

IRELAND

Past, Present and the Future –
Our CHILDREN /Young People and
the use of Restorative Events

Introduction & Contact Details

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The Journey from Ireland:

Cork (MACROOM) to Pennsylvania

Sir William PENN



Presentation

The Past: Historical Irish context

The Present: Legislation
Events
Issues

The Future: National policy
Opportunities

John D. Rockefeller Junior

New York Rockefeller Centre

“I believe in the supreme worth of the **individual** and in his right to life, liberty and the pursuit of happiness”

“I believe that every right implies a **responsibility**; every opportunity, an obligation, every possession, a **duty**”

“I believe that law was made **for man** and not man for law; that Government is the **servant of the people** and not their master”

John D. Rockefeller Junior

“I believe that **truth and justice** are fundamental to an enduring social order”

“I believe in the sacredness of a **promise**, that a man’s word should be as good as his bond; that **character** – not wealth or power or position – is of supreme worth”

New York Police - MOTTO

- **C**ourtesy
- **P**rofessionalism
- **R**espect

Ireland: The Past

Brehon Laws

Celtic times to 17th Century
Principle of **Common Sense**

Children Act 1908

Key Legislation

European Union (1973)

Union of States

Policy Developments

Geographical & Social

The Present

Population Statistics (**under 18 years**)

Children Act 2001 - **detention as a measure of last resort**

Restorative Practice:

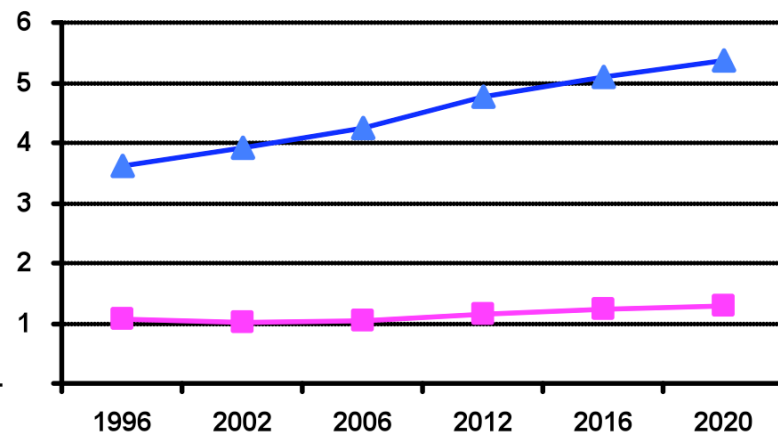
Family (Welfare) **Conference**

Family **Conference** (Probation Service)

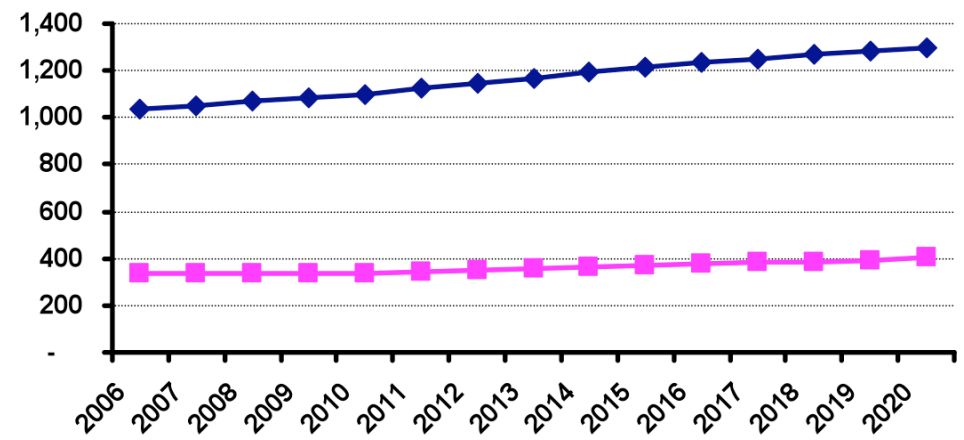
Garda (Police) **Diversion** Schemes

Irish Population

**POPULATION AND FORECAST
(Millions)**



**U18s and 12-17 Year Olds
('000s)**



| POPULATION | 1996 | 2002 | 2006 | 2012 | 2016 | 2020 |
|------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| U18 | 1,071,972 | 1,013,031 | 1,027,880 | 1,145,259 | 1,232,862 | 1,299,579 |
| Total Population | 3,626,087 | 3,917,203 | 4,239,848 | 4,765,685 | 5,093,766 | 5,380,125 |
| U18 % | 29.56% | 25.86% | 24.24% | 24.03% | 24.20% | 24.16% |

- *Under 18's population stable for the period under review but forecasted to rise over next 10 years*
- *Age group (12 – 18) rising by 70,000 between now and 2020*

Irish Criminal Justice System

- The traditional **ADVERSARIAL/Common Law** system is based on a **retributive model of justice** as distinct from a **restorative system**
- Change with regard to **Children/Young People**
- “There is an underlying gap in our Criminal Justice System which is not fully met and never could be met by criminal injury compensation schemes or recourse to civil redress. The gap is caused by the **absence of a place** for the telling, the vindication and attempt of healing the victim” (*President Mary McAleese, 2001*)

Garda (Police) Diversion System

- **The System:** age, criminal responsibility
- Formal Cautions : '**restorative caution**'
- **Informal Cautions**
- Irish victim **participation rates** high by international standards (76%)
- **Reconciliation** (victim & offender)
- **Reparation** (offender taking responsibility)
- **Transformation** (community/public)
- Restorative **process:** humanising effect

Restorative Justice Feedback – Garda/Police

Restorative Justice:

‘taps into **emotions**, in contrast to the dispassionate discourse in a **court setting**; anger and **aggression** featured in several cases; **angry remarks** were as likely to come from the offender’s own family as the victim’s side; It isn’t for **everybody**, it isn’t a panacea and **not every case** is a success’

Dr. Kieran O’ Dwyer, Garda (Police) Research College (2003)

Ireland: The Present

- Anti Social Behaviour Orders (ASBOS)
- Types of crimes
- Garda (Police) Diversion Projects
- Drugs Courts
- Garda (Police) Case Management of Juveniles
- Restorative Practices – case example
- National Evidence to Practice Seminars
- National Commission on Restorative Justice

The Future

- **National Commission on Restorative Justice**
 - Report 2009
- **Multiculturalism**
 - The Challenge
- **Some Issues**
 - Direction
- **Networking Opportunities** -National & Local
- **Maintaining the Commitment of Change**