

***Presentation delivered by Agnieszka Martynowicz, Research & Policy Officer, Irish Penal Reform Trust, at the launch of Detention of Children in Ireland: International Standards and Best Practice, 30<sup>th</sup> November 2009.***

The idea for this report dates back to 2006 when the discussion regarding the new facility for children in Ireland was in its inception. At the time, Verona Ní Dhrisceoil, who co-authored the report, compiled a vast amount of information regarding international standards and practice in other jurisdictions in a comparative study of good practice examples. As the discussion about the future of children detention in Ireland progressed, it became increasingly important that the report also looked at current legal framework, practices and policies in Ireland, to flag best practices and also to offer a framework for improvement where needed. As the final updating of the report took place at the time of the decision-making stages of the work of Expert Group on Children Detention Schools, we also felt that it should become a useful resource that could inform the next stages of the development of the new facility, both in relation to the physical design, as well as policies and practices within it that will build on the experience already evident in the current facilities.

The report is not based on primary research into the conditions of detention, neither is it intended as a criticism of the current policies and practices. As you will see from the report, many of the practices in current detention facilities are of very high standard, and the most recent reports by the Health Information and Quality Authority confirm that children feel their relationships with staff are good or very good; that they feel they are listened to; and that their families play a very active part in their life despite them being detained in the various facilities.

The inspectors, however, identified a number of areas where improvements have to be made, paying particular attention to child protection procedures and to staff vetting. A number of recommendations have also been made regarding the practice in St. Patrick's Institution over the years. With new standards for inspection of St. Patrick's published by the Inspector of Prisons we will hopefully soon be able to see what, if anything, is still to be done - beyond the main and big question of removing the boys permanently from prison of course.

This report has been designed to assist such improvements where the need for them has been identified. It compiles international standards that Ireland has undertaken to follow by signing up to international human rights instruments, such as the UN Convention on the Rights of the Child, and international bodies such as the UN and the Council of Europe. International standards provide an important benchmark for an assessment of policies and practices in places of detention. Indeed, the new Standards for Inspection of St. Patrick's Institution published by the Inspector of Prisons are firmly based on international human rights instruments. The new

inspection regime is an important addition to the system of monitoring of places of detention for children in Ireland, and we commend the Inspector for taking this initiative, and are looking forward to Inspector's first report on St. Patrick's to find how these are implemented in practice.

The report is divided into two parts. The first part discusses the context of the detention of children in Ireland, outlines international standards applicable to detention of children, and provides comparative analysis of a number of youth detention systems in Europe. The second part of the report looks at specific standards relating to a number of practice areas (such as physical environment and accommodation; personal and social development; health care provision; staffing requirements, etc.) and highlights examples of good practice both in Ireland and in other European countries in those areas that may serve as guidance for the development of policy and practice in the new National Children Detention facility. The paper then makes a number of detailed recommendations for each thematic area, as well as two central recommendations:

- a) That in accordance with Article 12 of the UN Convention on the Rights of the Child, children should be involved in the process of designing the new National Children Detention Facility, and their opinions should be taken into account in the development of all practices and policies in the new facility; and that
- b) The Ombudsman for Children is urgently given the remit to receive individual complaints from children held in St. Patrick's Institution to ensure the equality of treatment for all children who are held in detention centres in Ireland.

It is not suggested that all the evidence in the report is new. As I said earlier, those working in the existing Children Detention Schools, as well as in St. Patrick's, are already very familiar with well-established best practice. IPRT considers it important, however, to identify and collate international standards and best practice examples in one document so that it usefully be set down as a marker against which all future progress will be measured. We hope that this report will be a resource that practitioners can use in their day-to-day practice. Thank you.

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