

**Irish Association for Criminal Justice Research and
Development**

Inaugural Martin Tansey Memorial Lecture

by Sean Aylward, Secretary General,

Department of Justice, Equality and Law Reform

21 May 2008

“Diversity in the Criminal Justice System”

Good evening, Ladies and Gentlemen. It is an honour and a privilege for me to be with you tonight to deliver the inaugural Martin Tansey Lecture. This Lecture was due to be delivered by our Minister for Finance, Brian Lenihan, but unfortunately because of official commitments arising from his new responsibilities he is unable to be present this evening. Both Minister Lenihan, who knew Martin very well, and his successor as Minister for Justice, Dermot Ahern, have asked me to convey their best wishes for this evening's function. I must say I am delighted to see a friend and colleague, one of our most committed public servants acknowledged this evening. I am particularly glad that Martin's wife, Sheila, is with us tonight. I want to thank Maura Butler and the Board and Staff of the Association of Criminal Justice Research and Development for organising this fitting tribute to Martin who was the driving force behind the organisation from its inception.

When Maura Butler, your Chairperson, came to me with this idea a number of months back I was delighted that the ACJRD had found what I think is a very fitting way of marking Martin Tansey's immense contribution to Irish life, and most especially to the criminal justice family. Before I go any further I want to make it clear that I have incorporated in these remarks some views expressed by Minister Lenihan in the recent past with observations of my own. However nothing said by me should be taken as a formal expression of Government policy. Please take what I say as personal observations and random "reflections on a theme".

Responding to DIVERSITY is the theme tonight but my reflections are also influenced by the circumstances underpinning our current diversity as a society. I

want to touch on the question: how it is that we seem to have moved at “warp speed” from being the poorest, most homogenous and most crime free society in Western Europe, to being the most heterogeneous, diverse, and successful economy in Europe; with all the crime problems and concerns that emerge in such a context?

Remembering Martin

But having posed that question, I want to return to the complex, gifted personality we commemorate tonight. Martin was the founding Director of the Irish Probation Service. He was a strong, committed Christian and a great Irish public servant. I will say more about Martin’s distinguished career a little later but I would like to say a word about his personal qualities at this stage. Phlegmatic and an iron realist to the last, he practised the old Roman, stoic virtues, the precepts of Marcus Aurelius: “Work yourself hard, but not as if you are being made a victim and never with any desire for sympathy or admiration”. Like that philosopher king, he desired one thing only, that his actions “should be worthy of a reasoning citizen”. Martin believed that the rehabilitation of offenders was a supremely rational social objective. And that was his life’s work. Outside his family and sporting interests, Martin made a seminal contribution to the development of the Parole Board and was, as I said already, a founder member and Chairman of our host organisation tonight, the ACJRD.

In Book One, Chapter 2 of Aristotle’s famous work “The Politics” he says that “justice is the bond of men in states” and that “the administration of justice, which is the determination of what is just, is the principle of order in political society”. That hunger for order and justice, which echoes down the ages, is not simply a product of philosophical speculation however. It is far deeper than an intellectual impulse, it is a deeply felt human and social need. Aristotle goes on, in Chapter 4 of the same work, to discuss the principles of democracy and equality and the ideal state where “the poor should have no more power than the rich” and where “neither should be masters, but both equal”.

In that spirit, the theme of this Lecture is “Diversity in the Criminal Justice System”. One, I think, Martin Tansey would readily identify with and which is also appropriate, given that this is the European Year of Intercultural Dialogue.

When we look back on Martin's career of public service, we essentially see a number of different but complementary elements played out, all of which had one over-riding aim - that aim was to help others. Martin always urged that we should move from the notion of individualism to community; to involvement with one's community and, above all, to work with and for the overall good of others.

For the 28 years he was the Head of the Probation and Welfare Service, until his retirement in 2002, Martin worked tirelessly to bring Government support and public recognition to the work of the Service. Today we see, in that Service, a vibrant organisation which is at the heart of the Criminal Justice System. That is Martin's permanent legacy. It is a tribute to the humanity, courage and common sense which he possessed in abundance. It is also a tribute to his power to positively influence significant decision makers in public administration over many, many years.

What some of you may not know is that Martin was the "founding father" of Irish community sanctions – some might say giving people a 'second chance'. He had a major hand in establishing the Garda Juvenile Liaison scheme in the 1960's and he was the intellectual force behind the Community Service legislation of 1983 which gave further significant legislative backing for community sanctions in the Irish Courts. He was a man before his time in that he recognised that community support is a vital cog in the work not just of the Probation Service but of the entire Criminal Justice System. He worked in true partnership with many voluntary groups including business leaders across the country when he encouraged to employ ex-offenders.

Down the years of his service, many Ministers for Justice and indeed several other Government Ministers repeatedly looked to Martin for advice. Indeed, as I moved through the ranks and assignments in my own career with the Department I sought his wise counsel on a great many occasions. Those of us who found ourselves in that position always felt we got 'sound advice' from Mr Tansey even if you sometimes did not like what you heard. When you look at the membership of various government advisory groups you could be forgiven for believing that no inter-departmental committee in the 70s, 80s or 90s was complete without Martin's presence, particularly if it was a committee dealing with people who were disadvantaged or

were in trouble of one kind or another. I would like to recall just some of the Government committees on which he served and the outcomes they generated - they included the National Steering Committee on Violence against Women – from whose work we now have the Executive office that is COSC, the Review of Youth Justice – which recommended the establishment of the Irish Youth Justice Service and the National Crime Forum –which led to the establishment of the National Crime Council. So you see from that short list that the deliberations to which Martin’s input was central led to very significant institutional developments over the years.

Given his long background with the Probation Service, it is not at all surprising that Martin had a particular interest in working with long term prisoners. His vast experience in offender rehabilitation and his deep psychological insights were hugely valued as a member of the Parole Board, (and its precursor body, the Sentence Review Group) from 1999 onwards. He performed his duties as a core member of the Board right to the end of his life. I know his death has left a void on that Board and his expertise is sadly missed not least by its Chairman, Dr Gordon Holmes, who came up from Limerick especially to be here with us tonight.

Martin also achieved considerable recognition at international level in his chosen profession. He was a founding member of the CEP (Conference Permanente Europeenne de la Probation) in 1981. The CEP was close to Martin’s heart and he served as President of the CEP from 1995 to 2001.

Advancing independent criminal justice research in Ireland was one of Martin’s keenest ambitions. It is not surprising, given this interest in the topic that he was a founder member and ultimately Chairperson of the Irish Association for the Study of Delinquency (now the Association of Criminal Justice Research and Development). I vividly remember, as one of his fellow committee members, the many discussions we all had about how we might advance the notion of research and inter-disciplinary dialogue of this kind. Our first meetings were convened and conducted in what I recall as a very cold borrowed room in the old Department of Justice building at 72-76 St. Stephen’s Green. Mr Justice Moriarty was present at all those early meetings and is with us tonight as President of the Association. I remember our first logo for the letterhead of our stationary was developed by a Mountjoy prisoner. For some

reason, the first sketch of the design, included crossed hurleys and was painted in the Tipperary colours. I wonder had this anything to do with the fact that it was commissioned for us by the man from Bansha, Mountjoy's Prison Governor, John Lonergan?

Martin was a truly distinguished public servant. In his advocacy of offender rehabilitation he was far ahead of his time. Despite maintaining a very low, almost subterranean, public profile throughout his career, his sterling qualities were constantly recognised at national and international levels. Typical of the man; Martin remained very quiet about his achievements and worked tirelessly for his country and his local community.

Ireland's Unexpected Recent Success, Progress and Diversity

In 2005 the Economist magazine ranked Ireland as the best place to live in the world. A few short years earlier, the same magazine put Ireland on the front cover with the headline "Ireland, the Poorest of the Rich". By 2005, however, Ireland had achieved first place in the Economist survey because it successfully combined the most desirable elements of the modern world, such as low unemployment and significant political liberties, with the preservation of certain valuable elements of the old, such as stable family and community life. As a small island nation, we can be justifiably proud that our economy has consistently achieved the highest real annual growth rates amongst the OECD countries for many years now. Over the same period we have seen significant changes in our demographic make-up. Very few people are leaving our shores now prompted by poverty or lack of opportunity and fewer than ever are struggling desperately on the margins of society. Many communities that I know at first hand, which were struggling desperately in the '90s, are obviously prosperous today. We are continuing to welcome back all over the country sons and daughters and brothers and sisters who emigrated from Ireland in the 1970s and 1980s as well as attracting tens of thousands of skilled workers from abroad. We have truly become a diverse nation. What a different world from the Roscommon Martin Tansey grew up in the 1940s and 1950s!

If John Adams was right in saying that the purpose of Government is the happiness of society, then we have come a long, long way. As Minister Brian Lenihan has said

frequently in my hearing “This is a time of hope in Ireland”. It is a time to work together in a sprit of true partnership, a time to mobilise all of our people to work together for the common good. It is a time indeed, in the words of our new Taoiseach, Brian Cowen, “to establish relationships with the new Irish and migrants who have come to our shores, to share in the miracle of the Celtic Tiger”.

The Lucky Country

I think it is fitting that I say something about how on earth we got to where we are today - a lucky, prosperous country. In recent days we had predicted growth figures from the ESRI that we will achieve economic growth averaging 3.75% annually over the next decade. Recent years saw even higher rates of growth albeit off a much lower base. Economic wellbeing can have an impact - for the better - on our crime trends and holding down a job is a positive factor. Again quoting Finance Minister Brian Lenihan this time, from his first ever political speech at his Selection Convention in fact, “the most effective social programme is a job”. A mere decade ago, if we think back to that time, we had loads of social programmes but also phenomenal levels of unemployment. We had just over 1.1 million people in jobs and hundreds of thousands out of work. Those numbers tell their own story.

At the end of last year, 2007, we had nearly 2.14 million people at work. Over a million of those Irish workers today are women reflecting a vast increased female participation rate in our workforce indeed one of the highest such participation rates in the Western Hemisphere. Those 2 million jobs are in our public services, in the indigenous service economy and in the traded sector which has benefited hugely from foreign direct investment. None of that private sector, corporate investment was based on sentiment. It was hugely influenced of course by our considerable tax concessions for business on our membership of the European customs union and on the consistent financial management policies which have characterised Irish administrations over the last twenty or so years.

With increasing wealth and prosperity, with investment and capital flows has come a human tide, from senior industrial executives to scientists from service workers to thousands of skilled healthcare professionals. Our Department now has offices in Ireland’s Embassies in Cairo, Beijing, Moscow, London, Abuja and Washington. All

these offices reflect our wider responsibilities in the newly diversified Ireland especially in relation to visas. Even though we have clearly passed the top of the current economic cycle and even though there is a worldwide downturn in economic activity, Ireland remains and will remain a hugely prosperous and diverse country.

The Irish Peace Process

The achievement of bringing an end to a conflict in Ireland that lasted hundreds of years is a story that has given heart to all those who study and practice the art of government. It was a proud moment for all of us when on the 30th April last in his address to the Joint Meeting of the United States Congress in Washington DC, outgoing Taoiseach, Bertie Ahern, proclaimed that “Ireland is at peace”.

The story of the Irish Peace Process – one which I had the privilege to be a witness and play a tiny part in the late 1980’s and in the very endgame- is one that highlights the use that can be made of the arts of government and public service. It illustrates above all, what acts of true leadership at every level – political and civil society - can achieve.

The current shared governance of Northern Ireland by democratically elected representatives of diametrically opposed traditions is an extraordinary situation. It represents a miracle of conciliation, forbearance, forgiveness, and patience. It is the culmination of a series of events which, far from following an inevitable course, was in fact beset with doubts, reversals and great uncertainty.

I do not intend to rehearse here the hundreds of years of Irish history revolving around the relationship between ourselves and Britain and between competing Irish identities. Many of you can recall the key developments going back many decades and recall the involvement of political parties of every stripe and many public servants some known and lauded, others anonymous to the last. The peace process saw many false dawns and many hopes dashed. Peace did indeed 'come dropping slow'. But it showed the immense power of perseverance and resourcefulness. Failures in the short term led to a redoubling of efforts – people quietly working in the background to bring movement. There are many more challenges to be faced, not

least to complete the process of devolution, by transferring to the Northern Assembly responsibility for policing and justice matters. We all look forward to the day when this takes place. We in the Justice family already have ambitious plans for increased practical collaboration in place ready to develop with our new colleagues, when they emerge.

Inevitably the existence of the conflict in the North over every decade since 1920 had huge impact on the evolution of the institutions of the criminal justice system in this jurisdiction and in the approach taken here to the maintenance of law and order. It is, for example, the case that the existence of paramilitary groups in our jurisdiction in more recent decades has undoubtedly added to the use of guns by criminals generally. This constitutes one of the major challenges faced by the Garda Síochána over its history: Preserving the security of a threatened State while maintaining general acceptance of the police force by the community it serves.

We have of course seen tremendous change within the Force in more years with the introduction of the radically modernising Garda Síochána Act in 2005 and the establishment under that Act of the Garda Síochána Inspectorate and the Garda Ombudsman Commission. Another important element of the 2005 Act is the power to set up Joint Policing Committees in each local authority administrative area, to provide a forum where local authority representatives and the senior Garda officers responsible for policing of that area, with the participation of Oireachtas members and community interests, can consult, discuss and make recommendations on matters affecting the policing of an area. I have no doubt that we will soon see Joint Policing Committees in all of our local authority areas, giving a voice to the concerns of elected and local representatives.

Hand in hand with this modernisation process, the Government is providing unprecedented resources to allow the Gardaí to meet the many challenges posed by today's modern criminal –this year some €1.616 billion has been allocated for that purpose. This investment is happening at a time when the numbers of Gardaí are now at an all time high, with a Government commitment to expand the numbers to 15,000 by 2010. Minister Dermot Ahern and the Government are confident that we can meet those targets. Commissioner Fachtna Murphy, who has been in office since

last November, has proven an able successor to his distinguished predecessor, Noel Conroy, in modernising and leading the Garda Síochána in its vital mission.

Reflecting on the general theme of this Lecture I see our jobs as public servants in the Justice Sector to help protect and vindicate people's rights, irrespective of colour or creed. Those of us who have been privileged to serve in Irish public administration strive to do that on a daily basis. For whatever reason, however, public discussions of human rights issues in Ireland seem to me to portray the individual and the state as bitter antagonists. What tends to be forgotten is that it is a fundamental duty of the State to vindicate people's rights, including the right not to be subject to attack by others and to have peaceable enjoyment of ones property. I am not suggesting for a moment that persons accused of crime are not entitled to due process. Of course they are, and we must defend their rights vigorously if we are not to debase the very essence of our democracy. But what I do want to advance here tonight is the proposition that it is a blinkered approach to see the vindication of human rights as being irrelevant to the protection of people from crime. To see human rights as something a democratic state is inherently disposed to undermine, rather than protect, is, in my view, a fundamentally flawed analysis, if not a ludicrous conspiracy theory.

From where I sit in the Department of Justice, I see great scope for harvesting the goodwill of the vast majority of our people towards law and order and respect for the criminal justice system. Indeed my ambition would be to turn into something positive the frustration and anger people feel at crime. We need to make policing activity far more visible and clearly responsive to the needs of people. I believe we can do that with the continuation of the reforms that are now well underway and to which I referred a little earlier. More generally, I believe that we have to recognise too that all state agencies and communities themselves have a role to play – we must all work to a common goal.

I would like to move now to discuss some of the broad challenges which we face on this island in a criminal justice context:

Causes of Crime

When professional criminologists review Irish crime levels, our serious crime rate has always compared rather favourably with similar jurisdictions. Of course, I share the concerns of those who would say that it is cold comfort to the victim of a crime to say that, statistically, the chances of it happening to them were extremely low or lower than in say Scotland or England and Wales.

Perhaps the most over-used cliché of criminology and politics is the phrase coined by Tony Blair, 'tough on crime and tough on the causes of crime'.

It is difficult to disagree with that approach. But in a way that phrase about the causes of crime conceals more than it reveals. While we all know what crime is - the law tells us - the question of what CAUSES or triggers crime is a much more complex one. The conundrum at the heart of this phrase can be demonstrated by a simple - and regrettable - fact: the murder rate in Ireland is running now at a multiple of what it was in the 1960's and 1970's; at a time when prosperity is at an all time high and is being experienced in every corner of our island and when we are at peace as a nation.

No-one could deny that, in material terms, we are vastly better off today than we were thirty or more years ago. The forecast for the next decade is still very positive, notwithstanding the current "wobble" in the world financial markets. Yet we cannot overlook the fact that young men in general and certain socially deprived areas and groups in particular in our country are still significantly overrepresented in our prison population. Statistically there are of course links between relative social disadvantage and crime. There is, however, a world of difference between a link and a cause. Correlation is not causation. How is it, for instance, that people brought up in almost identical environments - even in the same household - go on to lead worthwhile lives in the community, while others get immersed in a life of violence and crime? There is the danger too that in overemphasising social factors in the commission of crime that we might be taken as seeking to absolve individual offenders from any responsibility for their actions. I have personally heard too often at review board interviews, many prisoners convicted of violent crime proclaim that they are "the real victims". This pernicious doctrine of victimhood should be resisted.

And an unfortunate and inconvenient truth is that it is very often the case that those suffering from similar disadvantages to the offenders themselves are people who are their neighbours and family members, who turn out to be their most frequent victims. Criminal behaviour is never an inevitable consequence of economic disadvantage especially relative economic disadvantage.

Perhaps the erosion of old moral certainties, the dwindling influence of institutions which in practice set and enforced norms, and a general loosening of the ties that bind traditional social controls, have all contributed to the growth in crime in Ireland. It may have been the case too that our crime rate in the 50s and 60s was artificially depressed by the fact that so many young men emigrated in past generations. As the song by John B Keane has it “many young men of twenty said goodbye”. Indeed it was not unheard of in the 1950’s and 1960’s for judges to dismiss minor charges against young men provided they agreed to take the mail boat to England. Former Reid Professor of Laws at Trinity College, Dublin, Matt Russell, who went on to lead the Attorney General’s Office for many years, asserted that Ireland was relatively crime free, at least of serious crime, in the 1950’s, suggesting as a possible reason, that (I quote):

“An Irishman with criminal aspirations almost invariably leaves this country and goes to England, sometimes voluntarily, sometimes on the advice of the police, or even of a District Justice.”

Half a century on, we live in a different world where, for a start, most crimes currently being experienced in Ireland seem to be a by-product of affluence. A retired rural Garda of my acquaintance once said to me about the 1960’s, “we had no robberies then, because there was nothing to rob”. While the use of illicit drugs used to be mainly confined to deprived urban areas, a 1970s phenomenon, it has now spread throughout all classes and corners of the country, particularly so with the abuse of cocaine which does not involve the obvious early disfigurement and social stigma associated with injecting behaviour. And, sadly, those in privileged circumstances who use cocaine seem to be callously blind to the havoc it causes in the areas where the gangs who supply it to them are based.

We have not escaped, especially in recent years, the bloodshed that has for so long characterised the drugs trade in other countries. Human life itself has been devalued in that sordid but lucrative business. Public education has to hammer home the message that “drugs are for losers”. And the Gardaí have to use intelligence led operations and every available source and technique to break up the drug gangs as they emerge.

Public Disorder and Excessive Drinking

Tackling the problems of public order that can arise in our neighbourhoods, especially late at night, is of concern to all of us. You do not need me to tell you that public disorder or street crime can seriously affect the quality of life in an area. Older people may become more fearful, parents worry about whether their children might be the subject of an attack, foreign nationals may fear a racist attack. Whilst the likelihood of actually becoming a victim of street assault may statistically be quite low, the very fact that one might reasonably fear for everyone’s safety lessens everyone’s sense of safety and ultimately may lead to a “personal retreat” or ‘withdrawal’ from community participation by more vulnerable people especially the elderly.

While illicit drugs attract vast media attention, the reality is that binge drinking fuels most of the violence on our streets. That is why the Garda Síochána has been asked by the Minister for Justice to combat, particularly in cooperation with other agencies and with community support, the problems of public disorder. Last month the Government published proposals for a radical reform of our licensing laws and public order legislation in response to a widely welcomed report from the Alcohol Advisory Group chaired by Gordon Holmes. The central aim of the Bill is to address the increasing availability and excessive consumption of alcohol and public order problems caused by binge drinking. I should add that other legislative provisions in the 2006 Criminal Justice Act also target this type of behaviour by adults and children. The very innovative and successful Garda Youth Diversion Projects, community based and multi-agency in nature, seek to divert young people from becoming involved, or further involved, in anti-social or criminal behaviour- we have

100 or so such projects in existence at the moment and the intention is that there would be further expansion over the lifetime of this Government.

Incidents of public disorder usually but of course not always involve the misbehaviour of wayward young men. Of course, let me hasten to add that not all groups of young men gathered together in public places are up to no good. Nor should young men in such situations automatically be treated as suspects. And we have to be careful that whatever measures we introduce, we do not end up unnecessarily alienating young people and actually fomenting the trouble we are pledged to prevent. There is a delicate balance to be struck and I am confident that the Minister's legislative proposals will tackle the identified problems in a balanced and fair way.

Irish Youth Justice Service

When I was appointed Secretary General of the Justice Department, in August 2004 one of my main ambitions was to help bring together the various state structures responsible for looking after children in trouble with the law– to create a synergy for change and co-operation. Out of that work of collaboration between my Departmental colleagues and Ministers has evolved the Irish Youth Justice Service, to drive forward necessary change in this area - long a battleground for policy and decision makers. I was fortunate in that the entire Cabinet Committee on Social Inclusion and two Government Ministers in particular were hugely supportive of the concept, namely Michael McDowell and Brian Lenihan. The new initiatives we have taken in this area put juveniles who come in contact with the law at the heart of juvenile justice policy. For the first time in our history we have put in place a focussed response to their needs that uses the State's considerable resources and expertise and draws together in a clear way the many key players in this sector.

As a keen observer of criminal justice issues over 20 years. I was struck by the wide range of interventions for young people that were happening but that were not properly co-ordinated. I am glad that we eventually were able to produce a “joined up” government response to this situation. I know that Michelle Shannon, who is here tonight, the Director of the Service, and her team are working flat out to

implement their new mandate. With Minister Barry Andrews and the Office of the Minister for Children, led by Sylva Langford, they are already bringing about real and meaningful change in the lives of some of Ireland's most troubled children. That to me is what true public service is all about – working together to make a real and meaningful difference and where necessary smashing demarcation lines which arise from administrative history.

I can only hope tonight to give you a brief overview of what I see as some of the big issues facing the criminal justice system – of course there are many more but time this evening does not allow me to delve, deeply for example, into penal policy or the whole equality agenda. These areas do pose continuing challenges for us. Over the next few years we will see a much changed prison system with new developments like Thornton Hall giving us the capacity, for the first time since achieving national self government, to work in an effective way with adult prisoners. For the first time, we should truly be in a position to tackle effectively the issues like substance abuse or functional illiteracy that contributed to the conduct that led to them going to prison in the first place. Through integrated sentence management in a stable, non chaotic environmental we will, help them prepare to re-integrate back into society to our collective benefit.

Some Police Training Issues

The importance attached to human rights compliance in policing in Ireland is highlighted by Section 7 of the Garda Síochána Act 2005. This Section sets out the functions of the Garda Síochána, which include providing policing and security services with the objective of protection of life and property and of vindicating the human rights of each individual.

Human Rights training forms an integral part of 'Contextual Policing Studies', which is incorporated into the 'Student/Probationer Development and Training Programme' at the Garda College. All new members of the Garda Síochána now make a personal declaration that they will have regard for human rights in carrying out their policing duties. Human rights training also forms part of the training provided by the 'Continuous Professional Development' staff allocated to each of the

Garda Divisions for serving members of the Garda Síochána. This new element in Garda Training, like the new oversight arrangements in the Garda Síochána Act 2005 reflect our response to the findings of Mr Justice Morris in his protracted and ongoing Tribunal of Enquiry into allegations of Garda misbehaviour in Donegal in the 1990s. Judge Morris in his work has made a huge contribution to the new legal environment in which the Garda Síochána operates.

Complaints against the Gardaí

Any aggrieved citizen can instigate court proceedings to vindicate his or her rights in relation to alleged wrongdoing by the Gardaí. Of course, most alleged wrongdoing by police officers comes well down the scale from the level of issue which would prompt the citizen to trigger a formal judicial review process. For over twenty years we operated a Garda complaints system; The Garda Complaints Board, which was unfortunately constrained both by limited resources and lack of direct investigatory powers to probe allegations of wrongdoing by the Gardaí. Under the 2005 Garda Síochána Act, we have created a very powerful new body, the Garda Síochána Ombudsman Commission, headed up by a High Court Judge, Mr Kevin Haugh and two fellow Commissioners, Conor Brady and Carmel Foley. All three Commissioners are very well known and independent figures in Irish civil society. They have their own investigators, retired senior police officers from several jurisdictions and a significantly higher level of powers and resources than their precursor organisation, which is now in “winding down mode” as it disposes of the last few complaint cases still on its books. The Garda Síochána Ombudsman Commission has the power to make arrests, to search Garda Stations and Offices and to refer files to the Director of Public Prosecutions.

Female Participation in Ireland’s Work Force

I would like to turn now to one aspect of my Department’s equality mandate, in the area of equality for women. The first great moves against workplace discrimination based on gender and marital status came in the mid-1970s from the series of Equal Pay and Equal Treatment Directives that were adopted soon after Ireland’s entry into

the then EEC. The late Paddy Hillary was the Irish Commissioner in Brussels who crafted and championed those directives.

Continuing the drive inaugurated by our late President, the European Union has set a target under the Lisbon Agenda of at least 60 per cent female employment by 2010. I am pleased to be able to say that Ireland actually reached that target in 2007.

The European Union has been the great catalyst not only for our economic and social development but also for equality and women's rights. It has in my view been an overwhelming force for good in Irish life. The Reform Treaty creates a more efficient and effective Union and is, I personally believe, deserving of our full support.

We are very much aware that our female labour force is very well educated. It is important for economic growth and social well-being that we should capitalise on the availability of this pool of highly qualified women by encouraging women to return to or remain in the labour market and to advance upwards in their chosen careers.

The new Equality for Women Measure will comprise four separate strands and builds upon the successes of the earlier Measure. Next week Minister Dermot Ahern will be launching the first Strand which will focus on "Access to Employment".

Over the coming months, Minister of State John Moloney will be announcing three further strands. Strand 2 will aim to encourage women in entrepreneurial roles. We plan to announce Strand 2 and invite applications on entrepreneurship before the Summer break.

In late Summer or early Autumn, our Department will make an announcement in relation to the Third Strand which will look at the advancement of women in the work place. The Fourth Strand will make funding available for projects which aim to support an increase in the numbers of women in decision-making roles in Irish Society.

The successes of the last Equality for Women Measure have spurred the Government to increase its commitment to positive actions to support women's development so that they play a full and active role in all facets of Irish society.

Accordingly, we have doubled the allocation to the new Equality for Women Measure and are making an amount of €61 million available in the National Development Plan for the period 2007 – 2013 to support positive actions for women. This commitment to double the funding also includes a significant increase in ESF funding for gender equality in the new Human Capital Investment Operational Programme which has set aside nearly €16 million in ESF funding towards the total budget for the Measure.

This increase in ESF funding reflects the strong linkage between gender equality and economic growth and social well being. Prime Ministers across Europe adopted a gender pact in 2006 and pledged to support the advancement of women in the labour market; their increased participation in decision-making and to address the many social problems faced by women who, for example, are more likely than their male counterparts to experience poverty during their lifetime.

This pledge to increase funding for gender equality also links closely with commitments collectively espoused by Government and the social partners in "Towards 2016". It also supports some of the aims of the National Women's Strategy 2007 – 2016 which was launched about a year ago. The National Women's Strategy aims to achieve an Ireland where "all women enjoy equality with men and can achieve their full potential while leading a safe and fulfilling life".

Thus the Government is planning to make available up to €9 million per year for positive actions to support gender equality under the four Strands of the new Equality for Women Measure. This compliments the commitment in the National Development Plan to make funding of some €50 million available over a seven year period for initiatives under the National Women's Strategy.

Diversity and Integration

Lest you think I have strayed from the theme of this Lecture let me return to the question – what do we really mean when we talk about diversity? I don't think there is one simple answer to that question. In the context of the criminal justice system I think we might approach the topic from the point of view of how we ourselves might like to be treated if we were in a foreign land far from family and friends: how might we hope to be treated by the institutions of that foreign state? I would think that I speak for most of you in this room this evening if I were to say that we would wish to be treated humanely, in a courteous manner AND fairly.

“The task of living together amid growing cultural diversity while respecting human rights and fundamental freedoms has become one of the major demands of our times and is set to remain relevant for many years to come”. That is the conclusion to *‘Living Together as Equals in Dignity’*, the Council of Europe White Paper on Intercultural Dialogue, which was recently launched in Strasbourg. How fitting a conclusion and what a challenge that is for all democratic societies.

I have chosen to touch briefly, at this juncture, on the challenge of immigration because in a way it is this phenomenon which brings the issue of diversity to the force. I emphasise that I mean challenge, not burden. I am well aware that immigration law is a controversial subject in most jurisdictions and I do not intend to go into it in detail here. All I will say is that we try to operate a system here which is humane and sensible while at the same time recognising that it is the absolute right and bounden duty of every sovereign state to control its borders, in the interests of its people. Any state which does not manage this task effectively is or will become a failed state. That is the reality.

What is a new challenge for us is the integration of our new communities through dialogue and learning. We have to grapple with the balance between recognising the legitimate attachment of those new to our shores to the culture from whence they came, and ensuring that they develop a real allegiance to Ireland, the adoptive country in which they now wish to make their new home. Or to quote again from the Council of Europe White Paper cited earlier, “Intercultural dialogue is a mechanism

to constantly achieve a new identity balance, responding to new openings and experiences and adding new layers to identify, without relinquishing one's roots." It is, unfortunately, the case that in some European countries, that were previously very welcoming of immigration, significant numbers of second generation immigrants, rather than developing an allegiance to the country in which they were born, have become hugely socially resentful, bitter, radicalised and ultimately the sworn enemies of their host countries.

However I take some solace here from Irish History: It was said of families involved in the conquest of Ireland long ago, and I proudly proclaim that I am of Norman stock myself, that they had become "more Irish than the Irish themselves". We will be very fortunate indeed if the same thing can be said by generations to come about those whom we now call the "New Irish". And that is not to suggest that we want any of the new Irish to abandon their heritage - far from it.

The debate around the issue of integration in every country can often be based on myths and misinformation. That is why the Office of the Minister for Integration headed up by Minister Conor Lenihan plans to set up a Commission on Integration whose main priority will be to provide accurate information on what is actually being done to integrate the 'new Irish' into our cities, towns and villages. I think the range of developments and reviews now coming from the Office of the Minister for Integration are timely and welcome. They will, I believe, help to dispel some of the untruths about Ireland's immigration issues that are often spoken of as fact.

The Irish criminal justice system too must be responsive to the challenges of criminality whether coming from or experienced by, the new communities amongst us. There are challenges as to how we cope with cultural difference, language barriers, and how that may impact on how the non native English or Irish speaker engages with our criminal justice services. The challenges we face arise in every aspect of the administration of justice. They arise in relation to policing where the training initiatives I mentioned are already underway. They arise in relation to persons sent to prison and juveniles who appear before the courts. And they arise in many other areas of our operations. I am confident, however, that the Irish criminal justice system is coming to terms with those varied challenges and that they will be

met; I am confident also that fairness and justice will be the guiding principles by which each arm of our criminal justice system will deal with social and ethnic diversity in all its guises.

Part of our ultimate response to ethnic and social diversity must be to reflect it in the composition of our governing institutions – especially those which administer justice. A first priority in that regard must be recruiting many more non nationals into the Garda Síochána.

“Finally, and in conclusion.....”

Today, for all its modernity, I believe that Ireland is a place where community life is still vibrant; where the stranger is still welcomed and where we do continue to show tolerance for difference. That is clearly a great good in itself but it also has positive implications for the maintenance of order. The challenge facing us now is to maintain, at a time of enormous pressure and change, that level of community spirit and strength which was lauded by our new Taoiseach in recent weeks.

I regret that I have only been able to touch this evening on some only of the issues affecting modern Ireland and most particularly the Criminal Justice System as we cope with diversity.

I am deeply indebted to the ACJRD for affording me this platform tonight. I am especially grateful to the Association for giving me the opportunity to recall and salute my true friend, a loyal colleague, the late, great Martin Tansey.

Thank you.