Foreword

Ann Skelton
Professor of Law, University of Pretoria, member of the United Nations Committee on the Rights of the Child and Chair of the Advisory Group of the Global Study of Children Deprived of Their Liberty

"We are safe here physically, everything is well, but we have stress all the time because every minute we have a dream that is being out of here with our families and friends" (Nowak, 2019, p105). These words of an adolescent boy, interviewed during the Global Study on Children Deprived of their Liberty, remind us that no matter how good the conditions of confinement might be, freedom remains the perpetual dream for every detained child. Manfred Nowak, who led the Global Study, equated children's deprivation of liberty with deprivation of childhood and he recommended that states 'make all efforts to reduce the number of children held in places of detention and prevent deprivation of liberty before it occurs' (Nowak, 2019, p 668). The Global Study accepts that in 'rare' cases, deprivation of liberty remains unavoidable, and if it is used, then it 'should be in conditions and circumstances that ensure respect for the human rights of children' (Nowak, 2019, p 257).

This book by Ursula Kilkelly and Pat Bergin gives a detailed account of how Ireland has grappled with developing a child-rights-compliant approach to caring for children deprived of their liberty. The authors acknowledge that, until a few years ago, Ireland's detention practices fell short of good practice, with inadequate standards of care, high levels of restrictive practices and ineffective responses to children's complex needs. The book explains how Ireland has made important changes during the past five years to bring its youth justice detention practices in line with international human rights standards pertaining to children. The story of Oberstown Children Detention Campus is a narrative of transformation that provides insights into the relevance of a purpose-built facility. It demonstrates the vital importance of professionalizing the workforce, and reshaping the way that they work with children, which in turn has a significant impact on outcomes for children.

Article 40(1)) of the United Nations Convention on the Rights of the Child (CRC) requires that children in the youth justice system must be 'treated in a manner consistent with the child's sense of dignity and worth'. This requirement is both profound and simple, but it is not always easy to achieve in practice, particularly in places of detention where imposed communal living in confined and impersonal spaces seems to pull in the very opposite direction. The wording indicates that it is the child's own subjective sense of dignity and worth that matters. This underscores the importance of giving children a chance to say how they feel, really listening to them and making changes accordingly. The authors underscore that a commitment to child participation and listening to children has been embedded into the model at Oberstown, in individual, unit and campus decision-making, as well as in the complaints procedure.

The United Nations Committee on the Rights of the Child, which monitors compliance with the CRC, provided guidance in its General Comment 24 (2019) on children's rights in the child justice system. It elaborates on the requirements of Article 37(c) of the CRC – that children should be treated with humanity and respect for inherent dignity of the person, and in a manner that takes into account the needs of a person of his or her age. The General Comment emphasizes that detained children should be provided with an environment that is conducive to the reintegrative aims of residential placement. The book explains that the ratification of the CRC was a catalysing event, which triggered law and policy reform. The government of Ireland's commitment to establish a child-centred model of detention was a crucial platform for the intricate work that followed. The decision to create a single, national facility for Ireland progressed along a bumpy and sometimes difficult path, reminding us that change is not easy and that change-makers must be in it for the long haul. The resolute efforts of the reformers have paid off, and the last four chapters of the book present evidence that children's lived experience while in detention has improved.

Progress to date is summarised in Chapter 10, which explains that child-centred care has been achieved through a consistent approach to the individual assessment of need on admission, personalized placement plans and an integrated model of care through multidisciplinary services and supports. This work continues through the monitoring of the goals of each child's placement plan in a manner that is inclusive of children and their parents. Therapeutic services are carried out on site. All of this is supported by an electronic case management system that promotes good record-keeping and evidence-based decision-making.

The authors also identify the complex range of measures that were taken to advance children's rights in detention. These include the grounding of the work in international and domestic law standards and the improvement of the quality of care through recruitment, training, supervision and support for

the staff who carry out the complex work with children. Other important factors were accountability through independent oversight, ongoing scrutiny, awareness-raising among the public, political leadership and support. Crucially important was the constant learning during this planned process of change, and how that was fed back into the design. Documenting the various steps as the journey unfolded also provided a bedrock of information from which the authors have drawn in presenting the detailed analysis of the process of change that this book offers.

The microcosm of Oberstown has been an incubator for ideas about how to work in a rights-compliant way with detained children. Kilkelly and Bergin have contextualized this within international human rights standards, and in so doing, have provided an action research exemplar that may serve as a blueprint for other reformers around the world.