Committee***

*Chair*

The Honourable J Spigelman, AC, Chief Justice of the Supreme Court of New South Wales

*Advisor to the Director*

The Honourable Justice M Kirby, AC CMG, High Court of Australia

*Members*

Mr B Barbour, New South Wales Ombudsman  
The Honourable Justice RO Blanch, AM, Chief Judge, District Court, Sydney  
Professor J Braithwaite, Australian National University  
Mr P Byrne, SC, Barrister  
Dr D Chappell, Professor, University of Sydney, Professorial Fellow, University of Wollongong  
Mr P Cloran, Deputy Chief Magistrate, Local Court of New South Wales  
Mr N Cowdery, AM, QC, Director of Public Prosecutions  
His Honour Judge R Dive, Senior Judge, NSW Drug Court  
Professor P Grabosky, Australian National University  
Mr L Grant, Assistant Commissioner, NSW Department of Corrective Services  
Mr A Haesler, SC, Barrister and NSW Public Defender  
Professor RW Harding, Inspector of Custodial Services, Western Australia  
The Honourable Justice PJ Hidden, AM, Supreme Court of New South Wales  
His Honour Judge M Marien SC, Judge of the District Court of New South Wales  
His Honour Judge SR Norrish, QC, Judge of the District Court of New South Wales  
The Honourable Justice RNJ Purvis, AM, QC, Deputy President, Administrative Appeals Tribunal  
Ms J Sanders, Youth Justice Coalition  
The Honourable Justice PJ Staunton, AM, Industrial Relations Commission  
Mr B Thomas, Director, Crime Prevention Division, NSW Attorney-General's Department  
Mr PG Ward  
Dr D Weatherburn, Director, NSW Bureau of Crime Statistics and Research  
Ms P Musgrave, Director, Criminal Law Review Division, NSW Attorney-General's Department  
His Honour Judge GD Woods, QC, Judge of the District Court of New South Wales

## CURRENT ISSUES IN CRIMINAL JUSTICE

---

Volume 20

Number 1

July 2008

---

**Special Issue:  
The Criminalisation and Punishment of Children and Young People**

### CONTENTS

<i>Phil Scraton</i>	The Criminalisation and Punishment of Children and Young People: Introduction . . . . .	1
---------------------	---	---

#### *Articles*

<i>Siobhán McAlister</i>	Predictable Pathways? Negotiating Risk in the Context of Marginalisation and Social Exclusion . . . . .	14
<i>Timo Harrikari</i>	Exploring Risk Governance in the Nordic Context: Finnish Juvenile Crime and Child Welfare . . . . .	29
<i>Chris Cunneen</i>	Changing the Neo-Colonial Impacts of Juvenile Justice . . . . .	43
<i>Deena Haydon and Phil Scraton</i>	Conflict, Regulation and Marginalisation in the North of Ireland: The Experiences of Children and Young People . . . . .	59
<i>Linda Moore and Una Convery</i>	Barred from Change: The Incarceration of Children and Young People in Northern Ireland . . . . .	79
<i>Mark Halsey</i>	Pathways into Prison: Biographies, Crimes, Punishment . . . . .	95
<i>Henry A. Giroux</i>	Youth in a Suspect Society: Education Beyond the Politics of Disposability . . . . .	111

#### *Contemporary Comments*

<i>Tony Platt</i>	<i>The Child Savers</i> Reconsidered . . . . .	123
<i>Shadd Maruna and Anna King</i>	Giving Up on the Young . . . . .	129
<i>Bryan A. Stevenson</i>	Cruel and Unusual: Sentencing 13- and 14-Year-Old Children to Die in Prison . . . . .	135

#### *Review*

<i>Bree Carlton</i>	<i>In the Care of the State? Child Deaths in Penal Custody in England and Wales</i> , Barry Goldson and Deborah Coles, Inquest, London, 2005 . . . . .	141
---------------------	--	-----

<i>Current Events</i> . . . . .	143
---------------------------------	-----



# *Conflict, Regulation and Marginalisation in the North of Ireland: The Experiences of Children and Young People<sup>†</sup>*

Deena Haydon<sup>\*</sup> and Phil Scraton<sup>\*\*</sup>

---

## *Abstract*

Based on primary research and consultations conducted over the last four years in the north of Ireland, this article considers the lives and experiences of children and young people in communities where the legacy of conflict and economic deprivation are most marked. It explores the reality of differential policing in communities where paramilitaries filled the policing deficit during the Conflict through informal 'justice' and punishment beatings. Finally, it considers the potential for change in a climate increasingly hostile towards children and young people, and the realisation of their rights.

## **Recent Political Context**

The universally-held image of Northern Ireland is a society at war, six counties comprising a jurisdiction under direct rule by the UK Government. For three decades its border with the Irish Republic and its communities were policed on the ground and from the air by the Royal Ulster Constabulary (RUC), the British military and the UK security services, not always in cooperation. Between 1969 and 1999, of the 3,636 people who died in the Conflict, 2,037 were civilians (McKittrick et al 1999:1477). Of all household respondents in a 2003 survey on poverty and social exclusion half knew someone who had been killed in the Conflict. It is estimated that 88,000 households were affected by the loss of a close relative and 50,000 contain a resident injured in the Conflict. Approximately 28,000 people were forced to leave work and 54,000 households were forced to relocate through intimidation, threats or harassment (Hillyard et al 2005:6).

The Belfast/ Good Friday Agreement (NIO 1998), signed by the UK and Irish Governments, provided the constitutional foundation for devolution through a

---

<sup>†</sup> This article draws on research and consultations conducted by the authors for the Northern Ireland Commissioner for Children and Young People (Scraton), for the Northern Ireland Office of the First Minister and Deputy First Minister (Haydon), and by the staff of Include Youth, Northern Ireland.

<sup>\*</sup> Independent Research and Policy Consultant in Children's Rights.

<sup>\*\*</sup> Professor of Criminology, Institute of Criminology and Criminal Justice, School of Law, Queen's University, Belfast.

democratically elected Northern Ireland Assembly. Given the history of conflict in Ireland, and the contested circumstances in which the 'North' was partitioned from the Irish Free State and annexed to the UK, constitutionally and legally it was inevitable that the Agreement would be 'complex' and 'imaginative' (Harvey 2003:1002). Providing a workable 'political framework' it 'also reflects an international agreement between the UK and Ireland ... mapped onto domestic law and practice' (ibid). Alongside its commitment to human rights, the Agreement's concerns included: sustainable economic stability and growth; equality and social inclusion; normalisation of state security operations and practices; representative and accountable civil policing; review of criminal justice; disarmament of all paramilitary organisations; the early release of politically-motivated prisoners. Following its election in 1998, and the establishment of full delegated powers in December 1999, the Assembly went through a protracted and bitterly contested period focused mainly on arms decommissioning. Finally, in October 2002, the Executive was suspended for the fourth time and UK Government direct rule was imposed. In October 2006 the St Andrews Agreement (NIO 2006) pre-empted the resumption of the Assembly and seven months later devolution returned. The UK Secretary of State for Northern Ireland retained responsibility for 'excepted' and 'reserved' matters, the latter including criminal justice and policing.

The 1998 Agreement established the basis for an independent commission on policing - to secure a police service 'professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices, and operat[ing] within a coherent and cooperative criminal justice system, which conforms with human rights norms'. This was chaired by former UK Government Minister, Chris Patten. It consulted widely and reported in September 1999, proposing that an effective, efficient and modern police service necessitated the adoption of key principles: collective responsibility involving the active and democratic participation of local communities, building a partnership for community safety; the acknowledgement and protection of human rights for all through training and strategies; legal, political and financial accountability; transparency and openness, particularly with regard to covert operations. The Police Service of Northern Ireland (PSNI) was established as successor to the RUC in November 2001. New uniforms, badge and flag (reforms of considerable dispute) were introduced and a new programme of recruitment, training and agenda-setting was established. In 2007 Sinn Féin, the elected Assembly's second largest political party, formally agreed to participation in the governance of policing throughout the North and to an acceptance of the PSNI in Nationalist and Republican communities.

## **The Legacy of the Conflict**

Much has been written about the impact of the Conflict on all communities and their people whatever their cultural tradition or their location within the north of Ireland. While there are glimpses of the lives of children and young people during this period the full impact across three decades has not been fully identified, acknowledged or accommodated. As Leonard (2007:433) points out:

In Northern Ireland children are more likely to experience small-scale, sporadic acts of political violence rather than large-scale, widespread violent confrontation ... because of the intermittent and spatial nature of the conflict, many children (and adults) ... will have no direct experience of violent political acts. However, some do.

Of those killed during the Conflict, 40 per cent were 24 or under (Smyth et al 2004:9). Between 1969 and 2003, 274 children aged 17 or under and 629 young people aged 18-21 lost their lives. Almost three quarters of children under the age of 18 killed were Catholic, a fifth were Protestant (ibid:18-20). The majority lived in areas experiencing the highest levels of deprivation and poverty. Particularly in Nationalist and Republican communities children experienced house searches by the British army, forced entry into homes and arrests in the early hours of the morning by armed police, imprisonment of parents or parents going 'on the run', violent confrontations and death in communities and on the streets. A community bereavement counsellor stated: 'House raids are over to a point and the physical harm is over; but the emotional harm is there and it's not recognised'. Her concern was that, while these severe forms of violence have diminished, the children whose past trauma went unrecognised and untreated have become parents.

They were part of generations of children and young people for whom injury, death and bereavement became routine in their lives. Given the civil policing deficit, their experience of violence extended to informal 'policing' by paramilitaries who administered severe punishments to those involved in alleged 'unacceptable' behaviour in their communities. Between 1988 and 2002, 496 young people under the age of 20 received paramilitary punishment beatings; 388 were shot, usually through the knees or thighs. Despite a common perception that most victims of punishment attacks were young people, the majority were young men in their twenties. Of those recorded by the police, 24 per cent of Loyalist punishment beatings and 32 per cent of Republican punishment beatings were on young people under the age of 20 (Smyth et al 2004:88-89). While the cessation of punishment beatings and shootings were part of the agreed withdrawal of paramilitary presence in communities, threats and intimidation directed towards the 'antisocial behaviour' of children and young people persist, particularly in economically deprived urban areas most associated with high levels of conflict-related violence (Kilkelly et al 2004; Smyth et al 2004; Hansson 2005; Haydon 2007).

Smyth et al (2004:96-98) suggest that research, media reports and organisations responding to the effects of the Conflict tended to focus on areas and sub-populations 'relatively more exposed to events in the Troubles than average'. This led to rare experiences – being the victim of a punishment attack, joyriding or severe trauma – receiving widespread publicity. Yet routine events – being stopped and questioned by the police or attacked on the way home from school – were ignored and unaddressed. Less dramatic but more prevalent experiences have been 'normalised', including: 'chronic anger, lack of trust in adults, isolation and feelings of marginalisation, bitterness at the other community or at the police, distrust of all authority, feelings of exclusion and marginalisation or lack of contact with or knowledge of the "other" community' (ibid:99). Vulnerability, Smyth et al argue, 'is not only experienced by individuals, but also by whole families and communities'. Recognising trans-generational trauma, they conclude that 'adults on whom children and young people could ordinarily turn to for support or protection are more often than not exposed to the same traumatic events that the children are, and are themselves traumatised and sometimes incapacitated – either in the short or long term' (ibid:109).

The 'emotional effects of the conflict', particularly in economically deprived and under-resourced communities, are most marked. As noted in O'Rawe's (2003) audit of child and adolescent mental health provision, the deficit in adequate services amount to a breach of international standards on health and well-being. A health professional interviewed for the NICCY study commented:

In some of the most deprived and fragmented sections of our society rising levels of emotional and psychological stress among children and young people, manifesting as anxiety, depression, deliberate self harm and escalating suicide rates, are collateral damage following years of civil strife.

Health professionals and community workers identified the immediacy of the need for mental health support for children and young people – particularly those in conflict with the law who, without early intervention, were criminalised. A children's caseworker stated:

When you're raising mental health care for this generation, post-conflict, we're dealing with a huge age range of people who've been the bereaved, the injured, been the children of those who were killed. And another generation who are the children of the children ... the impact of the trauma, which they're calling trans-generational trauma ... it's affecting children's education, their mental health and their ability to participate in society.

Cases referred to her community-based non-governmental organisation indicated the full extent of the mental health deficit:

... the agencies that are dealing with people have no idea what the effects of trauma are. They don't put it into the equation when children are displaying different symptoms, whether they are in education, the criminal justice system or whatever. The effects of trauma don't even factor there ... and the issue of the conflict doesn't even raise itself.

For example, Smyth et al (2004:43) reveal how manifestations of trauma in children (such as 'difficulties in concentrating' and 'aggressive behaviour') were 'misinterpreted by others, being seen as deliberately disruptive behaviour'. In schools, 'teachers did not always seem aware of the pupil's history or the difficulties faced by them, nor did they appear to be equipped to deal with such difficulties'.

The inter-weaving of unaddressed conflict-related trauma, interpersonal violence within families, continuing paramilitary intimidation, forced exiling, economic marginalisation and social exclusion comprise the 'special circumstances' of the lives of children, young people, their families and communities in the north of Ireland. Within communities a range of general and specific cues are used to categorise individuals according to religious identity (names, accent or dialect, school uniform, football team affiliation, designer label) based on assumption of difference, negative attitudes towards the 'other' and a perception that one side is treated more favourably (Leonard 2004). Communities are demarcated by flags, murals and symbols designed to display a group's identity, territory and control of space.

Segregation, in public housing and schooling, remain defining features of the social, political and cultural landscape. The 2001 Census figures record over half the population living in neighbourhoods almost exclusively Catholic or Protestant. While a 2004 survey found that 61 per cent of parents would prefer to have their children educated in a mixed religion school (ARK 2004), in 2007-08 only 6 per cent of pupils were enrolled in integrated nursery, primary or post-primary schools (DENI 2008:2). Leisure facilities and other services within predominantly Catholic or Protestant communities are not accessed by children and young people living outside the community (Hansson 2005:28; Byrne et al 2005). Almost half the 4,500 people interviewed in a survey about the impact of fear on Belfast interface communities stated they would not travel through an area dominated by the 'other' community during the day and 88 per cent would not enter at night (Shirlow 2003:86). One in eight respondents had foregone healthcare, for themselves or younger family members, because the nearest health facilities were located in areas dominated by the other community (ibid). Actual and feared intimidation, abuse, verbal and physical violence remain key factors in sustaining exclusivity and maintaining geographical

boundaries amounting to 'no-go areas' within many communities, where individuals may be targeted because they are perceived to belong to the 'other' community.

Although the overall number of incidents has reduced, children and young people living in 'interface' areas, where divided communities meet, continue to be involved in sporadic outbreaks of violence or 'disturbances' including verbal attacks and throwing stones, bottles or fireworks (Hansson 2005). Leonard's research with 80 children and young people in Loyalist and Nationalist interface areas of North Belfast provides bleak testimony of the persistence of sectarianism and consolidation of physical boundaries marked by continuing hostility. She notes that while they considered the situation overall had calmed – 'there were less bombings and shootings' – some children identified 'more hatred than in the past' (Leonard 2004:105). There was a pervasive 'sense of inevitability and permanence about the conflict' and all interviewed were 'pessimistic about the possibility for conflict resolution in Northern Ireland' (ibid). Reflecting on their day-to-day negotiation of social space and possible cross-community interaction, 'peace ... remained a distant vision' (ibid:107).

While these 14 year olds often found rioting exciting and an escape from boredom, more profoundly it provided 'a mechanism for demonstrating religious/sectarian identity ... a way of emphasising the internal cohesiveness of the group' (ibid:44). Smyth et al (2004:104) consider such confrontations enabled continued recruitment by paramilitaries. Leonard (2004:7) also notes the complexity of 'territory' and its relationship to religious and political identity. The relatively small area of North Belfast 'contains around 24 interfaces' and 'eight of the official Belfast peace lines'. Children identified 'strong ties, family, friends and neighbours' as the most positive aspects of life in their neighbourhood yet their negative aspects were: the area's appearance; lack of amenities; availability of alcohol and drugs; joy-riding; paramilitaries; rioting. 'Fear of verbal and physical intimidation and violence' curtailed movement of children from both communities. Neighbourhoods and streets 'outside the children's immediate locality' were 'labelled as spaces of risk and fear' (ibid:76; see Hansson 2005).

Despite references by teachers and pupils to schools as safe havens, Leitch and Kilpatrick (1999) reveal how the conflict impacted on children's experience of school. Leonard (2004) details how schools located near interfaces were flashpoints for serious violence, including attacks on school buses, the vandalising or torching of teachers' cars, and sectarian attacks in and outside school grounds. Children attended school behind locked gates under the supervision of security guards. Playgrounds remained unused because of stone-throwing over the high fences. It was not unusual for children to be verbally abused and spat on as they moved between home and school.

An extreme and highly publicised example of sectarian violence occurred in 2001 over children's access to the Roman Catholic Holy Cross Primary School in North Belfast. Following increased tensions within the area, a major disturbance occurred as young children from the school walked to and from school with their parents. During the 11 week dispute, rioting took place, shots were fired, 10 bombs blast and 60 petrol bombs were thrown. The police diverted children and their families away from the regular access road. Eventually the police reviewed their decision and established access along the normal route to the school but erected barriers and 'anti-spit' screens. The barriers brought further violent protests from the local Loyalist community. As children and families walked through a protected corridor along the street they received a barrage of verbal abuse and threats of violence. Parents' statements recorded severe impacts on the health and well-being of their young children (see: Cadwallader 2004). While an exceptional event in duration and

intensity, Holy Cross remains indicative of the sectarianism underpinning the attitudes and behaviour of many adults in interface communities, inherited by children who reproduce their insults and actions.

In addition to inter-community conflict, children and young people also experience intra-community violence. Within some Loyalist communities, exacerbated by a protracted feud between two paramilitary groups, forced exiling has led to children and their families not only leaving their homes but also their schools and friends. Between August and October 2000, 263 families were exiled from one Loyalist community, including 269 children, 178 of whom were aged 11 years or under. According to a community-based working group approximately 1,000 individuals were affected as 'many families are not living at home and are dispersed throughout the area because of death threats made on their lives (Inter-Agency Working Group on Displaced Families). During the displacement children witnessed intimidation and assaults (often by masked men), the ransacking of homes and the destruction of furniture. In Republican communities, tensions between dissident, anti-Agreement groups and the IRA have been less significant (Smyth et al 2004:83), although current research has highlighted ongoing concerns about recruitment of young people to 'dissident' groups in particular communities.

### **The Impacts of Poverty**

Hillyard et al (2005:xx) establish 'a strong, but complex, relationship between poverty and conflict'. The Conflict severely undermined economic investment and development, exacerbated child poverty, and contributed to high levels of mental ill-health which impaired employment opportunities (Horgan 2005:13). Poverty in Northern Ireland is more concentrated than in Britain. Of 566 wards, 25 (4.4 per cent) have concentrations of child poverty in excess of 75 per cent compared with 180 out of 10,000 (1.8 per cent) wards in Britain with child poverty rates of 50-70 per cent (McLaughlin & Monteith 2006). In June 2006 the population of Northern Ireland was 1,741,600 of whom 25 per cent were under 18 years (NISRA 2006). In 2004-05 personal and social services expenditure on this group was £287 per capita compared to £402 in England, £429 in Wales and £513 in Scotland (ERINI and IFS 2007:50-51). The proportion of Northern Ireland's personal and social services budget dedicated to children was 14 per cent compared to 24 per cent in England and 26 per cent in Wales (ERINI and IFS 2006:8). These figures reflect historic, institutionalised under-resourcing.

In their 2003 report on poverty and social exclusion in the north of Ireland, Hillyard et al (2003:64) found that the poverty levels were 1.4 times higher in Catholic households compared to Protestant households. Further, 'a most significant finding is that well over a third (37.4 per cent) of this society's children are being brought up in poverty'. This accords with Magadi and Middleton's (2007) findings that one third of children in the North live in income poverty and one in 10 live in severe poverty. Between 2001 and 2004, 13 per cent of children were trapped in persistent and severe poverty, compared to 5 per cent in Britain (Monteith et al 2008). Lone parent families and couples with children have lower income levels than those in Britain and low welfare benefit levels leave families below the UK Government's poverty threshold. Essential goods, food, clothing and services cost more than in Britain, compounding income deprivation.

Children and young people under 18 receive free health care but families living in poverty have unequal access to health care services and poorer health outcomes (Chief Medical Officer 2007). Travellers and minority ethnic families experience direct discrimination alongside poverty. As mentioned above, mental ill-health remains a major

issue, particularly in economically marginalised communities. Across Northern Ireland, over 20 per cent of children under 18 suffer significant mental health problems (Chief Medical Officer 1999). According to Kilkelly et al (2004:113), despite forming 25 per cent of the population, under-18s receive less than 5 per cent of the mental health budget. O’Rawe (2003) notes that in 2001-02, due to the lack of discrete facilities, 130 children were admitted to adult mental health units. This was five times the proportionate number for England and Wales. In 2003-04 children occupied 2,386 bed days in adult psychiatric wards (DHSSPS 2005). Inappropriately accommodated on wards without child protection policies, their ‘care’ was managed by staff with minimal, if any, training in paediatrics or child and adolescent mental health. Child and adolescent mental health services were considered by the recent ‘Bamford Review’ to be ‘wholly inadequate’ and ‘characterised by overwhelming need and chronic under-investment’ (McClelland 2006:13).

The suicide rate in Northern Ireland has increased since the mid-1990s. Between 1999 and 2003, it was higher than in England and Wales, although lower than Scotland and the Republic of Ireland (DHSSPS 2006:7). Between 1991 and 2004, suicide rates were twice as high in economically deprived areas, and in communities that had endured the highest levels of economic deprivation and the most persistent violence throughout the Conflict – North and West Belfast (DHSSPS 2006:12-13). In 2005, there was a significant increase in the number of suicides recorded from approximately 150 each year (2000-2004) to 213. Concern about this increase, particularly the deaths of young men, led to the establishment of a Taskforce to develop a suicide prevention strategy. In 2006, 291 was the highest number of suicides recorded for any one year (see Tomlinson 2007).

A further dimension of three decades of war was the impact of imprisonment and internment, again borne disproportionately within poor communities. According to Hillyard et al (2005:8) approximately 80,000 men, women and young people were imprisoned as a direct consequence of the Conflict. Their incarceration had a significant impact on the lives of their families, especially children. This included financial hardship, mental ill-health, difficulties maintaining relationships with imprisoned parents, and problems adjusting to their parent’s release (Spence 2002; Jamieson & Grounds 2002). Despite such debilitating circumstances and their associated levels of trauma, access to high quality, age-appropriate childcare and family support remains limited. This extends to lone parents, families living in poverty, parents of older children, migrant workers and parents of children with disabilities (Haydon 2008). Horgan (2005:12) argues that lower per capita spending, higher levels of child poverty and subsequent family difficulties, together have resulted in a disproportionate allocation of resources to statutory protection rather than investment in much-needed preventative interventions.

The impacts of poverty in the north of Ireland have been well-documented: children living in poverty endure poor quality accommodation, often in environments with high rates of crime and poor physical conditions; higher accident rates; poor diet; physical and mental ill-health and lower life expectancy; low educational attainment and bullying at school; parental stress; limited access to nearby safe play areas and public leisure facilities (Save the Children 2007). Given that poverty remains pervasive in areas most affected by conflict, children and young people living in these areas experience multiple deprivation. Not only does this affect their childhood opportunities, but also their adult potential.

## **Differential Policing**

The history of policing Ireland and, since partition, the north of Ireland, has been marked by a rejection of the civil police, particularly within Nationalist and Republican

communities. Prior to the Conflict, the mainly Protestant Royal Ulster Constabulary (RUC) and its reserves were identified as a partisan, sectarian and paramilitary force. Suspicion, mistrust and antagonism have remained beyond the 1998 Belfast/ Good Friday Agreement, the optimism of the Patten Report and Sinn Féin's acceptance of the re-branded Police Service of Northern Ireland (PSNI). The RUC legacy includes cross-community concerns about processing and acting on serious complaints, particularly regarding Special Branch activities and allegations of sanctioned collusion between the police and Loyalist paramilitary groups. Alongside these allegations remain unresolved issues of institutionalised corruption and systemic abuses of power, particularly involving informants given immunity against prosecution and personal protection. In a political climate that provided the police, the military and the security service with exceptional or 'special' powers and discretion their legal, organisational and political accountability was compromised. Inevitably this raised questions about the relationship between the policing agencies – civil, military, security – their use of lethal force and deployment of police technologies.

Since the mid-1990s numerous meetings, consultations and conferences have been held to consider the unfinished business of the past and to identify and resolve political differences regarding policing. Much has been made of addressing the related issues of operational policies, priorities and practices within an ambiguous notion of 'normalisation'. The Patten Report, however, envisaged a transition towards a new framework for policing anticipating the problems of power and accountability that have caused concern in Britain and other democratic states. Despite the extensive and inclusive consultations conducted by Patten across communities in the North, and the high profile of a vibrant children's sector, the most significant identifiable group in daily contact with the police – children and young people – was excluded from consultations. This is not untypical given that when 'community groups' or local residents' associations meet with police or community safety officers to discuss policing their neighbourhoods children and young people are rarely invited. Yet their behaviour is regularly the primary topic for discussion. Issues raised by children themselves consistently present disturbing alternative accounts.

In their study of police accountability, Hamilton et al (2003) surveyed 1,163 young people aged 16 to 24 and held 31 focus groups. Fifty-six per cent of young men and 28 per cent of young women reported contact with the police in the previous 12 months. Their experiences of the police were predominantly negative. A quarter of respondents expressed a high level of dissatisfaction with the PSNI. They were constantly stopped for questioning and frequently moved on; interventions they perceived as intimidation and harassment. Targeting children and young people 'included physical violence, a constant police presence and being watched, confiscation of goods and verbal abuse' (ibid: 6). Fifty-eight per cent reported unacceptable behaviour by the police, mainly in the form of disrespectfulness and/ or impoliteness.

Ellison (2001:133) regards such police interventions as 'adversary contact' leading to police-community tensions. He found that males aged 14 to 17 were three times more likely to be stopped and searched than were 18 year-olds. Children from 'socio-economically disadvantaged areas' were more than twice as likely to have been stopped and searched. There was a marked difference in perceptions of the police between young Catholics and young Protestants: '92.6 per cent of Catholic males who have been stopped and questioned by the RUC "too many times to remember" believed this to constitute harassment, compared to 60.3 per cent of Protestant males' (ibid:133). Ellison's research was conducted post Patten and prior to RUC rebranding. He notes significant support among young

Catholics for change but while a fifth of Protestant young people agreed with slight reform, the majority supported the *status quo*.

In addition to community-based intimidation, police responses to young people detained for questioning were harsh. Analysis of 441 custody records for young people in custody suites during a two month period in 2002 showed that 62 per cent were 15-16 years of age (Quinn & Jackson 2003:26). Only 15 per cent were eventually charged, yet 78 per cent were searched while at the police station, 52 per cent were photographed, 70 per cent were fingerprinted and 36 per cent had a DNA sample taken (ibid:v-vi). Adults and solicitors accompanying children 'complained that the taking of samples, fingerprints and photographs criminalised young persons' (ibid:vi). They were also concerned that 'not enough was done to explain the importance of legal advice to young persons and their parents' (ibid:ix). Children, especially those aged 10-13, often failed to understand the caution, its meaning or its status (ibid:xi-xii). There was no evidence of compliance with international standards on child protection: 'interviewing officers had not received any special training on interviewing young persons' and interview styles observed by the researchers included 'an adversarial approach, a moralistic approach and an intelligence gathering approach' (ibid:xii-xiii).

### Children's and Young People's Experiences of the Police

Despite police reforms, children's and young people's experiences of the police continue to be routinely negative. They regularly disclose unacceptable police responses - from abusive comments through to the use of unreasonable and unlawful force. Focus groups with children and young people in Belfast and Derry provide recent examples of aggressive and bullying policing in non-confrontational situations:

The police are harsh and cheeky when they speak to you.

Police get into young people's faces and tell them to 'Don't talk shite'.

Police talk to us as if we're bits of shites - 'See you, you little prick, if I catch you round here I'll lift [arrest] you'.

We were walking along when the police stopped us and said they were looking for fireworks, then searched us without asking.

We were just standing by the fences there the other day and the police came and told us to move on. We said, 'We're just havin' a smoke, we're here [in the building]'. 'You're not allowed to stand there. Move on!'

If you're on the street then you're up to no good, like. They just come and tell you to go and when you say 'Where?' they tell you to 'Fuck off, that's where'.

They know you, your families an' all. They tell you 'You're next' and that you're up to no good an' they're watchin' for you. I got that paranoid I was scared to go out.

Some noted their concern about the police goading them, which then led to harsh responses if they retaliated:

One wee man who tried to kill himself, the cops were shouting 'Where's the grave?'

They try to entice you to lose your temper - tell you you're worthless, say things about your family to make you lose it.

They provoke you until you hit them. Then they can restrain you or hit you back.

While children and young people accepted that often they or others in their communities were engaged in stone-throwing or intimidating and violent behaviour, they gave explicit accounts of police violence:

One of the blokes [police officer] grabbed me by the scruff of the neck and threw me against the wall and had me up against the wall like this.

The Peelers [Police] just push you around. You've got the attitude problem, not them. If you come back at them they just give you a quick beating. It's not right but it goes on all the time.

I was standing at a wall doing nothing when the police came, got out of the van and attacked me, splitting my lip open saying I was up to no good.

I was 10 [when first arrested]. I was treated well, but was really scared. As you get older they treat you worse. They slabber [use verbal abuse] at you and throw you in the back of the van. They get rough with you.

I was made to kneel down in the middle of the road, with hands behind my back and handcuffs on. I was embarrassed. The police stood on my head cos I tried to struggle.

In the NICCY research, 44 per cent of children's sector workers in Derry were 'dissatisfied' with the responses of police to children and young people and 13 per cent viewed the police as bullies. A youth worker recalled:

I was parking the car and I just heard a screech and a car pulled over and a guy came out, about four or five inches taller than me, and grabbed a wee young fella up by the throat and threw him into the car. The wee fella was only about 14. He was wearing an Ireland football jersey and he was just grabbed by the throat and threw into the car and taken away.

One incident illustrated the vulnerability felt by young people once picked up by the police:

When I got lifted, there was me and my mate. They put us in handcuffs and put us into the back of the paddy wagon – I thought that was it – I was hardly going to go anywhere with handcuffs on, but one of the peelers hit me a big smack in the nose. They drove us into the middle of ... [Protestant area] and threw him out the back. It was four in the morning and he was wearing a Celtic top. I asked why they weren't letting me go – they said that I was getting done cos I was the one who'd done most of the throwing, but that he would just get a kicking from the [Protestant] ones ... When we got down to the station, the peeler who'd hit me asked 'What happened to your face?' I said that was where he'd hit me, but he just said 'I didn't hit you. You can go to court if you want – they'll believe me'.

Reflecting the findings of a recent review about how criminal justice organisations deal with complaints (CJINI 2007:12), children and young people in focus groups voiced their scepticism about making complaints and noted an assumed lack of credibility:

The judge believes the cops all the time.

They wouldn't listen to young people.

Got no faith in the system.

The following quote illustrates the confidence individual police officers have in operating with discretion:

They [young people] make a lot of stuff up. You have no idea when they're telling the truth. But if it comes down to my word against theirs, I know who the magistrate is going to believe!

Some officers considered fear and the threat of violence to be an appropriate way of dealing with young offenders or young people engaging in anti-social behaviour:

If they've been called hoods then what have they done to get that name?

I think fear is a good thing. It makes them think twice about doing something again if they know they got a kicking for it the last time. I got beat when I was a kid and it made me scared of my Dad. And look at me. It never did me any harm!

The children's and young people's accounts, across communities and from males and females aged 12-18, reflect the overall findings of the NICCY research, which included research with over 700 children across a range of schools. In this, 20 per cent considered the police failed to serve their communities:

The police don't do anything about the people in [name of town]. They just walk around the town at night and watch young people drink and take drugs. Over the past year our town has lost lots of things because of the teenagers and older people, for example, the circus and the fun fair festival. Some people suffer for things they didn't do and they leave us with nothing. It's about time the police did something about it.

The cops sometimes get it right by catching the robbers or killers but most of the time they are out to get the public who are not doing anyone any harm such as people who are slightly over the speed limit or people with no tax or even in some places they put a curfew on all kids even though it may just be a small percentage of the kids who are causing the trouble.

Only 12 per cent of younger children held positive views of the police and 13 per cent voiced concerns about harassment. Typical comments were:

There should be more police about the area and the police should try to be a little more friendly. The police should try and let us play in our area because sometimes they would have a complaint saying we're not allowed to play in the streets but it's our street and we should be able to. They should try and get the people causing the trouble off the street so we can have a safer time. They should try and get joyriders off the road because they are killing people and themselves.

The police are always up behind our house putting cameras in the field and watching our house. I found one about six months ago in a field. I don't feel comfortable in my own house! My dog went over and started to bark at them in the field ... As they walk past our house they stick up their fingers at us and call us names like 'Catholic scum' and 'Fenian bastards'. They scare me with their guns.

They have guns and batons and they think they can do anything.

Lesbian, gay, bisexual and transgendered (LGBT) young people claimed that when they reported abuse or assault to the police they were not taken seriously and suffered further alienation within communities for taking action. LGBT young people's distrust of the police was shared regardless of religion or community. They also emphasised the significance of 'multiple identities' (class, gender, race, sectarianism) sometimes 'doubling or even tripling the oppression experienced by some young people'.

Feeling disrespected by the police, children and young people openly expressed defiance:

They slabber at us and call us scumbags. They're scumbags.

They make you angry and want to do something, wreck something, because of how they treat you.

Feel like shit. Feel like doing something, start swinging bricks. We fight back.

No respect for them. They don't respect us so why should we respect them?

More broadly, however, is the issue of police accountability. Smyth et al (2004:79) note that the 'lack of accountability of the police, and the sense that young people had of police impunity was a significant source of anger and frustration, particularly amongst young Catholics'. The 'strong sense of injustice and the powerlessness to challenge unfair treatment' – a recurring theme in their study – was reflected in recent consultations with young people:

I feel the police have no respect for young people. They call me names and when they arrest me they hit me. The police have rights – if I was to call them names or hit them I would be arrested and get kicked in by them. My right as a young person is not to be hurt by anyone and that should include the police. The police don't respect me, yet they want me to respect them. I think the police don't treat me fairly, and the only way I feel like I am getting my own back is by bricking them. The police never listen, so what's going to be different now? How can they know a story when there's only ever one side?

A legacy of the Conflict across all communities is the persistent allegation that the police use children as conduits for information about crime and related activities within communities. As Quinn and Jackson (2003:116) comment, during police questioning of young suspects: 'it appeared indeed in some cases that the interview was being used, not so much to extract a confession from the young person or to provide an opportunity for exculpation, but rather to gather information about other matters or individuals'. The police and the Police Ombudsman have denied that such practices persist, arguing that new legislation and strict operational guidelines governing the use of children as informers are now in place (Kilkelly et al 2004). Yet in the NICCY research a PSNI representative commented that, as all modern police forces are 'intelligence led', young people would be considered appropriate sources for 'information gathering' on crime in an area.

### **Punishing 'Antisocial Behaviour'**

The paramilitary presence, although diminishing, remains a persistent physical threat to children and young people. In the NICCY research, two-thirds of young people aged 15-16 raised paramilitary activity as a significant concern. This is unsurprising given that this is the target age for recruitment into paramilitary organisations. In some neighbourhoods, local residents continue to rely on paramilitaries to deal with young people's alleged antisocial behaviour, including moving them on from street corners and giving punishment beatings to deter them from joy-riding. During recent consultations, one young person commented that 'paramilitaries are the strongest force in the community', another that they 'stop kids being in the streets and parks'. Young people's statements clearly illustrate how the threat of violence is constant:

Some people are forced to join [local paramilitaries]. They get told 'If you don't join you're getting a beating'. Then if they don't, they get beat and then told that they've joined anyway.

There was a fella in our area like that. The [paramilitary] brigadiers said he wouldn't be touched, then a couple of months later his windows were put in and he got put out of his house.

They [paramilitaries] are meant to be on cease fire, but they're still giving out death threats. I've got three death threats against me.

However much resented by children and young people, the discretionary use of violence by paramilitaries was considered arbitrary and inevitable:

Even if they say they won't, if they want to beat you they'll find a reason. If they want to do it they will.

The only way to get the paramilitaries off your back is to take a beating. Then it's all over, forgotten about.

[Young people] get punishment beatings ... for fucking about, stealing cars, house burglaries.

In addition to beatings, children and young people faced exiling. A young man stated that he 'could never go back to my area. My Granny still lives there, but I can't go back. Or if I

do I have to sneak in'. Consistent with Leonard's (2004) research, children and young people identified hypocrisy in paramilitary responses:

They're all just hoods too, but they beat us for doing what we do.

They're worse than us, but they get away with it.

They're organised crime, we're unorganised crime.

While antisocial behaviour, particularly alcohol-related, is perceived a significant issue across the North, the official solution was to import controversial legislation from England and Wales. In 2004 the UK Government's Northern Ireland Office (NIO) published a consultation document prior to introducing measures for dealing with 'antisocial behaviour'. Instructively, it misrepresented the background to Anti-Social Behaviour Orders (ASBOs) in England and Wales claiming that ASBOs 'were introduced to meet a gap in dealing with persistent unruly behaviour, *mainly by juveniles*, and can be used against any person aged 10 or over' (NIO 2004:4 emphasis added). As discussed earlier (Scruton, this issue), the behaviour of children and young people was not the focus of the initial Crime and Disorder legislation. The NIO's proposals were vigorously opposed by a children's sector determined to prevent the abuse of children's rights characterised by the consolidation of ASBOs in England and Wales. However, a judicial review of the legislation taken by NICCY failed, and the 2004 Anti-Social Behaviour (Northern Ireland) Act was passed and implemented. Announcing the new legislation, the Home Office Minister for Criminal Justice, John Spellar, stated:

[It] ... provides another tool in dealing with behaviour of this kind which can ruin lives and local communities. It complements measures which already exist and lets those who act in an anti-social way know that they will face firm sanctions. We will be working with all the agencies to make sure this legislation is used early and effectively (NIO *Press Release*, 25 August 2004).

Both the consultation and the Minister's statement ignored the special circumstances prevalent in the north of Ireland: the legacy of Conflict, the deficit in policing and the use of paramilitary violence against children and young people. In its submission to the consultation, an NGO working with young people in conflict with the law warned that ASBOs had 'the potential to demonise and further exclude vulnerable children who already find themselves on the margins of society and the communities in which they live' (Include Youth 2004:5).

The potential relationship of ASBOs to paramilitary punishments was a particular concern for many statutory and voluntary/ community organisations. They anticipated ASBOs and associated evictions of 'antisocial families' by the Housing Executive existing alongside naming, shaming, beatings, shootings and exiling by paramilitaries and local vigilantes. The Northern Ireland Human Rights Commission (2004:8) expressed its concern that details 'regarding the identity, residence and activities of those subject to an order [will] be in the public domain and could lead to the breach of a right to life were paramilitaries to act on that information'. At the time of their planned introduction, negotiations with paramilitaries regarding the punishment of children had been initiated and were progressing towards cessation. Within communities accustomed to informal punishments, the debate was at a delicate stage indicative of political and social transition. Yet little thought had been given by State institutions to the implications of punitive antisocial behaviour legislation in such a climate.

## Conclusion

A consistent theme within the research and consultations covered here is the perceived commonality between the state and its use of punitive measures and paramilitaries and their use of punishments. A focus group convened for the NICCY research concluded: 'Supporting ASBOs and supporting paramilitary beatings are derived in the same emotion: they're about revenge'. A young person stated the need for 'support and understanding'. He continued, 'what we get told is we're bad and end up on the receiving end of police and paramilitaries'.

The dynamics surrounding the 'antisocial behaviour' of children and young people in the north of Ireland reflect the legacy of the Conflict and its material context. Those living in poverty are six times more likely to live in an area where punishment beatings are a problem (McLaughlin & Monteith 2004). Hillyard et al (2003:29) note that children and young people in poverty inhabit 'spaces of dispossession' and grow to adulthood 'as excluded people in excluded families increasingly characterised by antisocial behaviour, insecurity and threat'. As a community worker stated, 'children are accused of misbehaving, of antisocial behaviour rather than their mental ill-health being recognised'.

Horgan (2005:13) concludes that exceptional levels of violence experienced by children during the Conflict led to a high tolerance and 'normalisation' of violence as a primary means of settling disputes, demonstrating opposition or drawing attention to perceived injustices. Within many estates, young people (usually young men) from the same community are frequently involved in fights – with little provocation and fuelled by alcohol – often between rival groups from different areas (Hansson 2005:32-34; Off the Streets et al 2004). The scope of violence in the lives of some children and young people was starkly captured in a young man's account of his childhood, in which the negotiation of daily violence extended from the home and the school, presumed places of safety, to the geographical boundaries of local neighbourhoods:

I used to wait for my Da, like, and he'd take off on us for nothing ... belt, fists, anything he could use. I was bullied all through my childhood. There were always fights in the house, like. And then I got it at school. You were going through enough at home, you didn't expect it in school, like. Then it was on the street with the peelers [police]. *You've* got the attitude problem. You feel like a hurt animal, just waiting to be released.

The impact of heavy-handed policing and paramilitary threats on children and young people is not one of dutiful compliance. Rather, it evokes an aggressive response:

You feel pissed off and you want to retaliate. But you get called a schizo if you do.

It can make you violent – it makes you want to just lash out.

It makes you feel angry and crap and sad and depressed and down. Then you get a few drinks in you and you go mad.

For some young people in conflict with the law, the negative reputations they receive are turned in on themselves, exacerbated by lack of support. A young woman recalled the helplessness she felt:

When you're desperate, nowhere will take you because you'll get put out for fighting or smoking blow. When I was in [hostel] I ran away and they didn't even phone my mammy and let her know. I ended up on the streets, drinking heavily, doing drugs and sleeping in a subway. I felt worthless. Maybe this was what I was supposed to be. I was suicidal, so low. Soon after, I started to self-harm ... I had all this anger inside me so I did it to release it. I was getting used to the pain so I was getting deeper cuts. You don't think in the long run where you'll end up. You feel like you'll be like that for ever.

Media commentators and politicians regularly refer to the north of Ireland as a society 'emerging from conflict'; its communities and its politics mobilised towards transformation. The research reported here suggests that, for many children and young people, notions of 'post-conflict' or 'transition' remain distant possibilities. Sectarianism entrenches hatred for the 'other' – physically, psychologically, culturally – particularly in interface locations where the divisions of sectarianism are manifested in 'peace walls' and threatening graffiti. The North, however, is also divided by poverty. Together, the structural inequalities of class and sectarianism are primary determining contexts – corroding the immediate experiences and inhibiting the potential of children and young people. The accounts of children and young people in communities most affected by economic deprivation and the Conflict illustrate how interpersonal and institutional violence is endemic. Policing, be it by the PSNI or paramilitaries, rarely rises above confrontation, intimidation and harsh punishment. Under-resourced youth and community workers seek to address the deficit left by inadequate statutory service provision.

Differential policing, including arbitrary assaults on children and young people, is unacceptable given the much-heralded commitment to 'transitional justice'. Despite previous criticism by the UN Committee on the Rights of the Child (2002) and Policing Board concerns, at a time when they need to establish positive community relations the PSNI has maintained a commitment to using plastic bullets and introducing tasers. As noted by the Northern Ireland Children's Commissioner, punishment beatings have 'not been traditionally dealt with as child abuse by the relevant authorities'. She called for further action to 'be taken by the police, social services and other relevant agencies to protect children and young people from abuse by adults within their own community' (UK Children's Commissioners 2008:16).

In some communities, continued reliance on paramilitaries to police alleged anti-social behaviour has been challenged successfully by community-based restorative justice schemes. Mika's in-depth evaluation of initiatives that provide 'non-violent community alternatives to paramilitary punishment attacks and exclusions relating to alleged localised crime and anti-social behaviour' found a marked reduction in paramilitary punishments, with 'beatings and shootings' eliminated in 'all but one project site by 2005' (Mika 2006:i). These schemes, however, remain vulnerable to short-term funding. Further, there has been reluctance by government to provide core funding, thus undermining future security and potential for the consolidation of successful projects.

The impact of the Conflict on the lives of children and young people, the trauma of bereavement and experiences of violence remain largely unaddressed. In a society where the need for child and adolescent mental health services is most pressing, provision is inadequate. The needs of the most vulnerable and damaged children and young people are not met, their rights are not realised. Defending and promoting the rights of children and young people is difficult in a climate of prolonged media hostility and political opportunism where negative constructions of young people focus on 'antisocial' behaviour. As a result of mobilisation against their use, vigilant monitoring of their implementation, and emphasis on diversionary approaches, use of ASBOs on children and young people has been relatively limited in Northern Ireland – between 24 August 2004 and 29 May 2007, 20 ASBOs were issued against under-18s (Haydon 2008:47). But there is concern that devolution of criminal justice and policing may lead to more punitive responses, as locally accountable politicians attempt to appear responsive to community calls for action and media-fuelled moral panics.

As in Britain, young people 'hanging around' public spaces are increasingly perceived as a nuisance, threat or antisocial (see McAlister this issue). They challenge assumptions about being 'up to no good' (Hamilton et al 2003:6). Despite their protestations, such assumptions often result in them being moved on – to the margins of communities; places that are less public and less safe. Research has shown consistently that a main reason for young people being on the streets is lack of leisure facilities. As they comment: 'There's fuck-all to do. That's why kids are out on the streets'. Another reason is spending time with friends and peers, away from adult supervision: 'Should have more space and fun – not enough space for kids. To make their own decisions and have their own fun'; 'Just places to go with your mates' (see: Kilkelly et al 2004; Roche 2005; Haydon 2007). In contrast, 'antisocial' behaviour, including the presence of groups of young people in public spaces, is portrayed and condemned as a reflection of individual pathology, family dysfunction and community breakdown. This ignores the consequences of structural inequalities, and perpetuates negative divisions between young people and the adults in their communities.

Not all children and young people in Northern Ireland share the same experiences – their childhoods are influenced by the determining contexts of gender, sexuality, culture, religion, geographical location, class, abilities and age. This article provides an insight into how children, as social actors, negotiate their social worlds. For example, in interface areas, incidences of verbal or physical sectarian attack on the journey to or from school were not necessarily everyday occurrences 'but often depended on the wider political climate and relationships between adults in the area' (Leonard 2006:447). This led to children making assessments about the likelihood of attack 'based on their evaluation of general tensions in the area' or more mundane considerations such as the weather and time of day (ibid:448). Young people perceived these acts as routine and predictable; developing strategies to reduce or prevent potential harm. They 'demonstrated an ability to appraise the wider political situation and to gauge the likely actions of perpetrators of the ongoing conflict' (ibid:453). They also demonstrated how their ability to cope with actual and perceived danger was dependent on provision of information about situations. Adults' desire to protect children by denying access to information about occurring events and the risks faced led to increased stress for young people, inducing feelings of helplessness and fear (ibid:454).

Children's and young people's accounts can improve adult understanding about everyday life as they experience it. In addition, they can inform planning and delivery of services, development of policy, and initiatives designed to address current concerns. A consistent feature of the research on which this article is based was the stated desire of children to live in communities without fear and intimidation:

Blind, deaf, different colour, different religion, from a different country – everybody should be treated the same.

It's important that everybody is treated the same because you don't know when something might happen to you to make you different.

I would like people to live where they would like to and for the Protestants and Fenians to live together.

Where I live there are people with a different religion who also live near and people give them a hard time. I wish there was no religion so that everyone could get on and there would be no fighting.

Such radical change requires both interpersonal and institutional responses. As Liechty and Clegg (in Leonard 2004:79) recognise: 'the state has been deeply implicated in establishing and nurturing sectarianism ... moving beyond sectarianism involves political and legal

actions that only the state can accomplish'. The legacy of the Conflict, social and economic marginalisation will be addressed only when their impacts are fully recognised and resources are provided to reduce structural inequalities. As concluded elsewhere (Scraton & Haydon 2002:326), barriers to equality can only be overcome through a 'fundamental shift in the structural relations and determining contexts of power which marginalize and exclude children and young people from effective participation in their destinies'.

Implementation of international human rights standards, particularly the UN Convention on the Rights of the Child, the Riyadh Guidelines (1990) and the Beijing Rules (1985), can provide a framework within which ideological, policy and legal changes can be pursued. This includes challenging negative social constructions and representations of children and young people. Changes in social attitudes and actions, as well as in the policies and practices of political and economic institutions, are vital to securing progress for both present and future generations in the north of Ireland. As a young father stated: '... when you've got kids you don't want them to live what you've lived'.

### Acknowledgements

With thanks to Include Youth and to the children and young people who gave their time to contribute to the research and consultations.

### References

ARK 2004 *Northern Ireland Life and Times*, ARK (available from: [www.ark.ac.uk/nilt/2004/Community\\_Relations/OWNMXSCH.html](http://www.ark.ac.uk/nilt/2004/Community_Relations/OWNMXSCH.html) Accessed 17.5.08)

Beijing Rules: Office of the High Commissioner for Human Rights 1985 *'The Beijing Rules' – United Nations Standard Minimum Rules for the Administration of Juvenile Justice*, Adopted by General Assembly resolution 40/33 of 29 November 1985

Byrne J Conway M & Ostermeyer M 2005 *Young People's Attitudes and Experiences of Policing, Violence and Community Safety in North Belfast* Northern Ireland Policing Board Belfast

Cadwallader A 2004 *Holy Cross: The Untold Story* The Brehon Press Belfast  
Byrne J Conway M & Ostermeyer M 2005 *Young People's Attitudes and Experiences of Policing, Violence and Community Safety in North Belfast* Northern Ireland Policing Board Belfast

Chief Medical Officer 1999 *Health of the public in Northern Ireland: report of the Chief Medical Officer, 1999: Taking care of the next generation* DHSSPS Belfast

Chief Medical Officer 2007 *Your Health Matters. The Annual Report of the Chief Medical Officer for Northern Ireland 2006* DHSSPS Belfast

CJINI (Criminal Justice Inspection Northern Ireland) 2007 *The Handling of Complaints in the Criminal Justice System. A review of how the main Criminal Justice Organisations deal with complaints* July 2007 CJINI Belfast

DENI (Department of Education Northern Ireland) 2008 *Enrolments at schools and in funded pre-school education in Northern Ireland 2007-08* Statistical Press release DENI 26 February

DHSSPS (Department of Health, Social Services and Personal Safety) 2005 *Number of Admissions of Young People to Adult Wards and Bed Days Occupied across the Region 2003-2005* DHSSPS Belfast

DHSSPS (Department of Health, Social Services and Personal Safety) 2006 *Protect Life. A Shared Vision: the Northern Ireland Suicide Prevention Strategy and Action Plan 2006-2011* DHSSPS

Ellison G 2001 *Young People, Crime, Policing and Victimisation in Northern Ireland* Institute of Criminology and Criminal Justice Queens University Belfast

ERINI (Economic Research Institute for Northern Ireland) and IFS (Institute of Fiscal Studies) 2007 *An Analysis of Public Expenditure on Children in Northern Ireland*, NICCY DFP OFMDFM Belfast

Hamilton J Radford K & Jarman N 2003 *Policing, Accountability and Young People* Institute for Conflict Research Belfast

Hansson U 2005 *Troubled Youth? Young People, Violence and Disorder in Northern Ireland* Institute for Conflict Research Belfast

Harvey C 2003 'On Law, Politics and Contemporary Constitutionalism' *Fordham International Law Journal* vol 26 no 4 pp 996-1014

Haydon D 2007 *United Nations Convention on the Rights of the Child: Consultation with Children and Young People* OFMDFM Belfast (available at: [www.allchildrenni.gov.uk](http://www.allchildrenni.gov.uk) Accessed 16 May 2008)

Haydon D 2008 *Northern Ireland NGO Alternative Report: Submission to the United Nations Committee on the Rights of the Child for consideration during the Committee's scrutiny of the UK Government Report (July 2007)* Save the Children Northern Ireland and Children's Law Centre Belfast available at: [www.childrenslawcentre.org](http://www.childrenslawcentre.org)

Hillyard P Kelly G McLaughlin E Patsios D & Tomlinson M 2003 *Bare Necessities: Poverty and social exclusion in Northern Ireland – Key Findings* Democratic Dialogue 16 Belfast

Hillyard P Rolston B & Tomlinson M 2005 *Poverty and Conflict in Ireland: An International Perspective* Institute of Public Administration/ Combat Poverty Agency Dublin

Horgan G 2005 'Why the Bill of Rights should protect and promote the rights of children and young people in Northern Ireland. The particular circumstances of children in Northern Ireland' in G Horgan & U Kilkelly (eds) *Protecting children and young people's rights in the Bill of Rights for Northern Ireland. Why? How?* Save the Children and Children's Law Centre Belfast

Include Youth 2004 *Response to Measures to tackle Anti-Social Behaviour in Northern Ireland: Consultation Document* Include Youth Belfast

Jamieson R & Grounds A 2002 *No Sense of an Ending: The effects of long-term imprisonment amongst Republican prisoners and their families* SEESYU Press Ltd Monaghan

Kilkelly U Kilpatrick R Lundy L Moore L Scraton P Davey C Dwyer C & McAlister S 2004 *Children's Rights in Northern Ireland* NICCY Belfast

Leitch R & Kilpatrick R 1999 *Inside the Gates: Schools and the Troubles: A research report into how schools support children in relation to the political conflict in Northern Ireland* Save the Children Belfast

Leonard M 2004 *Children in Interface Areas: reflections from North Belfast* Save the Children Belfast

Leonard M 2006 'Segregated Schools in Segregated Societies: Issues of safety and risk' *Childhood* vol 13 no 4 pp 441-458

Leonard M 2007 'Trapped in Space? Children's Accounts of Risky Environments' *Children and Society* vol 21 pp 432-445

McKittrick D Kelters S Feeney B & Thornton C 1999 *Lost Lives: The stories of the men, women and children who died as a result of the Northern Ireland troubles* Mainstream Publishing Edinburgh

Magadi M & Middleton S 2007 *Measuring Severe Child Poverty in the UK* Save the Children London

McLaughlin E & Monteith M 2004 *The Bottom Line* Save the Children Belfast

McLaughlin E & Monteith M 2006 *Child and Family Poverty in Northern Ireland* OFMDFM Equality Directorate Research Branch Belfast

McClelland R 2006 *The Bamford Review of Mental Health and Learning Disability (Northern Ireland): A Vision of a Comprehensive Child and Adolescent Mental Health Service* Belfast July

Mika H 2006 *Community-based Restorative Justice in Northern Ireland* Institute of Criminology and Criminal Justice Queen's University Belfast

Monteith M Lloyd K & McKee P 2008 *Persistent Child Poverty in Northern Ireland* Save the Children Belfast

NIHRC (Northern Ireland Human Rights Commission) 2004 *Response to Measures to tackle Anti-Social Behaviour in Northern Ireland: Consultation Document* NIHRC Belfast

NIO (Northern Ireland Office) 1998 *Belfast/ Good Friday Agreement* [available at: [www.nio.gov.uk/agreement.pdf](http://www.nio.gov.uk/agreement.pdf) Accessed 16 May 2008)

NIO (Northern Ireland Office) 2004 *Measures to Tackle Anti-Social Behaviour in Northern Ireland: A Consultation Document* Criminal Justice Policy Branch Northern Ireland Office Belfast

NIO (Northern Ireland Office) 2006 *St Andrews Agreement* (available at: [www.nio.gov.uk/st\\_andrews\\_agreement.pdf](http://www.nio.gov.uk/st_andrews_agreement.pdf) Accessed 16 May 2008)

NISRA (Northern Ireland Research and Statistics Agency) 2006 *Estimated population by sex and age 30 June 2006* NISRA (available at: [www.nisra.gov.uk/archive/demography/publications/annual\\_reports/2006/Table2.1\\_2006.xls](http://www.nisra.gov.uk/archive/demography/publications/annual_reports/2006/Table2.1_2006.xls) Accessed 16 May 2008)

Off the Streets (St Brigid's College and the Institute for Conflict Research) 2004 *Young People in the Greater Shantallow Area* Off the Streets Derry

O'Rawe A 2003 *An Overview of Northern Ireland Child and Adolescent Mental Health Services* Children's Law Centre Belfast

Quinn K and Jackson J 2003 *The detention and questioning of young persons by the police in Northern Ireland* Northern Ireland Office Research and Statistical Series Report No 9 NISRA Belfast

Riyadh Guidelines: Office of the High Commissioner for Human Rights 1990 *'The Riyadh Guidelines' – United Nations Guidelines for the Prevention of Juvenile Delinquency* Adopted by General Assembly resolution 45/112 of 14 December 1990

Roche R 2005 *Something to Say – the complete TRIPROJECT report on the views of young school leavers in the Derry City Council District areas* Blackstaff Press Belfast

Save the Children 2007 *A 2020 Vision: Ending Child Poverty in Northern Ireland. Annual Child Poverty Report 2007* Save the Children Belfast

Scraton P & Haydon D 2002 'Challenging the criminalization of children and young people: securing a rights-based agenda' in J Muncie G Hughes & E McLaughlin (eds) *Youth Justice: Critical Readings* Sage/ The Open University London

Shirlow P 2003 'Ethno-sectarianism and the reproduction of fear in Belfast' *Capital and Class* vol 80 pp 77-93

Spence L 2002 *Unheard Voices – the experiences and needs of the children of Loyalist Political Ex-prisoners* EPIC Belfast

Smyth M with Fay M T Brough E & Hamilton J 2004 *The Impact of Political Conflict on Children in Northern Ireland* Institute for Conflict Research Belfast

Tomlinson M 2007 *The Trouble with Suicide. Mental Health, Suicide and the Northern Ireland Conflict: A Review of the Evidence* Queens University Belfast

UK Children's Commissioners 2008 *UK Children's Commissioners' Report to the UN Committee on the Rights of the Child* June NICCY Belfast

UN Committee (United Nations Committee on the Rights of the Child) 2002 *Concluding Observations of the Committee on the Rights of the Child: United Kingdom of Great Britain and Northern Ireland*, Consideration of reports submitted by States Parties under Article 44 of the Convention CRC/C/15/Add.188 4 October