

**National Commission on Restorative Justice**  
**Address by the Tánaiste and Minister for Justice, Equality**  
**and Law Reform, Michael McDowell, T.D.,**  
**11th March, 2007**

Good morning Ladies and Gentlemen. I am pleased to announce that I have decided to set up a National Commission on Restorative Justice to be chaired by a very experienced Judge of the District Court, Judge Mary Martin who joins me here today. I also welcome Mr. Michael Donnellan, Director of the Probation Service.

I am anxious that any future expansion of the concept of Restorative Justice here has a sound basis with proper structures and financial resourcing. Judge Martin will be joined in her work by:

Mr. Eugene McCarthy;  
Senator Mary Henry;  
Mr. David O'Donovan, the Probation Service;  
Chief Superintendent Pat Cregg, An Garda Síochána;  
Ms. Olive Caulfield, the Courts Service and  
Mr. Ronan O'Neill, Chief Prosecution Solicitor's Office, representing the DPP.

In making the appointments I am very conscious that any expansion of Restorative Justice must take place within the criminal justice framework. Restorative Justice must not be 'an add on' outside of the justice framework. All of the persons who have graciously accepted appointment to the National Commission have much expertise and experience to offer and I have no doubt that Judge Martin will give momentum to the examination of the whole area looking at it from a national and an international perspective to see what might be the best way forward for us here in Ireland.

The National Commission will be supported in its work by Mr. Brian Fitzpatrick and will be able to avail of research support as it deems necessary.

The concept of restorative justice is a victim and community orientated approach requiring the perpetrator to face up to the harm he or she has caused and repair or make good the damage done. Restorative Justice puts the victim at the centre of the process and forces perpetrators to accept personal responsibility for the harm and hurt they have caused. In a nutshell the Restorative Justice process aims to examine the fall-out from criminal behaviour by holding the offender more accountable and by giving a "voice" to the victim. This is the kernel of what Restorative Justice is all about and as I said earlier I want to see how it can be expanded in Ireland with appropriate structures and a sound funding base.

People have sometimes argued that Restorative Justice is a soft option – I don't agree. It's not appropriate in every circumstance but a system that results in the offender facing up to the consequences in person of what he or she has done and making amends can be extremely challenging, sometimes much more difficult than being processed through the Court system. It challenges attitudes and behaviour and can change lives.

The Restorative Justice concept may also provide a better mechanism to more clearly identify those who should be imprisoned and those who can make reparation without the need for a custodial sentence. That said, for serious offending behaviour imprisonment must and will remain the sanction. I am determined that we will continue to give our Gardaí and Judges the necessary legislative and other resources to put serious criminals behind bars whilst at the same time looking at how we can make greater use of non-custodial sanctions in appropriate cases. We must get the balance right – public protection is and must remain the paramount consideration in examining the options open to the Judiciary.

While Restorative Justice is a relatively new concept for many Criminal Justice systems across Europe it is one that has been growing in recent years. I am pleased to record that in Ireland we have been to the forefront in the development of Restorative Justice Initiatives in Europe.

As many of you will know the concept of Restorative Justice is already running here through the Nenagh Community Reparation Project and the Tallaght Restorative Justice Services. I am well aware of the work done in both projects and I am glad that my Department, through the Probation Service, has funded their work since they were set up in 1999 and 2000 respectively. Both projects are excellent examples of community co-operation with victims centre stage and the perpetrator being asked to face up to the wrong doing he or she has done. Minimisation of actions has no place in the process and that is a good thing.

Restorative Justice is a broad church, figuratively speaking, encompassing a broad range of approaches and initiatives from direct work with victims to general reparation and Community Service options. Experience and evidence shows that Restorative Justice gives positive results and benefits for victims, positive results for communities in reducing offending and harm and also influences offenders in changing attitudes and behaviour.

In Ireland, the concept of restorative justice is enshrined in legislation in the Children Act, 2001 which introduced one of the most comprehensive statutory restorative justice schemes in

existence. One of the primary aims of the Children Act is to expand the options a court will have at its disposal when deciding on how to deal with a young offender. Thus, the Act generally envisages committals to custody of young offenders being availed of only in situations where other alternative diversions and community-based options have been resorted to and have failed.

It is important that we ascertain how best Restorative Justice can add value to the range of sanctions currently available in Ireland leading to a better, more effective and positive benefit to the community and to victims. Indeed, I should also mention that I expect a report from the National Crime Council shortly on the concept of community courts which form part of my terms of reference for this Commission. I also welcome the initiative of the Chief Justice, the Hon. Mr. Justice John Murray to establish a committee to examine the operational and resource needs of the District Court to be chaired by the Hon. Mr. Justice Joseph Finnegan, judge of the Supreme Court and former President of the High Court.

It is against this background of examination of how we can enhance the responses of the criminal justice system to offending behaviour that I have decided that the time is right to establish the **National Commission on Restorative Justice**. I have given the National Commission detailed terms of reference which are appended to the press handout. So summing up what I want Judge Martin and her group to do is to look at it along the following lines:

- Look at the Nenagh and Tallaght models;
- Look at developments in other jurisdictions;
- Get the views of relevant bodies, interest groups and individuals;
- Look at the recommendations of the recently published report from the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights;
- Examine the available research based evidence and evaluation as to the effects of different restorative justice models, compared with other forms of court disposals; and
- Most importantly consider whether Restorative Justice Models should be further developed here in Ireland and if so to indicate how this should take place.

I know that this important and demanding task you are entrusted with will take time and serious deliberation as the recommendations and report of the Commission will inform developments in the Irish Criminal Justice System for victims, offenders and the community as a whole in the coming years.

In conclusion I wish Judge Martin and her colleagues well in determining how Restorative Justice can be brought into the mainstream of the Irish criminal justice system. I thank them for giving of their time to look at this important issue. I have no doubt that the deliberations will lead to robust, workable, costed conclusions as to the best way forward.

Thank you.