



Creative arts in the Irish youth justice system: A children's rights approach?

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Abstract

Arts-based approaches are used as a means of working with young people in youth justice systems in many jurisdictions, and pursue a variety of aims. However, studies which evaluate these programmes rarely consider their outcomes with reference to the children's rights standards under the UN Convention on the Rights of the Child. Drawing on a study with young people and practitioners in Ireland, this article aims to examine how creative arts are used with young people within the Irish youth justice system, and to consider how these approaches create opportunities and challenges for the realisation of children's rights under the UN Convention on the Rights of the Child.

Keywords

UN Convention on the Rights of the Child, right to participate in arts and cultural life, Ireland, participatory research with children, arts interventions, prevention and diversion, deprivation of liberty, community-based interventions

Introduction

Arts-based approaches are used as a means of working with young people in conflict with the law in many jurisdictions and can have a variety of aims, including providing meaningful activities for young people, helping to build positive relationships between young people and adults, encouraging engagement in education, or as part of restorative justice initiatives, among others (see, e.g. Baker and Homan, 2007; Bilby et al., 2013; Caulfield et al., 2022; Caulfield and Sojka, 2023; Cheliotis and Jordanoska, 2016; Cross, 2018; Daykin et al., 2017; Farrier et al., 2009; Hughes et al., 2005; Stephenson, 2024; Woodward et al., 2007). In light of the diverse rationales underpinning these programmes, it is perhaps unsurprising that evaluations have been similarly varied. Evaluations which have

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aimed to measure their “effectiveness” have tended to be mixed, with difficulties in establishing direct causal links between creative arts-based programmes and declines in offending (Hughes et al., 2005; Stephenson, 2024). Nonetheless, these studies have documented many benefits for young people, in helping to develop skills and positive social dynamics, in supporting educational re-engagement, and in providing opportunities to reflect on their experiences and identities (Anderson and Overy, 2010; Baker and Homan, 2007; Caulfield and Sojka, 2023; Hughes et al., 2005; Kallio, 2024; Stephenson, 2024; Woodward et al., 2007). However, these studies have rarely considered young people’s engagement with creative arts in justice contexts with reference to the rights set out under the UN Convention on the Rights of the Child (UNCRC).

Articles 40 and 37 of the UNCRC detail the rights that children are entitled to in their contact with the justice system, emphasising age-appropriate treatment, prevention and diversion, and the importance of treating children with dignity and respect for the needs of a person of their age. These standards set an important benchmark for the treatment of children (Hammarberg, 2008; Kilkelly, 2008) and have been utilised in some contexts to improve the treatment of children in conflict with the law (Lynch and Liefwaard, 2020). However, children in the justice system are equally entitled to their other rights under the Convention, which are often given lesser consideration (Kilkelly et al., 2024). Of these rights, those set out in Article 31 are often sidelined as “luxury” rights (Lansdown and Tobin, 2019, p. 1196; Lott, 2022), and are particularly overlooked in youth justice (Forde, 2026). Article 31 recognises children’s right to free and full participation in cultural life and the arts, in addition to appropriate leisure, recreation and rest. The use of arts-based approaches within youth justice raises questions from a children’s rights perspective about the ability of children in the justice system to access their Article 31 rights, and further raises questions about how these approaches might interact with the rights children are entitled to under Articles 37 and 40.

Like in other countries, arts-based methods are employed within the Irish youth justice system to engage with young people. This occurs within the context of a youth justice system which has embedded respect for children’s rights as part of the core aims of the national *Youth Justice Strategy 2021–2027* (Department of Justice, 2021). Children’s rights principles have also influenced other important policy developments in Ireland, including the development of a national *Creative Youth Plan 2023–2027* (Government of Ireland, 2023). Despite these policies, the use of arts within the Irish youth justice system has been under-studied.

Drawing on a study carried out with young people and youth justice practitioners within the Irish youth justice system, this article aims to examine how creative arts are used to work with young people within the Irish youth justice system and to consider the question of how these methods may create opportunities and challenges for the realisation of children’s rights under the UNCRC. It first reflects on key children’s rights issues raised by this engagement, before going on to consider the place of arts-based approaches within relevant Irish law and policy. It will then set out some of the key findings of the study on young people’s engagement in arts within the Irish youth justice system, with an emphasis on the views of practitioners and young people. Ultimately, the article aims to consider the opportunities and challenges of arts-based practice as a children’s rights approach in youth justice.

Children's rights, arts and the youth justice system

Despite a relative lack of opposition to the inclusion of Article 31 in the drafting of the UNCRC (Lansdown and Tobin, 2019), poor recognition has been given by States to Article 31 in general (UN Committee on the Rights of the Child, 2013), and arguably to the aspect of Article 31 that sets out the right to participation in cultural life and the arts in particular. While it is recognised that Article 31 is important for adolescents as well as younger children (UN Committee on the Rights of the Child, 2013) and that young people in marginal or vulnerable positions within society may experience particular difficulties in accessing these rights (Little, 2015; Lott, 2022; Todres and Kilkelly, 2022; UN Committee on the Rights of the Child, 2013), it has been argued elsewhere that there has been insufficient attention to the importance and relevance of these rights – particularly the right to participate in arts and cultural life – for children who come into conflict with the law (Forde, 2026). The lack of full recognition for these rights for young people who come into conflict with the law is problematic, both because young people's offending often happens in the context of leisure time spent with peers (Gerstner and Oberwittler, 2018; Hoebe and Weerman, 2014; Johns et al., 2017; McAra and McVie, 2010; MacDonald and Shildrick, 2007; Smith and Ecob, 2013; Tanner et al., 2015) and because arts-based activities are often used to engage and work with young people when they are in contact with the youth justice system. Affording greater recognition to the rights contained in Article 31 has the potential to enhance efforts to implement UNCRC-compliant responses to children who have come into conflict with the law in a number of important ways.¹

First, greater recognition of Article 31 rights has the potential to contribute meaningfully to prevention efforts, which should be a central aspect of children's rights-compliant youth justice strategies (UN Committee on the Rights of the Child, 2019; Riyadh Guidelines; Forde, 2026). Young people in conflict with the law often have complex needs and have experienced difficulties in accessing their rights (Baldry et al., 2018; Case and Browning, 2021; Dermody et al., 2020; Kilkelly et al., 2024; McAra and McVie, 2010). Despite the body of literature linking young people's leisure time to young people's involvement in offending (Agnew and Peterson, 1989; Corr, 2014; Gerstner and Oberwittler, 2018; Golden, 2022; Hoebe and Weerman, 2014; Kennedy, 2025; Little, 2015; Smith and Ecob, 2013; Tanner et al., 2015), limited attention has been given to the importance of ensuring Article 31 rights are meaningfully realised for children as a means of helping to prevent young people's involvement in offending or re-offending. The Committee on the Rights of the Child has acknowledged the importance of community-based and mainstream programmes to prevent children from coming into conflict with the law and has recommended that ensuring meaningful leisure activities for children is a part of this strategy (UN Committee on the Rights of the Child, 2019, para. 33). Some studies have also suggested that where children have the opportunity to engage with leisure activities which are meaningful to them, it may reduce the likelihood of them coming into conflict with the law (Caldwell and Smith, 2006; Hughes et al., 2005; Tanner et al., 2015), and being able to access these activities has also been emphasised by young people themselves as an important factor in helping them avoid trouble (Kilkelly et al., 2021; Little, 2015, p. 15). Research has also suggested that programmes

structured around artistic or creative activities can provide opportunities for young people to engage in meaningful activities as an alternative to offending, while also helping in fostering new interests, developing new skills across a range of areas, and providing opportunities for positive social contact with peers and adult facilitators (Caulfield and Sojka, 2023; Hughes et al., 2005; Murray, 2012; Parker et al., 2018; Savuro et al., 2021; Woodward et al., 2007).

Engagement with arts and cultural activities are also relevant to children's experiences within the youth justice system once they come into contact with formal justice agencies. Children who are deprived of their liberty are at risk of having many important rights limited (Nowak, 2019), and this can include their rights under Article 31. In General Comment No. 17, the particular difficulties faced by some children in accessing their rights under Article 31, including those deprived of their liberty, have been recognised (UN Committee on the Rights of the Child, 2013, para. VII). In light of the barriers experienced within this environment, there is a need to pay particular attention to providing adequate opportunities for children to access their rights of general application under the Convention, including those under Article 31 (Forde, 2026; see also Kilkelly and Bergin, 2022). Research indicates that there are a number of potential benefits for young people who engage with arts and creative pursuits if they are deprived of their liberty, including contributing to young people's overall well-being and stress reduction (Cross, 2018; Daykin et al. 2017; Daly et al., 2016) and providing an outlet for self-expression and a means for young people to reflect on and process the experience of deprivation of liberty (Baker and Homan, 2007; Cross, 2018). These activities can also provide positive opportunities for socialisation and help young people discover new talents or interests which may be able to support them in planning for their future once they return to their communities (Daly et al., 2016; Daykin et al., 2017). Given the emphasis in the international standards on ensuring that children are treated with humanity and respect for their developmental needs when deprived of their liberty and the emphasis on promotion of personal and social development and preparation for release (UN Committee on the Rights of the Child, 2019; Havana Rules; European Rules for juvenile offenders subject to sanctions and measures; Kilkelly and Bergin, 2022; Nowak, 2019), the benefits which can accrue from engagement with arts and further emphasis on Article 31 rights within this setting should not be overlooked.

A third key way in which supporting children's access to their Article 31 right to full and free participation with arts and cultural life can have relevance for children within the youth justice system is in relation to the potential for these activities to support the goals set out under Article 40(1) of the Convention (Forde, 2026). Article 40(1) emphasises the importance of reintegration and the child's assumption of a constructive role in society, in addition to treatment that is consistent with the child's age, dignity and worth, and which reinforces respect for the human rights of others. While this potential interplay between the rights set out in Article 31 and the aims set out in Article 40(1) have been relatively unexplored to date, a number of studies which examine the use of arts in the youth justice system indicate that there are several potential benefits. Studies have documented a range of identifiable benefits for young people as a result of engagement in these activities, and some recent studies have posited a theory of change which links

these benefits to young people's desistance (Stephenson, 2024). Key benefits for young people identified in these studies have included the development of artistic and technical skills (Caulfield and Sojka, 2023; Woodward et al., 2007), improvements in communication skills and teamwork (Hughes et al., 2005; Parker et al., 2018; Woodward et al., 2007), self-efficacy (Stephenson, 2024), and often significant gains in confidence and self-esteem (Bowey and McGlaughlin, 2006; Caulfield et al., 2022; De Viggiani et al., 2013; Hughes et al., 2005). Engagement with these activities can also lead to formal recognition of young people's achievement through gaining certification or formal qualifications, and some studies have suggested that they can support young people's re-engagement with education (Anderson and Overy, 2010; Hughes et al., 2005; Stephenson, 2024). In addition, these activities can also be used as a means of encouraging young people to reflect upon their involvement in offending and its impact on others (Farrier et al., 2009), while the discovery of a new interest, talent, or means of expression has the potential to support young people to re-imagine their own identities and to think in new ways about their future goals and aspirations (Froggett et al., 2007; Payne et al., 2021; Shannon and Hess, 2018). Although studies have had difficulty in quantifying the extent to which these programmes lead to reductions in offending (Hughes et al., 2005; Stephenson, 2024), the positive impacts may nonetheless contribute in an important way to supporting reintegration and the assumption of a more constructive role in society. Studies on young people's pathways away from offending behaviour often highlight the role played by engagement in activities such as education, training, employment and new leisure activities, in addition to personal motivation to change and the development of new supportive relationships with peers and others (Abeling-Judge, 2019; Hazel et al., 2017; McAra and McVie, 2022; McMahon and Jump, 2017; Schubert et al., 2018). Given the extent to which engagement in arts-based activities may promote positive outcomes in this area, these are worthy of being considered seriously in relation to the goals set out by Article 40(1) of the UNCRC.

While many of the international studies on engagement in arts within the youth justice system have sought to establish benefits in terms of "effectiveness" or reductions in offending behaviour, a children's rights analysis acknowledges both the holistic and mutually reinforcing nature of all the provisions of the Convention and also recognises the intrinsic value of the rights of general application under the Convention – including Article 31 – for children in conflict with the law. Recognising the inter-related and inter-dependent nature of the rights under the Convention requires us to both address the connections between different rights under the Convention and any tensions which may arise between these rights (Goonsekere, 2020). In relation to the application of Article 31 rights in a youth justice context, this requires consideration of the relationship between Article 31 and Articles 37 and 40. However, it also goes beyond this, and requires consideration of other important rights under the Convention. Rights such as non-discrimination (Art. 2), ensuring respect for children's best interests (Art. 3) and the need to be protected from harm (Art. 19) have relevance. A particularly important category of rights, and one which will be discussed further below, is the child's participation rights, under Article 12 of the Convention. Given the requirements relating to "free" participation, Article 12 plays a particularly important role in the consideration of how Article 31 rights might be

realised within this context (UN Committee on the Rights of the Child, 2013). An analysis of children's rights, therefore, can offer new perspectives on the means through which these provisions can be mutually beneficial and reinforcing and acknowledge that children in conflict with the law – like all other children – are entitled to enjoy their other rights under the Convention, including the right to full and free participation in arts and cultural life, as envisaged by Article 31 of the Convention.

Of course, it is necessary to acknowledge that a perspective based on children's rights itself has limits; there remains a need – as has been noted elsewhere – for further evaluations of arts-based approaches in the context of youth justice, particularly those which link the interventions to a theory of change and outcomes for young people (see further, Stephenson, 2024). However, a children's rights perspective – particularly one which acknowledges the interdependent and mutually reinforcing nature of rights under the Convention – can highlight the importance of considering children's UNCRC rights as part of this analysis. This has the potential to be particularly powerful if it can be linked with an evidence base which provides clear support for the ways in which arts-based engagement can support better realisation of children's rights. The following sections aim to consider the use of creative arts-based approaches from a children's rights perspective within the Irish youth justice system. It begins by discussing relevant law and policy related to youth justice and arts in Ireland, before presenting the results of the study. It concludes by reflecting on some of the key opportunities and challenges for a children's rights-based approach.

Engagement with the arts and youth justice in Ireland

The Irish youth justice system has been increasingly influenced by the children's rights standards set out under the UNCRC in its recent development, with the Children Act 2001 reflecting key aspects of the international standards (Forde, 2021; Kilkelly, 2006a, 2006b). In recent years, the influence of children's rights standards can also be seen increasingly in national policy, with the current *Youth Justice Strategy 2021–2027* outlining a set of guiding principles “grounded in a commitment to uphold the rights of children and young people” (Department of Justice, 2021; see further, Forde and Swirak, 2023). The increased significance of the international children's rights framework is also visible in local efforts within the Irish youth justice system; for example, Oberstown Children Detention Campus, the national facility for children remanded or sentenced by the courts, has adopted a Children's Rights Rules and Policy framework to enhance respect for children's rights in detention (Kilkelly and Bergin, 2022). While these represent positive developments, Ireland continues to experience difficulties in ensuring that children's UNCRC rights are fully realised and has been criticised for its failures to fully meet its obligations in relation to youth justice, including a lack of sufficient measures for ensuring the social reintegration of children exiting the justice system (UN Committee on the Rights of the Child, 2023, para. 44). While progress has undoubtedly been made, it is equally clear that more remains to be done.

Within the Irish youth justice system, young people can encounter arts-based activities in a number of ways. The Irish response to young people who commit offences is

characterised by a significant emphasis on diversion, with approximately 74% of the children accepted to the Garda Diversion Programme (Garda Youth Diversion Bureau, 2022). Young people who are accepted to the programme may be referred to Youth Diversion Projects, which also work with young deemed at risk of involvement in offending (Swirak, 2018). Part of this involves working directly with children using a range of activities and methods (Research Matters, 2023), which can include engagement with creative arts.

Where young people are tried before the courts, s.96 of the Children Act sets principles to guide the courts in deciding an appropriate disposition. In addition to the principle that detention should only be used as a last resort, these guidelines appear to acknowledge the need for age-appropriate treatment. A key principle is that any penalty “should cause as little interference as possible with the child’s legitimate activities and pursuits.” This seems to recognise the importance of allowing the young person to continue with education, training and employment, but also could potentially encompass recreational pursuits that are considered beneficial. When community sanctions are imposed on young people, they usually fall under the supervision of the Probation Service (Courts Service, 2024). Children can be referred to Probation Service Community Based Organisations (Probation Service, 2024), where they may be engaged in an educational programme, or other relevant programmes, including potential interaction with arts-based approaches.

Children can also be deprived of their liberty within the Irish youth justice system. If this occurs, young people are deprived of their liberty in Oberstown Children Detention Campus, which has a statutory duty to provide care, education, healthcare and programmes to address offending behaviour, and to prepare young people for leaving and returning to their communities (Children Act, s.156; Kilkelly and Bergin, 2022; Oberstown Children Detention Campus, 2022). Leisure activities, including arts-based activities, form an important aspect of provision for children in this context (Kilkelly and Bergin, 2022).

While there is no mention of leisure activities or arts-based programming specifically in either the legislative framework or the National Strategy, arguably key principles found in s.96, s.156 and the national *Youth Justice Strategy 2021–2027* allow space for these sorts of interventions to take place. In particular, the emphasis on children’s rights in the National Strategy indicates that initiatives which aim to promote children’s rights within the youth justice system should be promoted to the greatest extent possible and given consideration at all stages.

Outside of the youth justice system, it is significant that other aspects of children’s policy development in Ireland have been increasingly influenced by UNCRC principles in recent years. This includes the *Creative Youth Plan* – currently in its second iteration – which specifically aims to promote greater realisation of children’s rights under Article 31, particularly the right to fully participate in the arts and cultural life (Government of Ireland, 2023). However, there appears to be a recognition in the strategy that previous efforts have not been fully successful in attempts to ensure that all children have access to their Article 31 rights. Significantly, “seldom heard” groups of children were particularly affected, including children in the justice system (Government of Ireland, 2023).

Some research with young people in Ireland seems to support this observation that young people who come into conflict with the law need additional attention with

respect to their rights under Article 31. Research with Irish young people on their experiences of getting into trouble with the law highlighted the importance of their leisure time, particularly being bored, having nothing to do, and insufficient access to youth groups as relevant factors in terms of how they got into trouble in the first place (Kilkelly et al., 2021). Furthermore, young people can often have difficulty in engaging with cultural life and the arts due to the adult-centric nature of these settings (O'Donnell, 2022), and the barriers experienced by young people from disadvantaged backgrounds has been documented by the Economic and Social Research Institute (Smyth, 2024).

Despite an awareness of the importance of engaging children – including those in conflict with the law – in arts and culture, outside of the reference within the *Creative Youth Plan*, there is limited consideration for these issues within the national *Youth Justice Strategy*. This may indicate a lack of joined-up thinking across departments and areas of responsibility. To date, and to the author's knowledge, there have also been no studies on the use of arts-based approaches within the Irish youth justice system. This lacuna forms part of the rationale for the current study, and key findings are set out in the following sections.

Creative arts-based approaches in the Irish youth justice system

Methodology

This study aimed to consider the use of creative-arts based approaches within the Irish youth justice system, and the extent to which these approaches may help to support a children's rights-compliant approach to youth justice practice, with reference to Articles 31, 37 and 40 of the UNCRC. The study sought to take into account the views and experiences of professionals working in the Irish youth justice system who have used creative arts-based methods in their work and of young people who have participated in these activities. In order to access these views, the study took a range of approaches, including a survey of professionals, one-to-one interviews with professionals, and focus groups with young people who had participated in arts-based activities within the youth justice system; in addition, two Youth Advisory Groups were undertaken to inform the design and implementation of the focus groups with young people. Ethical approvals were obtained from Brunel University of London Social Research Ethics Committee;² separate approvals were gained from the Probation Service and Oberstown Children Detention Campus in relation to the focus groups with children in these settings. During the course of the study, these protocols were followed, and interviews and focus groups were carried out on the basis of informed consent and confidentiality. They were completed in compliance with ethical approval and child safeguarding procedures.

First, a survey was circulated to professionals in the Irish youth justice system, which aimed to gain initial insights into professionals' views of the benefits and challenges of carrying out this work with young people; 31 responses were received. This was developed through interviews with adult professionals (n=15) working in the youth justice system. Ensuring that children have an opportunity to have their voices heard in all

matters affecting them is a core aspect of Article 12 of the UNCRC and a fundamental component of children's rights-centred research (Lundy and McEvoy, 2012a; UN Committee on the Rights of the Child, 2009). Children were therefore involved both as research advisors and as focus group participants. Two Youth Advisory Groups advised researchers about the most important issues for children and also advised on the methodology (Lundy and McEvoy, 2012a, 2012b). Following this, 6 focus groups were set up with young people in Youth Diversion Projects (n=2), community-based probation projects (n=2), and detention (n=2). In total, 29 young people aged between 14 and 18 took part in this study, including 24 boys and 5 girls. Analysis of the data from the survey, the interviews with professionals and the focus groups with young people were undertaken by the author. Data from the interviews and focus groups were transcribed by the author and analysis was undertaken to identify common themes.

There were a number of limitations to the study. First, the majority of survey responses were from professionals involved in the diversion/early intervention sector. While clearly of value in providing an insight into that part of the youth justice system, this means that the survey results do not provide in-depth insights into practices outside of this sector. This has been somewhat compensated for by the inclusion of youth justice professionals working in community-based probation settings and the detention setting, though more work may be needed in these areas. Second, given the number of youth justice settings and programmes across the country, it was not possible to capture the full diversity of the work carried out in the Irish youth justice system; the relatively small number of participants means that the findings cannot be fully representative of all experiences. The opt-in nature of the study means that an element of participant bias may be present. Finally, while efforts were made to ensure that there was diversity among the young people who participated, specific inquiry in relation to the experiences of specific groups of young people – such as the experiences of children from ethnic, racial and other minorities, children with disabilities and children with experience of state care – were not the focus of this study.

While acknowledging these limitations, the feedback of the participants nonetheless offer important insights into a previously unexplored issue within Irish youth justice. While further studies will be needed to further investigate practice in this area within the Irish youth justice system, and to systematically measure the outcomes for children, this study aims to shed light on the use of arts-based methods in the Irish youth justice system from a children's rights perspective. The study findings, discussed in the following sections, highlight the extent to which arts-based approaches are used to work with young people in conflict with the law in Ireland and provide important perspectives of the key benefits and challenges of this type of work. The experiences of young people and professionals allow us to understand the implications of these practices for promoting the rights of children within the Irish youth justice system and offer some suggestions for promoting positive aspects of such practices and for overcoming barriers.

Creative arts in the Irish youth justice system

The study demonstrated that arts-based approaches appear to be utilised across the Irish youth justice system, across diversion, probation and the detention settings, similar to countries such as the United Kingdom (Hughes et al., 2005). Types of activities

highlighted through the survey included visual arts projects, creative writing, music, drama, photography, film-making, dance and in some cases arts therapy. In some settings, activities were used to contribute to local communities through developing artworks in local parks and public spaces (Interviewee 2, 7), or were used as to decorate the project space with artwork or murals (Interviewee 10, 12, 14). These sometimes resulted in a performance (Interviewee 1), exhibitions in local or national galleries (Interviewee 9, 12) or engagement in competitions (Interviewee 12). While larger-scale projects were undertaken in a number of contexts, in other cases, these activities were integrated within day-to-day engagement with the young person (“more artsy crafty kind of stuff,” Interviewee 5), which provided an opportunity for arts-based engagement while engaging in conversations with the facilitator.

These projects arose from a combination of professional initiative and young people’s interest. While some facilitators referred to their own interest as a motivation in using this work (Interviewee 3), in many cases, activities were suggested or chosen by the young people themselves (Interviewee 1, 3, 4, 5, 9). In other settings, particularly probation settings where young people were engaged in a formal educational programme, the curriculum could drive these activities (Interviewee 7, 14, 15). In some cases, including in Oberstown, outside facilitators were brought in to run arts projects (Interviewee 1, 9, 12). In others, facilitators helped young people to link up with mainstream projects such as Music Generation³ (Interviewee 1, 3, 10). This experience demonstrated that the impetus to take part in these activities arose from a mixture of practitioners’ and young people’s interests; however, the level of interest and buy-in and voluntary participation on the part of young people was considered crucial (Interviewee 1, 4, 13; FG2, FG4); this is discussed further below in relation to the necessity to ensure young people’s participation rights under Article 12 are respected within these activities. While adult participants often referred to encouraging young people to try new types of activities or encouraged them to “broaden their experiences” (Interviewee 9), it was not suggested during the course of this research that there were any concrete requirements or prohibitions in relation to young people’s engagement with specific types of activities. Professionals working in this area acknowledged that young people would sometimes spend time drawing symbols associated with offending (such as marijuana leaves, for example; Interviewee 8, 12). The response to this tended to be to encourage young people to move on to engage in “something meaningful” (Interviewee 8), and in some cases these sorts of expressions were used to generate discussion between youth workers and young people around drug and alcohol use and other issues (Interviewee 7). While strong evidence of explicit censorship of young people’s activities by adults was not observed within this study, given the small-scale nature of this sample, this is something which may be worthy of further investigation in future studies.

There were several reasons why creative arts-based methods were used to work with young people. Some practitioners referred explicitly to the goal of diverting young people from offending (Interviewee 1, 5, 6). Another important reason was because of its value in facilitating the development of positive relationships between young people and practitioners, or as a way of engaging young people in important conversations in a more informal atmosphere (Interviewee 3, 4, 5, 11). Some professionals referenced other

benefits, saying, “[I]t develops skills in young people that you know we can’t do through traditional group work. It builds confidence, you know, and it gives them an alternative to take part in something to divert them from crime, but also to kind of drive a passion . . .” (Interviewee 1). Others noted its usefulness in developing social skills, communication skills, confidence and self-esteem, and as a means of managing emotions and stress (Interviewee 1, 3, 4, 6, 7, 10). Significantly, many professionals referred to the benefits of activities which young people themselves found meaningful and enjoyable, and as sparking new interests (Interviewee 2, 6, 9). This was also something that was echoed in focus groups with young people; the fun and enjoyment of taking part in these activities was highlighted as being particularly important (FG1, FG2, FG3, FG4, FG6). In some cases, motivations for initiating these activities could relate to their cultural relevance for specific groups of young people, such as those from Traveller backgrounds (Interviewee 4, 6), or from a desire to engage in activities that could provide a means of discussing young people’s engagement in problematic behaviours (Interviewee 9). In other cases, there appeared to be an element of restorative justice built into these projects, for example, as a means of building relationships and greater understanding between young people in detention and police (Interviewee 12).

Importantly, from the point of view of young people’s access to their rights under Article 31 of the UNCRC, it seemed as though the opportunity to engage in creative arts within this context was sometimes seen as filling a gap in young people’s previous experiences. While in some cases young people had engaged with creative arts through their involvement with other groups (Interviewee 13, 14; FG4), several participants indicated that they could offer young people an opportunity to access arts-based activities that they may not otherwise have had access to (Interviewee 1, 3, 4, 9, 10). While there were some opportunities for young people through school (Interviewee 6), for some this was hampered by “difficult” experiences in school (Interviewee 14) or other barriers in accessing these pursuits (Interviewee 9). Some youth workers referred to “the perception maybe that it’s not for them” (Interviewee 3) or barriers such as family difficulties, “poverty” (Interviewee 9) and cost (Interviewee 1); one referred to access to arts as “an expensive business” and commented that it could seem like “a rich man’s sport” (Interviewee 10).

These concerns were partly reflected in focus groups with young people who highlighted “not having supplies” (FG2), “lack of funding, money” (FG1) and “problems with transport” as difficulties they faced (FG2) that in turn impeded their access to arts-based activities. In rural locations, young people complained about “not having opportunities” (FG2). Young people also emphasised the importance of access to formal programmes as an important facilitator for their participation (FG2, FG3, FG6), saying that “lack of after-school clubs for working on projects” were barriers (FG1). For some young people, the fact that they were getting into trouble was a barrier their participation. They said that “getting arrested” or having a “curfew from Gards” (FG1) made it more difficult to access these leisure activities. In light of this, the fact that young people within this study were being facilitated to engage in arts-based activities through their engagement with diversion or probation projects in the community raises the question of whether work within the youth justice system offers potential to support young people’s access to their rights under Article 31 of the UNCRC. While few would argue that the youth justice system is

the ideal space for supporting young people's access to the arts, it may be that – for some young people – there are nonetheless important opportunities to gain access to such opportunities through their engagement with these groups. This mirrors some of the research evidence demonstrating the barriers which exist for young people (O'Sullivan and O'Keeffe, 2023; Smyth, 2024) and was clearly reflected in some professionals' comments, including one interviewee who stated: "without here, these are not opportunities that people would have" (Interviewee 14).

As seen in other jurisdictions (Caulfield et al., 2022; Daykin et al., 2011; Hughes et al., 2005; Kallio, 2024; Woodward et al., 2007), it seems that the arts are being used as an important mechanism to engage with young people in the Irish youth justice system across diversion, probation and detention settings. While far from a full picture, the accounts presented through the survey, professional interviews and focus groups with young people demonstrate that this is considered a positive and beneficial way of engaging young people for a range of reasons. Significantly, where young people have not had the opportunity to engage with arts – particularly outside of the school context – organisations using these methods may play a role in enabling access to their Article 31 rights. This reinforces the relevance of Article 31 rights as a means of working with young people in the youth justice system (Forde, 2026) and highlights the potential for greater attention to be paid to Article 31 within this context.

Prevention and diversion

The study demonstrated that creative arts-based approaches are often used within the Irish youth justice system, including in prevention and diversion efforts. The international standards emphasise the importance of providing appropriate leisure opportunities to young people as a means of helping young people avoid coming into conflict with the law (Forde, 2026; UN Committee on the Rights of the Child, 2019; Riyadh Guidelines). The international literature indicates that arts-based methods are commonly used with young people in the context of diversion and prevention efforts (Bilby et al., 2013; Caulfield and Sojka, 2023; Hughes et al., 2005; Parker et al., 2018; Savuro et al., 2021; Woodward et al., 2007), and this also seems to hold true within the Irish youth justice system. Research has highlighted how lack of access to appropriate leisure opportunities can play a key role in young people coming into conflict with the law in the first instance (Corr, 2014; Golden, 2022; Kilkelly et al., 2021). Young people often cite boredom, a search for fun or excitement or having nothing to do as being linked to their involvement in offending (Corr, 2014; Golden, 2022; Johns et al., 2017; Kilkelly et al., 2021). This is implicitly recognised in Irish policy; the *Youth Justice Strategy* commits to exploring "ways to enhance the range of positive leisure time and developmental activities available to young people at risk," and to assess the "contribution which increased access to activities such as sports, outdoor skills, arts and cultural activities can make to enhance the work of youth justice services" (Department of Justice, 2021). However, limited research is available about the role of arts within prevention efforts in the Irish youth justice system.

As previously noted, many of the participants involved in this study highlighted arts-based activities carried out in Youth Diversion Projects, encompassing visual arts,

crafts, music and drama/performance-based activities. Both professionals and young people in this study referenced the benefits of engaging in arts-based activities as a way of helping young people avoid getting into trouble and to afford young people the opportunity to have something positive to do with their time. Some of the literature has highlighted the potential incapacitation effect of engaging young people in these activities (e.g. Stephenson, 2024), and this theme did emerge in this study (Interviewee 3, 4). Professionals commented, “If they’re here for an hour a week, it’s an hour week that they’re not getting in trouble” (Interviewee 4). In some cases, professionals in this area would plan programmes with a specific intention of providing an alternative to young people to engaging in offending behaviour (Interviewee 1). While this has the potential to be interpreted as a somewhat cynical approach to using the arts to achieve this effect, it was also clear that young people also valued engaging in these activities because of the benefits they saw in terms of “having something to do” (FG2) with their time. Some young people said that it “keeps you busy” (FG1) or “keeps you occupied” (FG2) and some stated directly that they found it helpful in “keeping you away from anti-social behaviour” (FG1) or that it “keeps you out of trouble” (FG2). The positive comments from young people themselves as well as adults demonstrate the potential value in incorporating these activities in diversion efforts.

It was also clear that these activities were valued for their intrinsic benefits. Professionals spoke about the potential to “spark interests” in young people (Interviewee 2, 5) which they may choose to pursue in the longer term. One interviewee said, “. . . if they if they connect with it, you know, it, it opens up a different world to them” (Interviewee 9). Young people often spoke about the value of these activities in terms of “fun” (FG1, FG2, FG3, FG4, FG6) and said that they found these activities “enjoyable” (FG4). Young people said “having a good time” (FG1) was important, as was having “a choice about what you do” (FG3, FG6). Some young people discovered interests and talents, with some saying that they “love art” (FG6), or that activities provided them with a “sense of joy” (FG2). The value of genuine enjoyment of these activities was highlighted by the professionals as an important factor in young people engaging with the programmes overall, commenting, “If it’s something they’re not enjoying, then we’re going to lose them . . . they’re not going to come back” (Interviewee 4).

In light of the literature which highlights the importance of friendship and peers to adolescents in general (Williams, 2025) and as a potential factor which may influence whether and how young people come into conflict with the law (Caldwell and Smith, 2006; Johns et al., 2017; Kennedy, 2025; MacDonald and Shildrick, 2007; Smith and Ecob, 2013; Tanner et al., 2015), it is significant that these activities appeared to support positive socialisation with peers in this study. This was highlighted repeatedly by young people, who said that engaging in these activities gave them time to socialise with friends (FG2, FG3, FG6) and to do something that they found meaningful as a group. Some young people spoke about how much they enjoyed “having a laugh” while taking part in particular activities (FG6) and said that taking part could be the “best craic” (FG6). This was also an important facilitating factor for young people in identifying how they could access these opportunities. They said that it was “easier to do it with friends” (FG6). This

was also considered important by professionals working in the diversion system, who saw it as an opportunity to build skills such as “teamwork” (Interviewee 11).

In addition to building relationships with peers, the opportunity to build positive relationships with adult facilitators was considered important. Research has highlighted the importance of positive relationships between young people in conflict with the law and adults in supporting positive outcomes (e.g. Bamber et al., 2016; Moore et al., 2025). This was also an important aspect of engagement with arts activities for both young people and adults. Professionals repeatedly emphasised the importance of relationship-building with children, with arts-based activities considered a useful means of establishing these relationships. One participant commented “it totally enhances a relationship because you’re meeting them where they’re at” (Interviewee 6). Its importance in facilitating conversations with a young person was also emphasised: “Relationships built while making something are fantastic, you know, because it . . . it’s kind of, they don’t necessarily realise that they’re talking, they’re at ease . . .” (Interviewee 13). Engagement in an arts-based activity was considered particularly useful to help facilitate discussions around their involvement in offending behaviour, and could be a way “to challenge attitudes and behaviours” (Interviewee 6) and to discuss the importance of “following the law” (Interviewee 5). Young people also said that they valued “having people who listen to young people to understand” (FG3). Developing these positive relationships was also an important factor in facilitating positive experiences in carrying out these activities. Young people emphasised the importance of “having respect between staff and young people” (FG2) and “having good people that you get along with to facilitate” (FG3).

The findings from this study demonstrate not only that arts-based approaches of various kinds are being used with young people in diversion projects across the Irish youth justice system, but that both professionals working in the system and young people themselves value these opportunities for a variety of reasons. The value identified by young people and practitioners in providing young people with something meaningful and enjoyable as an alternative to offending, providing them a safe space to spend positive time with peers, and the potential to build supportive and understanding relationships between young people and adults emphasise the potential for these activities to contribute to the goals set out in the international standards of supporting prevention efforts through meaningful and enjoyable leisure and socialisation opportunities within the community (Forde, 2026), and chimes with other studies which have documented a range of benefits for children in preventive and diversionary settings who were engaged in arts-based activities (Hughes et al., 2005; Parker et al., 2008; Savuro et al., 2021; Woodward et al., 2007).

Arts in the context of deprivation of liberty

The study also highlighted a number of important issues relating to arts engagement in detention settings. The UNCRC is clear that young people who are deprived of their liberty are entitled to be treated in a way that respects their age and stage of development, their needs and their rights (Article 37(c); Havana Rules; Liefaard, 2018). This includes access to appropriate leisure opportunities, including the arts (Havana Rules, para. 47),

which is a right that is at risk when young people are deprived of their liberty (UN Committee on the Rights of the Child, 2013). Research has also demonstrated the potential of arts as an important means of ensuring that children are supported within detention settings, including helping young people cope with the experience of imprisonment, as a means of understanding their past experiences and offending, and as a means of thinking about their future lives (Baker and Homan, 2007; Cross, 2018; Daly et al., 2016; Daykin et al., 2017; Hughes et al., 2005; Shannon and Hess, 2018). Within Oberstown, leisure activities are acknowledged as being important as a key aspect of the rights children are entitled to, and for the potential to contribute to young people's development and to allow them to gain recognition for their achievements (Kilkelly and Bergin, 2022: 93–94). While the current study only engaged with one adult interviewee and two focus groups with young people⁴ in relation to arts in Oberstown, the insights offered strongly reinforced the importance of these activities for young people deprived of their liberty in Ireland.

Young people took part in a range of arts-based activities while in Oberstown, both as part of formal arts classes, and as part of the extra-curricular programme of activities (Interviewee 12). Young people spoke about their engagement in “drawing” and “painting,” “woodwork,” “music,” and the “Oberstown band – The Committal-ments” (FG4, FG5). In addition to smaller scale projects, larger-scale projects undertaken by young people were referenced, including a mural in a communal space, a restorative justice project undertaken with a local Garda station, an exhibition in the Irish Museum of Modern Art and participation in national garden design competition, Bloom (Interviewee 12). In the context of a closed facility, both the emphasis placed on arts engagement and the efforts made to connect young people's art with national forums such as this was particularly notable. Echoing this, the adult participant spoke of his impression that engagement with arts was valued in Oberstown, saying:

Like I could walk into a school and I know immediately if art is respected or not and you can really see that it is there. [. . .] Like, right from the reception the whole way through and it's all, you know, kind of work by the young people . . . (Interviewee 12)

Studies which have considered the use of art in places where children are deprived of their liberty have indicated that engagement in artistic pursuits and activities can help to alleviate some of the difficulties experienced by young people (Cross, 2018; Daly et al., 2016). Like young people in the community, young people in Oberstown described their experiences of taking part in arts-based activities as “fun” and “enjoyable” (FG4) and young people emphasised that it was “good to get off unit” (FG4) where they lived. Young people also said that it gave them valuable opportunities to get involved in “trying new things” (FG4) and that it was “relaxing” and enabled them to have “good conversations with teachers” (FG4). Professionals working with young people spoke about the value these activities brought to young people and the space it gave them to discover talents and express themselves, in some cases referencing individual cases: “though his interaction with art [. . .] he actually began to flourish [. . .] it was like his voice was kind of unleashed” (Interviewee 12).

In some cases, this could help provide some welcome distraction from stressful aspects of the young people's experiences; for example, this occurred where young people were "moving on to an adult facility and [were] stressed out," and participation in creative activities allowed them to "kind of forget maybe up to a point of where they are or what's happening." (Interviewee 12). These insights suggest that having access to opportunities to engage in artistic opportunities provided valuable opportunities for self-expression, stress-relief and emotional well-being and dealing with the day-to-day realities of being deprived of liberty for young people.

Providing for "full" and "free" access to cultural life and the arts, as required under Article 31 of the Convention (Lansdown and Tobin, 2019; UN Committee on the Rights of the Child, 2013), presents particular challenges within a custodial institution, and this was reflected to some extent in the focus groups with young people in Oberstown. While it was clear that Oberstown was facilitating access to arts activities that young people had not had an opportunity to engage in earlier (Interviewee 12), and therefore could be said to be promoting young people's access to their Article 31 rights, there were also some constraints. Young people emphasised the importance of access to these activities, stressing that having "art on the weekends" (FG4) was particularly useful. Nonetheless, while young people were clearly able to engage in a variety of activities, this access was shaped by what was available within the campus, and constrained by availability of time and resources. Young people spoke about "not having a chance to do an activity that you want" (FG4) as presenting a challenge at times. Young people also referred to not always having access to the programmes they were interested in, or not having enough staff to facilitate this. In some cases, young people said that where they did enjoy an activity, they sometimes felt that they didn't have enough time (FG4). Young people also said that they didn't "have enough activities at weekends," (FG4) and "having art with [named teacher] only once every 2 weeks" (FG4) was seen as particularly problematic.

A further challenge was identified in relation to ensuring continuity of access to these opportunities and sustaining some of the benefits gained once they returned to the community. Some young people referred to anticipated difficulties with engaging further with arts outside of Oberstown, highlighting that "money to do stuff outside" may present a barrier once they left (FG4). The difficulties with providing for continuity in young people's engagement – should they wish to do so – was also articulated by the professional, who stated: "There's a sharp cliff edge," and that "there's maybe sometimes beautiful opportunities lost" (Interviewee 12). While the international standards emphasise the importance of aftercare to support young people's reintegration (Havana Rules, para. 79–80), research has demonstrated that it can be difficult to provide this in practice (Forde, 2014; Kilkelly and Bergin, 2022).

Reflecting some of the findings of international studies in this area, this study demonstrated the significant value of engagement with the arts for young people deprived of their liberty in Ireland and the value placed on it by young people and practitioners. A unique feature which came through was that there appeared to be significant emphasis placed on arts provision for young people within Oberstown, including involvement in large-scale projects and the recruitment of professional artists to work with young people. In this way, the provision seemed to significantly enhance young people's access to their

rights under Article 31 of the Convention. The benefits young people gained from these activities, in relation to access to a meaningful and enjoyable activity, the opportunities for positive socialisation, the sense of achievement gained and the stress relief demonstrate that these activities can contribute significantly to the goals set out in Article 37(c) of the UNCRC. In addition, these findings share similarities with international studies which document the benefits for children in custody in relation to their well-being and mental health, reflecting on their experiences of detention and ability to express themselves within these settings (Baker and Homan, 2007; Cross, 2018; Daly et al., 2016; Daykin et al., 2011, 2017; De Viggiani et al., 2013; Kallio, 2024; Shannon and Hess, 2018). However, despite these clear benefits, young people's access was still shaped by the environment and by the availability of staff and programmes. In particular, the difficulties which some participants referred to in relation to continuing these activities after their return to their communities indicate that further attention may be warranted.

Engagement with the arts and Article 40(1) of the UNCRC

Article 40(1) of the UNCRC affirms the right of every child in contact with the criminal justice system “to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society.” While some international studies on the use of arts-based approaches with young people in the youth justice system have highlighted that there are difficulties in establishing direct causal links between these programmes and desistance or reductions in offending behaviour (Hughes et al., 2005; Stephenson, 2024), others have suggested that these programmes can support young people’s desistance pathways (Stephenson, 2024). Research has clearly demonstrated benefits for young people in establishing positive social connections with peers and adults; developing meaningful interests; improvements in communication skills, confidence and self-efficacy; re-establishing links with education; and helping young people reflect on their attitudes and behaviours (Baker and Homan, 2007; Caulfield and Sojka, 2023; Hughes et al., 2005; Kallio, 2024; Stephenson, 2024; Woodward et al., 2007). Some of these benefits have also been identified as factors which can support young people in breaking patterns of offending (Kilkelly et al., 2024; McAra and McVie, 2022; McMahon and Jump, 2017; Forde, 2026). In considering the extent to which arts-based approaches constitute a children’s rights approach within youth justice systems, the question of whether these programmes can support reintegration is important, but it is equally important to consider whether the goals set out in Article 40(1) relating to the promotion of a child’s sense of dignity and worth, and reinforcement of the rights of others, can be supported. The perspectives of the young people and professionals in this study provide some insights into these issues.

Professionals who carried out creative arts activities with young people across the youth justice system were clear that there were multiple benefits for young people, beyond their intrinsic value. One participant stressed, “. . . It’s not about the singing [. . .] the outcome is the communication skills they get, the problem solving, the critical thinking.

It's the confidence piece" (Interviewee 1). Survey respondents indicated that benefits for young people in contact with the justice system included personal development, fun and leisure, opportunities to engage in new activities, and health and wellbeing; some also indicated that there could be specific benefits in relation to gaining a better understanding of their involvement in offending or on the impact of their offending on victims.

Studies have noted the importance of accessing opportunities and establishing meaningful connections within their communities – including leisure opportunities – and in helping young people avoid involvement in further offending and to help replace some of the “lost pleasures” of offending (Murray, 2012). The importance of finding new interests was also noted by participants in this study (Interviewee 3, 5, 9). One commented,

If we suggest something to try it and they had never thought of doing it before, or never had access to do it before, it's a great opportunity, it's a great way for them to discover new interests. And [. . .] if they have an interest in something in particular that's positive for them, the outcomes returned are much better. (Interviewee 5)

Emphasis was placed on the links young people could forge through these activities, reflecting some of the literature suggesting arts engagement can help to foster greater social inclusion (Hughes et al., 2005).

Furthermore, professionals in this study noted that engagement in arts-based activities facilitated young people in developing transferable skills. They said that these activities “enhance cognitive ability, decision making and problem solving” (Interviewee 6), “critical thinking, communication, teamwork” (Interviewee 1) and other “transferable skills” (Interviewee 8, 13) such as “elements of planning, there's elements of time management, there's that whole stickability piece” (Interviewee 8). The strengthening of these skills have clear benefits for young people's development during adolescence (Williams, 2025), and it has been further suggested that increases in self-efficacy and a young person's belief in their own competence can be a key component in supporting reduction in offending behaviour (Stephenson, 2024).

A benefit which was repeatedly mentioned by young people and professionals in this study was the potential for young people to gain a sense of pride in their accomplishments and to develop confidence and self-esteem. Young people spoke about gaining a “sense of achievement when you finish something” (FG4; FG6), and about the “sense of accomplishment” (FG2) that these activities gave them. Professionals who took part in this study also spoke about the “pride” young people gained from being able to produce a finished work (Interviewee 7, 10, 11, 12), and the importance of building confidence in young people (Interviewee 1, 4, 7, 8, 9, 10, 12, 13). One interviewee said, “It builds confidence. I think the sense of achievement that people have from making things, and sometimes they can't believe that they've actually made it” (Interviewee 13). The development of self-confidence and self-esteem has been frequently identified in the literature as important factors in supporting young people in avoiding further involvement with the justice system (Hughes et al., 2005; Koops-Geuze, 2025; McMahon and Jump, 2017), and in addition, it is an important factor in supporting positive development for young people more generally.

In some cases, engagement in a piece of artwork provided an opportunity for young people to develop positive links with the broader community, in some cases through public exhibitions or participation in national competitions (Interviewee 9, 12). Other interviewees spoke about community art pieces such as murals created by young people (Interviewee 1, 2), which was seen as being of benefit to the community as a whole and which could assist in changing perceptions of young people who may have otherwise been viewed negatively. Some young people had been able to make items which were used as gifts, or which were perceived as contributing to the community more broadly, and these outcomes were cited as a key benefit of engaging in these activities by young people (FG2, FG4). The development of positive links with the community were clearly valued both by young people themselves and the professionals working with them, and in part reflected international studies indicating that these activities can help change communities' negative views of offenders (Hughes et al., 2005).

Mental health difficulties have been noted as being a key issue for young people within youth justice systems internationally (Baidawi and Ball, 2022; Case and Browning, 2021; Frisby-Osman and Wood, 2020; Graves et al., 2007; Reising et al., 2019). It is therefore significant that arts-based programmes with young people in the Irish youth justice system were seen as having benefits for young people's mental health, emotional regulation and well-being. Young people cited benefits for their emotional wellbeing and mental health as a result of taking part in these activities (FG1, FG2, FG3), saying that it could help them to "feel better" (FG2) and that they found it helped to improve their "mental health" overall (FG3). Professional interviewees said that in their experience, young people found engaging in arts "very therapeutic" (Interviewee 4), or that it helped young people to deal with experiences of trauma in their lives (Interviewee 9, 12). For some young people, it was seen as an important means of respite and relaxation from stress and worry (Interviewee 10). Given the importance of supporting positive mental health for young people, both as a core aspect of their rights under the UNCRC and as a means to pursue the goals set out in Article 40(1), the contribution of arts engagement to improving the mental health of young people is significant.

Engagement with arts was also seen as facilitating self-expression (Interviewee 5, 6, 14), particularly around difficult issues. Interviewees commented that "for a lot of young people sometimes words can fail them, particularly around emotions, and art is a way that you can get that out through a different medium" (Interviewee 14). This was also seen as important in facilitating the development of more positive relationships between adults and young people. The establishment of positive relationships between adults and young people within the youth justice system is seen as critical in supporting positive outcomes for young people in conflict with the law (Bamber et al., 2016; Drake et al., 2014; McAra and McVie, 2022), which was reflected in this study. Professionals highlighted that engaging in creative work together with young people provided a "safe space for them to open up" (Interviewee 4). These "conversations with distractions" (Interviewee 5) were seen as important for relationship-building in general, but also for facilitating more difficult conversations "to make them more aware of what's acceptable, what's not acceptable by law, to help them make better decisions for themselves" (Interviewee 5).

Furthermore, engagement in arts-based activities could be used more directly to engage young people around issues related to their contact with the justice system. Some interviewees highlighted projects which had been undertaken such as a documentary made by young people on joy-riding (Interviewee 9). Another interviewee linked creative practices with restorative practice, noting that they could use “things like role-plays and stuff like that that you can use to help them understand” (Interviewee 3). Another project brought young people together with Gardai with the explicit goal of trying to establish better relationships through engaging young people and Gardai together in creating artworks (Interviewee 12). While these examples represent discrete projects, they nonetheless highlight the potential in utilising these artistic approaches as a means of working with young people more directly on issues related to their offending, or as a means of developing more positive relationships with Gardai. This opportunity is particularly valuable, given that research has demonstrated that young people often have experience of negative interactions with the police (Ellem and Richards, 2018; Feeney and Freeman, 2010; Hinds, 2007; Kilkelly et al., 2021).

Engagement in the arts has been acknowledged by the Committee on the Rights of the Child as essential for adolescents in relation to the development of their identities (UN Committee on the Rights of the Child, 2013). International studies have also highlighted the potential for this work to allow young people to reflect on their own identities and to imagine new identities for themselves in the future (Albertson, 2015; Caulfield et al., 2022; Kallio, 2024; Maruna, 2010; Price et al., 2023), and these themes were also reflected in this study. Professionals identified that in some cases, it could help young people to reformulate their identities and to step away from being “defined by their offences” to a new identity as a creative person (Interviewee 9). Others said that engagement with these activities helped young people to “change their thinking,” particularly if they found things that they were good at and could imagine themselves doing in future (Interviewee 15).

Studies on young people’s desistance from crime have highlighted the importance of engagement in education, training and employment for young people (Abeling-Judge, 2019; Hazel et al., 2017; McAra and McVie, 2022). International studies have highlighted the potential for young people to be supported to re-engage with education or training through arts-based interventions (Caulfield and Sojka, 2023; Hughes et al., 2005; Stephenson, 2024), and this was also raised by some participants in this study. In community-based probation projects where young people were engaged in formal educational programmes, artistic methods were useful for engaging young people with aspects of the curriculum, and as a way of helping them achieve formal qualifications (Interviewees 7, 8, 13, 14). Formal recognition of these achievements through “awards,” “certs” and “winning medals” (FG1) was also cited as an important aspect of their engagement with arts for young people in this study, reflecting international studies highlighting the importance of formal qualifications to increase young people’s human capital (Stephenson, 2024). While clearly not the case for all young people, a number of professionals noted particular cases of young people they had worked with who had gone on to engage in further education or training based on their interest in creative arts (Interviewee 9, 10, 13, 15). Therefore, the findings of this study provide some support for the contention that arts engagement can be a valuable means of supporting young people’s engagement in education, and, in

some cases, helping them develop aspirations which can lead to engagement in further education, training or employment, supporting young people's access to education and enhancing respect for these rights under the UNCRC.

Article 40(1) outlines the importance of supporting young people's reintegration, emphasises the need for age- and developmentally appropriate treatment, while also supporting young people to assume a positive role in society. While the realisation of these goals are clearly complex and highly individualised in nature, the benefits for young people through their engagement with arts can be important factors in working towards these goals. The benefits for young people in terms of the skills gained through engagement with the arts, the development of interests and more positive connections with peers, adult facilitators and the wider community, combined with the potential benefits for their mental health and educational engagement, indicate that these methods are worthy of greater attention for their potential contribution to achieving the goals set out under Article 40(1) of the UNCRC. While this indicates the significant potential of these approaches, much may depend on the quality of this engagement. There are also a number of challenges associated with these activities, which are explored in the following section.

Challenges with arts engagement in the youth justice system

While both adults and young people in this study were clear about the many benefits of engaging in creative arts, there were nonetheless a number of challenges experienced which have implications for young people's rights, both from a practical and operational point of view, and from a conceptual perspective.

Practical challenges experienced by the practitioners and young people could operate to limit or frustrate young people's access to arts activities, particularly within a context where supporting this access was not the primary goal. While the professionals who participated in the study were very supportive of arts-based practice with young people, they were often clear that their ability to carry these out was highly dependent on resources. Professionals noted that "practical things like funding [. . .] is huge barrier for us" (Interviewee 3; also Interviewee 1, 5, 6, 7, 9, 13). While some professionals said that their organisations were supportive of their efforts to provide arts-based activities for young people, some also felt that there could be more support from local arts councils (Interviewee 10). In some cases, the ability to access these funds appeared to be dependent on individuals' efforts to seek specific sources of funding (Interviewee 9, 10, 11). This indicates that in addition to ensuring that sufficient funds are available, there is also a need to promote awareness among youth justice professionals about the types of support that might be available.

The availability of specialist facilitators to work with young people could represent a further practical limitation. While much of the work was led by youth justice professionals themselves, in some cases artists from the community were brought in (Interviewee 10, 11, 12, 14, 15) where it was felt that specialist artists or art therapists were necessary (Interviewee 9, Interviewee 14), or could enhance the work (Interviewee 10, 11). Two recommendations arose from these discussions. The first related to providing more training for professionals in the youth justice system to help them "gain the skills to do it and the

confidence to do it ourselves” (Interviewee 1); a number of interviewees expressed a wish for training to enhance their work in using creative arts (Interviewee 1, 5, 6). The second recommendation related to having further access to artists, musicians or others with specialist skills to help enhance this work with young people, including a need “to attract people that are creative into [. . .] working with young people in the youth justice system” (Interviewee 15). However, it was noted while a facilitator would need to have the right skills in relation to a particular artistic activity, they would also need to be suited in terms of personality and skillset to work with young people, particularly those who may have challenging behaviours (Interviewee 11). The importance of the personal qualities of facilitators in supporting positive engagement with these activities were also emphasised by young people, who stated the importance of “respect between staff and young people” (FG2) and of “people who listen to young people” (FG3) in carrying out these activities. It was clear that a lot is demanded of facilitators in carrying out these activities with young people, requiring both knowledge and skills in art, music or related activities, and the ability to work well on an interpersonal level with young people.

Another challenge existed in assisting young people in further engagement with mainstream creative arts-based activities, if they wished to do so. Young people were often positive about wanting to continue taking part in similar activities outside the justice-affiliated group and into the future (FG2). However, it was noted that “outside of these projects, it is difficult for them to be involved” (Interviewee 11). While facilitators often highlighted that they would support young people to access other community-based groups, some noted that there could be difficulties with this, referring to the need for “a lot more services working together” (Interviewee 2) to provide appropriate opportunities for young people. While some interviewees made reference to groups such as Music Generation as a facilitator of continued access (Interviewee 3, 10), in particular areas – especially those which were further away from urban centres – interviewees referred to a lack of appropriate opportunities for young people (Interviewee 1, 4). As discussed in the previous section, this could also be an issue for young people leaving Oberstown (Interviewee 12). It has previously been noted that many young people experience difficulties in accessing appropriate aftercare and supports when leaving detention (Forde, 2014; Kilkelly and Bergin, 2022; Kilkelly and Forde, 2021). While – as noted above – both the *Youth Justice Strategy* and the Creative Youth Plan suggest that there is an acknowledgement at policy level of the desirability of greater links between these groups, it was seen as lacking by some professionals in this study, who suggested there was a need for more joined-up thinking at the policy level to connect these two areas, and for resources to be “ring-fenced” for this purpose (Interviewee 9).

In addition to the practical challenges encountered, there are some areas where there is potential for tension between children’s rights under Article 31 and the overall goals and aims of the youth justice system. In the first instance, there can be a lack of appreciation of the potential benefits of arts-based work with young people in the youth justice system. In some cases, this could come from families or the wider community, with one survey respondent noting that “some people/parents fail to understand the reasoning behind using arts in our work and question why their child is in ‘playing games.’” This, combined with difficulties in articulating the value of these activities in

professionals' reporting of these activities, could create difficulties for youth justice workers who engaged in evaluating programmes or measuring outcomes (Interviewee 1). While programmes which helped young people work towards a qualification or accreditation was seen as beneficial (Interviewee 14), the need for a more widespread acknowledgement of the benefits of these activities for young people and how they can contribute to the achievement of the goals set out in Article 40(1) of the Convention and to positive outcomes for young people was evident.

A further potential area where there may be a tension relates to the concept of "full" and "free" participation in arts and cultural life, which the Committee on the Rights of the Child has emphasised as being fundamental to the exercise of achieving rights under Article 31 (UN Committee on the Rights of the Child, 2013; Forde, 2026). A question arises about whether the use of arts-based programmes and activities within the youth justice system might give rise to a tension with the idea of "free" participation under Article 31. This is particularly the case if young people are required to engage with these programmes. If sanctions or negative outcomes were to result from young people's failure to engage with these activities, or if lack of engagement was perceived as a "failure to co-operate" in a way that attracted negative consequences for young people, this could certainly give rise to a potential conflict with the guidance issued by the UNCRC Committee in this regard and would seem to run contrary to a children's rights approach. However, neither professional participants nor young people in this study suggested that this was the case. Equally, there was no strong suggestion from this study of explicit censorship of young people's engagement in activities. However, where a young person's failure to participate attracts negative sanctions, or where there is significant censorship of young people's activities within the youth justice system, this may give rise to significant children's rights concerns related to Article 31 and Article 12 of the UNCRC.

This did not seem to be a significant aspect of practice within the present study of practice within Irish youth justice system. On the contrary, it was emphasised that work should be "interest-led and youth-led" (Interviewee 1) and that young people had a "sense of ownership" to encourage engagement with the process (Interviewee 13). It was seen as counter-productive to prevent young people from exercising their choice (Interviewee 4), with one interviewee commenting "it's pointless if you just land them with something, [. . .] it's not meeting their needs, it's not young person-focused" (Interviewee 3). This sentiment was generally echoed by young people who took part in this study, who emphasised that "letting young people choose what they want to do" (FG2) was a pre-requisite for a positive experience. However, young people were generally positive about the level of choice they had in choosing activities, in some cases saying "it's all your interests" that drove their participation in these activities (FG4). Given the small-scale nature of the present study, this is an area where further attention may be needed in future research. While there is a clear potential for conflict with the idea of "free" participation where young people are required to engage in particular programmes within the youth justice system, the experience reflected within this study in the Irish system highlights the importance of ensuring that young people's participation rights are respected in the design and implementation of these programmes in a rights-based approach to these activities within the youth justice context.

While there were clearly many positives of engagement with arts for young people within the Irish youth justice system, there were nonetheless practical challenges and areas of potential tension within this context. Adequate resourcing and provision of training were key practical difficulties routinely cited in this study. Arguably, this indicates that there is a necessity for greater acknowledgement of the value and contribution that arts engagement can provide within the context of the youth justice system. While Irish policy does seem to recognise this link in some respects, many practitioners expressed the view that a more deliberate approach was needed, coupled with dedicated funding, training, and further links with artists of various kinds in the community to further support this work. In addition, the issues experienced by some young people in seeking to continue their engagement outside of the context of the youth justice-affiliated organisations they were with could cause difficulty; this further reinforces the need for greater linkages between arts policies and youth justice work to ensure the benefits can be sustained. Finally, while there is a potential question about whether participation with creative arts within a youth justice context can constitute “free” participation – particularly if this engagement is mandated in some way, this issue does not appear to have materialised for participants who took part in this study. Here, however, the emphasis by practitioners on the importance of young people’s engagement and choice in taking part in these activities was key, emphasising the need for child-centred practice and respect for children’s rights in the implementation of these approaches, including their rights under Article 12 of the Convention.

Creative arts as a children’s rights-based approach within Irish youth justice

This study aimed to consider the use of the creative arts in the Irish youth justice system and also to consider the practices adopted from children’s rights perspective, based on the UNCRC. While the practices documented are specific to the Irish context, some of the findings related to the impact of these approaches on the rights of children in conflict with the law may have relevance to other jurisdictions seeking to adopt a UNCRC-compliant approach to youth justice. Despite the small-scale nature of this study, it nonetheless provided some valuable insights both into the practice of using arts-based approaches within the Irish youth justice system and into the extent to which these approaches can constitute a children’s rights-based approach with young people in conflict with the law. This study provides evidence that arts-based activities are frequently used in the Irish youth justice system, in diversion and early intervention settings, as well as in community-based probation organisations and in detention. Further, in considering the use of creative arts from the perspective of children’s rights under the UNCRC, the views and experiences of young people and professionals within the youth justice system indicated that arts-based practice within the youth justice context gave rise to opportunities and challenges for the realisation of children’s rights. In particular, a number of the findings suggested that there were benefits from both an intrinsic and an instrumentalist perspective of greater recognition of the rights related to participation in arts and culture for young people in contact with the justice system (see further, Forde, 2026).

Access to the arts and cultural life is an important right under Article 31 of the Convention, for all children, including children who find themselves in conflict with the law. While it has been acknowledged that contact with the justice system, particularly in the context of deprivation of liberty, can give rise to challenges for children in accessing these rights (Daly et al., 2016; Nowak, 2019; UN Committee on the Rights of the Child, 2013), this study indicated a more complex relationship. While young people acknowledged that getting into trouble could constrain their ability to access meaningful leisure opportunities, including in relation to engagement in the arts, it was also suggested by young people and professionals that in many cases engagement with groups within the youth justice system could provide opportunities for children to engage with creative arts-based activities which they would not have otherwise had. This indicates – somewhat counter-intuitively – that in some cases, justice agencies are acting as an important facilitator of children's rights under Article 31 of the UNCRC. While this highlights the potential of positive and child-centred practice within justice settings to promote children's UNCRC rights more broadly, it also raises questions about why these activities are not more accessible through mainstream youth services and reflects findings in other studies about the barriers children can experience in accessing their rights in this regard (Corr, 2014; Little, 2015; O'Sullivan and O'Keeffe, 2023; Smyth, 2024).

Second, the study highlighted that there are many potential benefits for young people in engaging in creative arts-based activities. These benefits derived both from the intrinsic value of participation in these activities for children in conflict with the law, in common with all other children, and in some cases for the instrumentalist purpose they could serve in supporting better realisation of key goals under Article 37 and 40 of the Convention. While these reflect findings of international studies which document key benefits for children (e.g. Caulfield et al., 2022; Daykin et al., 2017; Hughes et al., 2005; Woodward et al., 2007), they also suggest that promoting young people's rights under Article 31 of the Convention can support important goals set out related to children's contact with the justice system under Articles 37 and 40 of the UNCRC. Importantly, the study demonstrated that both young people and professionals saw benefits of engaging in arts both in helping young people avoid coming into conflict with the law in the first instance, and in promoting age- and developmentally-appropriate treatment for children when they are deprived of their liberty, as required under Article 37(c) of the UNCRC. In addition, both young people and adults cited a wide variety of benefits of engagement with creative arts activities, which may offer much in supporting the goals set out in Article 40(1) of the UNCRC. These findings offer support for the contention that increased respect for the rights of general application which children are entitled to under the Convention, and particularly respect for children's Article 31 rights, can help to achieve greater realisation of aspects of children's rights under Articles 37 and 40 (Forde, 2026). Equally importantly, young people themselves made frequent references from the fun, enjoyment, and sense of pride and accomplishment they gained from these activities; this highlights the intrinsic value of promoting engagement with arts-based activities for young people in the youth justice system, as a core right that all children are entitled to under Article 31 of the UNCRC.

Third, an important finding related to the potential for challenges to a children's rights-based approach to engagement with the arts within the justice system. While there is

potential tension between the idea of “free” participation in arts and cultural life – as contemplated by Article 31 of the Convention – and engagement with arts within the context of the child justice system, the findings from this study indicate that much will depend on the manner in which this implementation takes place. In this study, the significant emphasis placed on the choice of young people about whether they took part in specific activities and the emphasis on including them in planning activities from an early stage appeared to help avoid this potential conflict. This further reinforces the importance of a holistic approach to the implementation of UNCRC rights within this context; the importance accorded to children’s rights under Article 12 helped give rise to more positive outcomes for young people. In this study, there was no indication that a lack of willingness to participate in these activities would give rise to negative consequences for young people. However, given that a practice which made participation in these sorts of activities involuntary, or where non-participation would attract negative consequences would give rise to tensions with key aspects of the children’s rights guidance, this is an issue which may merit further consideration in similar studies in the future.

Finally, the youth justice context in which these activities were carried out could give rise to some practical constraints. Activities were often carried out on the initiative of individual youth justice workers or projects, and therefore adequate funding, resources and the availability of facilitators with appropriate skill-sets could shape young people’s experiences. In addition, while young people were often facilitated to engage in arts-based activities within the youth justice system, difficulties could sometimes be encountered in ensuring continuity of this engagement outside of the youth justice context. While in the Irish context there are specific policies emphasising the importance of implementing children’s rights in relation to both youth justice and creative arts, some of the findings of this study suggested that these were not always as well-connected as might be hoped. This indicates the need for further, dedicated efforts both to ensure that the importance of these activities are acknowledged more widely within the youth justice system and to ensure that appropriate links are in place between youth justice services and mainstream services, to facilitate better realisation of children’s rights in this regard.

Overall, this study demonstrated the value of promoting children’s rights under Article 31 of the UNCRC, particularly the right to participate in arts and cultural life, within the context of the youth justice system. Better recognition of the intrinsic value of participation in these activities for all young people, including young people in conflict with the law, and acknowledging the manner in which these activities can potentially support better realisation of children’s rights within the context of the justice system from an instrumentalist standpoint would help advance our understanding of what is meant by a truly children’s rights-compliant justice system. The views and experiences of both young people and professionals in this study highlighted the many green shoots which exist in these practices for greater respect for and promotion of Article 31, 37 and 40 of the UNCRC. However, in order to fully realise the significant potential of this, greater recognition of the relationship between the relevant provisions of the Convention is needed. Further work may be needed to ensure that policies and actions related to children’s engagement with the arts and children’s contact with the justice system are better connected and to further advance realisation of the rights of children in conflict with the law.

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Notes

1. This section draws on arguments advanced more fully elsewhere; see further Forde, 2026
2. Separate approvals were gained from Brunel University of London Social Research Ethics Committee for the survey with professionals (Ref. no.: 39659-MHR-Jan/2023- 43336-2), the interviews with professionals (Ref. no.: 42372-MHR-Mar/2023- 44461-1) the Youth Advisory Groups (Ref. no.: 41548-MHR-Dec/2022- 42932-1) and the focus groups with young people (Ref. no.: 42374-MHR-Mar/2023- 44462-1).
3. Music Generation is an organisation which aims to provide musical education to children and young people across Ireland; for more information, see Music Generation (2022)
4. One of these focus groups, FG5, ended early, as young people chose to exercise their right not to participate after initial participation in the opening activity.

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