

Moving forward with Restorative Justice in Ireland

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Restorative justice in Ireland has gone from being a somewhat novel concept to a default position for the Irish criminal justice system. This article outlines the progress that has been made in the development of restorative justice in Ireland in recent years.

In 2009 the Irish National Commission on Restorative Justice found that restorative justice could be an invaluable option for the Irish criminal justice system in responding to crime and recommended that a restorative perspective be introduced nationally into the Irish criminal justice system no later than 2015. The global economic downturn in 2008 meant this deadline was missed but restorative justice in Ireland continued to develop. The institutionalisation of restorative justice in Ireland has gathered pace with its continued and increasing use by An Garda Síochána (the Irish police force), the Irish Probation Service and the Irish Prison Service and political support its use has gone from strength to strength (Marder, 2019). There has been an increased use of restorative justice and practices in a wide range of voluntary and non-governmental organisations and Irish research has paid close attention to the potential use of restorative justice in the aftermath of sexual violence (Keenan, 2014; Department of Justice and Equality, 2020).

In 2017 the Criminal Justice (Victims of Crime) Act s. 2(1) defined restorative justice as

'any scheme administered for the time being under which, with the consent of each of them, a victim and offender or alleged offender engage with each other to resolve, with the assistance of an impartial third party, matters arising from the offence or alleged offence.'



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The Act outlined what the process should look like, provided safeguards for participants, and obliged statutory agencies to inform victims about restorative justice services where available (Marder et al, 2019). In 2018 the Probation Service established its Restorative Justice Victim Service Unit. The Council of Europe Recommendation CM/Rec (2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters was timely, as it helped frame the challenge faced by the Irish criminal justice system where restorative justice had been developing more organically as opposed to through a strategic and integrated approach.

In the 2020 Programme for Government, it was stated that government will work with all criminal justice agencies to build capacity to deliver restorative justice, safely and effectively and restorative justice was also explicitly referred to in the Irish Governments Victims Charter. The Irish Youth Justice Strategy 2021-27 also refers to restorative justice in several places, including as a means to support (adult and child) victims of youth offending and enhance diversionary options from and during court.

One of the five central goals of the 2021-23 Department of Justice Plan was to strengthen community safety, reduce reoffending, support victims, and combat domestic, sexual and gender-based violence. To deliver on this ambition one of its strategic priorities was to deliver restorative justice safely and effectively through five objectives

1. To map the current state of play of restorative justice.
2. Activate a restorative justice website
3. Develop options for an appropriate mechanism and process to create awareness and availability of restorative justice at all stages of the criminal justice system with consistency of service ensuring quality in training and practice.
4. Consult with stakeholders on options and finalise a policy paper on the most appropriate choice.
5. Publish policy proposals.

The Department of Justice Plan 2021 Mid-year Report revealed that two of these objectives, to map the current state of play of restorative justice and to activate a restorative justice website, have been achieved. These objectives were achieved largely by Irish participation in

a European wide project entitled Restorative Justice: Strategies for Change (RJS4C). The Irish strategy was outlined by Marder et al (2019: 2) which aimed to “help embed restorative justice and restorative practices within the Irish criminal justice system, building on existing practices and stimulating new work to fill gaps in policy and practice”.

The strategy identified three key themes: (1) accessibility (2) knowledge and (3) cultural change. Each had its own statement of principle. In order to be accessible, the strategy stated that “safe, high quality restorative justice should be available to all victims and offenders who would benefit from participation”. Such accessibility should not depend on location, age, offence, or the stage of the criminal justice process. In terms of knowledge, it stated that restorative justice “should be known and understood widely and to such an extent that all relevant persons are aware of its benefits and risks, and the available service”. Cultural change referred to having all persons working in or in collaboration with the criminal justice system trained in restorative practices to develop confidence in using restorative skills and process in their day-to-day work (Marder et al, 2019, 5-8).

In line with the Department of Justice objective to launch a restorative justice website, RJS4C Ireland launched www.restorativejustice.ie in 2021. The website provides a service map to identify organisations involved in the use of restorative practice throughout Ireland. It also collects anonymised case studies which cover a wide range of contexts, and which demonstrate the benefits of restorative justice. To date over 40 case studies highlight the use of restorative justice in the context of prison, police, probation and NGOs.

Since the Final Report of the National Commission on Restorative Justice (2009), restorative justice in Ireland has gone through periods of slow and steady progress as well as bursts of rapid development. This rapid development is in no small part due to the work of those in the Department of Justice, the Probation Service and the voluntary and non-governmental bodies working in these areas. Given the progress that has been made, the Department of Justice's next step should be to develop a suitable means by which to create awareness and availability of restorative justice at all stages of the criminal justice system. This should involve raising awareness of restorative justice with the judiciary as well as with An Garda Síochána and the Probation Service. Beyond the criminal justice system, efforts should be made to promote the rollout of restorative justice schemes throughout the country through statutory and non-statutory bodies and encouraging a broader concept of restorative practice to be included in schools, the workplace and throughout society in general.

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