

Impact Case Study

UoA 22: Social Work and Social Policy

Youth custody and children's rights in Northern Ireland

Summary of the impact

Research by Dr Una Convery and Dr Linda Moore (respectively Lecturer and Senior Lecturer in Criminology) has significantly influenced rights-compliance in policy, legislation and practice regarding youth custody in Northern Ireland and beyond. Most notably, it **impacted decisively on the development of innovative regimes and policies at NI's only custodial centre for children and improved their conditions**. It also influenced decisions on reduced custodial levels and the removal of children from the penal system. By providing a solid evidence base, utilised by lobbyists and political representatives, the research influenced the inclusion of independent reviews of the penal and youth justice systems within the multi-party Hillsborough Agreement (2010). Its findings also assisted the Northern Ireland Human Rights Commission (NIHRC) in its successful campaign for enhanced investigatory powers.

Underpinning research

The research by Convery and Moore was based on primary qualitative interviews by the authors with imprisoned children, custodial staff and policy makers regarding youth custody in NI and included documentary analysis and observation of custodial regimes. It was commissioned and funded (£3,000) by the NIHRC and conducted from April 2005 to Summer 2006. The research was published in 2006 as *Still in Our Care: Protecting the Rights of Children in Custody* (2006) by the NIHRC, and also reported and analysed in five refereed publications.

The research examined and assessed the extent to which the recommendations of an earlier (2002) report by the authors (*In Our Care*, with Ursula Kilkelly) had been implemented:

<http://www.nihrc.org/documents/research-and-investigations/children/in-our-care-2009.pdf>. The research also made recommendations on the future development of youth custody in Northern Ireland, based on international children's rights standards.

Convery was Research Assistant at the University of Ulster from August 1999 to November 2000, and February 2001 to August 2001, during which time she conducted research for the earlier 2002 NIHRC report (*In Our Care*). She has been a Lecturer in Criminology at Ulster since 2003, where she was employed when commissioned to conduct the research underpinning this impact case study (*Still in Our Care*, 2006). Moore was Lecturer in Criminology at Ulster from 2007 and is now, since 2012, Senior Lecturer. At the time of co-authoring the research with Convery, Moore was Investigations Worker with the NIHRC.

When *In Our Care* was published in 2002 there were three Juvenile Justice Centres (JJs) in NI for the custodial detention of children aged 10–17. That research found serious breaches of children's rights, particularly in relation to Lisnevin JJ. It documented poor regimes for children in custody characterized by an over-use of physical restraint and isolation; deficient child protection procedures; limited education and health provision; and inadequate rehabilitative support. In general the staff were under-trained and demoralised. In the case of Lisnevin, allegations of verbal and physical abuse of children were highlighted. Across the system, many children were detained for very minor offending. Most children in custody were on remand, contrary to international rights standards. **The authors made 170 recommendations, which were adopted as NIHRC policy**. These

included: the closure of Lisnevin; reduction in levels of physical restraint; improvement in child protection procedures and an end to the custodial detention of very young children. A significant increase in the age of criminal responsibility was recommended. The research gained widespread media and political attention and was used as evidence by the NIHRC and by children's and human rights organisations to support their lobbying activities.

By the publication of *Still in Our Care* (2006) the three JJs had been closed and replaced by a single institution, the JJ for Northern Ireland. *Still in Our Care* was based on qualitative methods including observations of the regime; analysis of case-files; and in-depth interviews with children, custodial staff and a range of practitioners and decision makers. The research found that many of the previous recommendations had been implemented including: legislative change based on greater emphasis on restorative justice measures and diversion; fewer very young children (aged 10-12 years) in custody; improved staff training leading to less reliance on physical restraint; enhanced child protection procedures; developments regarding bail support; improved educational and health care provision; introduction of an independent complaints mechanism.

Some recommendations had not yet been progressed: it was observed that children aged 16 and 17 were still liable to be detained in prison custody. Having documented progress, *Still in Our Care* went on to make a series of evidence-based recommendations for further development including: better support for families; increased resettlement provision; responsibility for all under-18s in custody to be transferred to the Youth Justice Agency (YJA); explicit incorporation of children's rights within the custodial standards; reduction in the detention of children under the Police and Criminal Evidence (NI) Order, 1989. The NIHRC formally adopted the recommendations and has continued to use them as an evidence base on which to lobby politicians and policy makers (see sources a, d, e and f in section 5). Professor Jaap Doek, then chair of the UN Committee on the Rights of the Child, launched the research report. The JJ for Northern Ireland was replaced in January 2007 by Woodlands JJ. The impact of the research during the development of Woodlands and its continuing post-2008 influence on policy and practice is discussed in section 4.

References to the research

- Convery, U. and Moore, L. (2006), *Still In Our Care: Protecting Children's Rights in Custody in Northern Ireland*, Belfast: NIHRC (pp. 130): <http://www.nihrc.org/uploads/publications/still-in-our-care-protecting-childrens-rights-in-custody-2006.pdf>
- Moore, L. and Scraton, P. (2007), *The Prison Inside: the Imprisonment of Women at Hydebank Wood 2004-06*, Belfast: NIHRC. <http://www.europeangroup.org/The%20Prison%20Within%20Published.pdf>
- Convery, U., Haydon, D., Moore, L., and Scraton, P. (2008), 'Children, Rights and Justice in Northern Ireland: Community and Custody', *Youth Justice*, 8 (3), pp. 245-263. doi: 10.1177/1473225408096463
- Convery, U. and Moore, L. (2008), 'Barred from Change: the Incarceration of Children and Young People in Northern Ireland', *Current Issues in Criminal Justice*, Vol. 20 (1), pp. 79- 94, available at: http://eprints.ulster.ac.uk/9726/1/current_issues_article.pdf

- Moore, L. (2011) 'The CRC Comes of Age: Assessing Progress in Meeting the Rights of Children in Northern Ireland', *Northern Ireland Legal Quarterly*, Vol. 62 (2), pp. 217-34. http://eprints.ulster.ac.uk/21978/1/NILQ_62.2.7_MOORE_FINAL.pdf
- Wahidin, A., Moore, L. and Convery, U. (2012) 'Challenging a Locked-down Regime: The Role of Penal Policy and Administration in Northern Ireland and the Struggle for Change', *Howard Journal of Criminal Justice*, Vol. 51 (5), pp. 458-73. DOI: 10.1111/j.1468-2311.2012.00736.x

Details of the impact

The NIHR, which published Convery and Moore's research, *Still In Our Care* (2006), continues to lobby on its key recommendations (referring to progress on these in its *Annual Statement* for 2012, see source f). By October 2013 it remained the only published independent primary research on regimes for children in custody in NI. Significant impacts are detailed below.

1. Inspiring rights-based regimes and policies within Woodlands. The research has been acknowledged by the Department of Justice (DOJ), the Youth Justice Agency (YJA) and children's rights organisations (sources g, h and i) as having impacted on the creation of a regime at Woodlands that has an international reputation for excellence and which has been highly praised by the Criminal Justice Inspection (NI) inspectors in recent years. While plans were being made for the development of Woodlands, the authors along with Human Rights Commissioners, held regular meetings with professionals and officials from the Northern Ireland Office (NIO), the Police Service of Northern Ireland, the YJA, the Social Services Inspectorate and the Criminal Justice Inspection to discuss in detail the research findings and recommendations. Commitments were given regarding many of these. In the years following the publication of the report, its impact included:

- enhanced investigation of child protection incidents;
- greater provision of support for families;
- reduction in the use of custody for children;
- enhanced training of staff in mediating conflict;
- reduction in the use of physical restraint;
- improved induction procedures;
- the provision of individual care plans;
- improvement of education and health care provision for children in custody;
- the introduction of an independent complaints mechanism.

A key impact in terms of significance has been, and continues to be, on the lives of children in custody, given the development of more rights-compliant regimes. Custodial staff have also benefited, by way of an improved environment and enhanced training. The Director of has written (source f): 'By providing a sound research basis which organisations could use for lobbying government and informing monitoring bodies (including international bodies) the **research had a clear impact on the lives of children and young persons in custody** in Northern Ireland for whom there are improved conditions and regimes'.

2. Influencing Youth Justice Policy. The Head of the Youth Justice Unit, DOJ, closely involved in advancing new policies and their implementation, has acknowledged that the research 'helped to establish a strategic direction of travel' that included '**adoption of the "best interests principle"; the removal of children from Prison Service custody; the strengthening of Children Order protection; and a local Minister of Justice advocating for the minimum age of criminal responsibility to be increased.**' He stated, 'without hesitation', that 'the research and the

discussions around its implementation contributed to the development of children's rights, compliant policies and practices within the youth justice system in NI' (source i). The research evidence base underpinned the successful campaign for the removal of girls under the age of 18 from the prison system in 2009, and more recently of boys under 18. All children in custody are now accommodated in Woodlands Juvenile Justice Centre. The evidence and recommendations presented in the research have also been drawn upon during on-going discussions on the age of criminal responsibility, most recently at a seminar on youth justice approaches across the four UK jurisdictions and the Republic of Ireland.

3. Influencing the inclusion of a review of children and the criminal justice system within the Hillsborough Agreement. The research is acknowledged as having provided a 'strong platform' for children's rights organisations to advocate for the inclusion of a review of children and criminal justice within the multi-party Hillsborough Agreement (2010) (source g). The Youth Justice Review Team reported in 2011, its recommendations mirroring those from the research including the need to increase the minimum age of criminal responsibility. Convery and Moore gave evidence to both the Youth Justice and Prison Review teams on several occasions and in November 2010 organised a multi-disciplinary symposium, with colleagues at QUB, and, with support from IRISS, to inform the Prison Review Team, including the chair Dame Anne Owers, about relevant research findings.

4. Providing an evidence base for lobbying locally and in international fora. The research has provided a solid evidence base utilised by children's rights and human rights organisations in lobbying on a national and international level (for example in shadow reports to the UN Committee on the Rights of the Child and in submissions to the Youth Justice Review). Evidence from the research has contributed to lobbying on issues including the minimum age of criminal responsibility; separation of children from adults in custody; and provision of greater mental health support for detained children. The NIHRC submission to the Youth Justice Review referenced the research (source d). The Director of the Children's Law Centre has confirmed that, in informing its advocacy work and engagement with monitoring bodies, 'the research had a significant, positive and indisputable impact in the protection of the rights of children and young people in custody in NI' (source g). For further evidence see sources a, b and c below.

5. Evidence base used within the successful campaign to extend the powers of the Human Rights Commission. Under the Northern Ireland Act 1998, Section 69, the NIHRC had authority to conduct investigations but had no associated powers of entry or disclosure. Indeed, Convery and Moore were barred by the NIO from accessing the JJC to conduct fieldwork in 2004, thus delaying the research. The bar on access was criticised by the UN Committee Against Torture in its concluding observations on the UK (2004). This was reinforced by evidence given by other independent bodies, for example the Committee on the Administration of Justice (NI-based NGO) and by British Irish Rights Watch to the Joint Committee on Human Rights at Westminster. In February 2005, the NIHRC came to an out of court settlement with the NIO which granted access to conduct the research. NIHRC powers were extended through the Justice and Security (NI) Act, 2007 giving powers of access to places of detention and to compel evidence. These enhanced powers have had a positive impact on the continued investigations work of the NIHRC.

6. Inspiring developments beyond Northern Ireland. In terms of reach, the international reputation of Woodlands extends the influence of the research beyond Northern Ireland. The Chief Executive of the YJA has written (4/10/13 source h) to acknowledge the '*importance of the research of Dr Una Convery and Dr Linda Moore Still In Our Care: Protecting the Rights of Children in Custody carried out in 2006 for the Juvenile Justice Centre (Woodlands) as it has developed over the last seven years*'. She continued, '*Woodlands has maintained and increased its reputation as an example of best practice for the detention of young people in custody*'. The international reputation of Woodlands has been

recognised in research elsewhere (source c). The research has been presented at a range of conferences across Europe open to youth justice practitioners, including representatives from children's rights organisations and policy makers, and published in the international text edited by Sheehan et al (2012, see 3 above).

Sources to corroborate the impact

(a) NIHRC (2008) *Submission to the UN Committee on the Rights of the Child: Shadow Report on the Third and Fourth Periodic Reports of the United Kingdom of Great Britain and Northern Ireland*, Belfast: NIHRC (pp. 8-11 and 39-41). <http://www.advancingchildrensrights.com/Filestore/Fileupload,403611,en.pdf>

(b) *NGO Alternative Report to UNCRC* (2008) Belfast: CLC and Save the Children, p 48. <http://www.advancingchildrensrights.com/Filestore/Fileupload,403612,en.pdf>

(c) Prison Reform Trust (Jacobson and Gibbs) (2009) *Out of Trouble – Making Amends: restorative youth justice in N.I.* London: PRT. http://www.prisonreformtrust.org.uk/uploads/documents/making_amends.pdf

(d) NIHRC (2011) *Submission to Youth Justice Review*, Belfast: NIHRC. <http://www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/youthjustice-review/ni-human-rights-commission---summary-of-views.pdf>

(e) NIHRC *The 2012 Annual Statement: Human Rights in Northern Ireland*. Belfast: NIHRC. http://www.nihrc.org/documents/advice-to-government/2012/HRC_Annual_Statement%202012.pdf

Letters evidencing impact have been received by Prof. Hugh McKenna (Pro Vice Chancellor of Research and Innovation) from the following:

(f) Corroborator 1, Director, N.I. Human Rights Commission (April 2013).

(g) Corroborator 2, Director, Children's Law Centre (28 August 2013).

(h) Corroborator 3, Chief Executive, Youth Justice Agency (4 Oct. 2013).

(i) Corroborator 4, Head Youth Justice Unit, Dept. Justice (22 April 2013).