Children’s rights in Ireland are a relatively new concept and remain contentious in 2010. Ireland has been slow in the past to change the law in the area of child care; for example, the Children Act 1908 continued to govern how children who required intervention by the State to secure their well-being were treated until the 1991 Child Care Act was commenced. Ireland ratified the 1989 United Nations Convention on the Rights of the Child in 1992 but that signal, significant though it was, was not followed up by a comprehensive programme of constitutional and legal recognition and implementation of those rights.

This book takes a methodical and thorough approach to children’s rights and most importantly for practitioners it considers how children’s rights are or can be implemented in both international and national law. Reading a book that seeks to set out the law on any subject is a daunting prospect for those of us who are not legally trained but need to be informed. Ursula Kilkelly’s book provides that information in a clear way and in setting out the background and outlining the discourse both internationally and nationally it leads the reader into the topics covered in a way that is accessible.

It is not possible to go through every chapter of a book that covers all aspects of children’s law. I want to highlight a few areas for particular note. Chapter 1 provides a very useful outline introduction to children’s rights and highlights the legislative and policy initiatives that have occurred since the 1991 Child Care Act. It also gives a clear summary of the barriers to the fuller implementation of children’s rights and in particular speaks of the invisibility of children in law, in policy formation and in decision making. Chapter 4 covers interesting ground in defining childhood – where it begins and where it ends. This is not the simple matter it first appears and the chapter makes for compelling thoughtful and easy reading as it guides the reader through a complex range of legal and indeed moral questions. It usefully considers the use of age limits as a means of protecting the young from damaging behaviour and from exploitation and harm. In public discourse on children there is often confusion over questions such as the age of majority, the age of consent for sexual activity, for medical procedures, for compulsory school attendance and many others and this is laid out succinctly for the reader.
A more recent emerging issue, the abduction of children by one of their parents, is covered in chapter 6. The framework through which these cases are resolved, the Hague Convention on Child Abduction, Brussels 11 regulation and other relevant legislation is laid out clearly. There is a very percipient analysis of how the best interest principle of an individual child may not be well served through these agreed mechanisms because they seek to be concerned with the right of children as a group. This area of work is highly complex and poses new questions and challenges whether for social workers, guardians-ad-litem, other professionals or indeed family members who find themselves involved in considering how to respond to child abduction cases.

Finally chapter 11 is new and different in a book on legal issues. This chapter argues that the importance of socio-economic rights should be recognised in international law as central to wellbeing and the exercise of other rights. It also analyses the legal challenges in Irish discourse around children and health care. It points out that Irish law contains few references to children’s rights in health care which may come as a shock to many parents. In recent years the public have been outraged about the lack of suitable provision for children and young people with mental health needs and the lack of provision for young people suffering from cystic fibrosis, to name but two areas of health care where the State fails children and young people. Kilkelly sets out the serious problems that arise for children and young people in areas of health care and this chapter alone should give our policy makers serious food for thought. It should help parents and all those who have children as their prime focus to consider why as the author puts it ‘so little attention has focused holistically on children’s rights to health and health care’.

In 2010 the Government has promised to hold a referendum to insert a clause into the Irish Constitution on the constitutional rights of children. The call for such a referendum has been made repeatedly since 1993 when Judge Catherine McGuinness first recommended it in her report on the Kilkenny Incest Investigation. The amendment proposed in 2007 is considered here and is itself useful notwithstanding the fact that a new proposal is being considered by the Attorney General at this time. The author argues for insertion into the Constitution of a strong, unequivocal provision for children’s rights. The question remains are we the voting adults in Ireland ready to do things differently and fulfil the promise of one of the founding documents of the State, the Proclamation of Easter 1916, namely to cherish all the children of the nation equally?