

Introduction

Youth Work Ireland is the representative and co-ordinating body for 22 local voluntary youth services. These services work with young people in a community setting to promote their personal and social development. Many member services are managing Garda Youth Diversion Projects in their local communities.

Our submission to this phase of the White Paper consultation is based upon what we believe are important universal principals relating to the interaction of young people with the justice system. These principals arise from international best practice and legal instruments such as the U.N. Convention on the Rights of the Child and The European Convention on Human Rights. Of more specific relevance here are the United Nations “Beijing Rules” on the administration of Juvenile Justice and The U.N. Guidelines on the Prevention of delinquency (Riyadh Guidelines)

These principals apply across the justice system but are particularly relevant in the preventative area covered by the initial phase of the white paper consultation

Background

There are several existing state commitments which provide guidance in this process. The Irish Youth Justice Service has set out 5 high level goals in it's 2008 -2010 Strategy

1. To provide leadership and build public confidence in the youth justice system.
2. To work to reduce offending by diverting young people from offending behaviour.
3. To promote the greater use of community sanctions and initiatives to deal with young people who offend.
4. To provide a safe and secure environment for detained children that will assist their early re-integration into the community.
5. To strengthen and develop information and data sources in the youth justice system to support more effective policies and services.

The diversionary approach and the greater use of community sanctions are both very relevant to the theme of the current consultation

The National Children's Strategy 2000-2010 is also relevant with significant commitments to hearing the voice of young people and developing quality supports and services for them. It would be fair to ask is there a dedicated space for the voice of young people in the White Paper on Crime consistent with this strategy which is across all Government Departments.

The United Nations Committee on the Rights of the Child has issued its conclusions on the States report to it in 2006. There are many findings of relevance in it to this process including

- Non Discrimination
- Best interests of the child
- Children's right to privacy
- Adolescent Mental Health
- Alcohol
- Irish Youth Justice Service
- Garda Diversion Programme

Given the timescale and other commitments in this brief submission we highlight a selection of issues for attention

Diversionary Approach

Again the Irish Youth Justice Strategy lays a key emphasis on this area as does all the major research. The Diversionary approach is therefore a central pillar of policy in terms of crime prevention amongst young people.

This approach covers interventions such as Garda Youth Diversion Projects, The Garda Juvenile Diversion Programme, Community Sanctions and Restorative Justice

Early intervention is seen as critical in this area and is a useful framework for guiding crime prevention

Garda Youth Diversion Projects

There about 100 Garda Youth Diversion Programmes in the country and a large amount are run by Youth Work Ireland members. The support for these projects is an important aspect of youth work particularly with the hardest to reach and in very disadvantaged communities.

However it is important that youth work values are central to these projects. This should involve recognition of some of the key values of youth work explicitly by the IYJS and the Gardai and these principles being reflected in how projects are run. The Youth Work Act 2001 and the National Youth Work Development Plan 2003-2007 reflect many of these. Such values include

1. Voluntary participation
2. Informal education and learning
3. Participation by young people in the nature and direction of the work
4. Led by voluntary organisations
5. Contribute towards active citizenship
6. Fosters critical thinking

- The Values should govern the operation of Garda Youth Diversion Projects

JLOs and Community Policing

There are 110 JLOs in a force of over 14,000 Gardai. The role of the JLO is crucial in terms of diverting young people from offending and the criminal justice system. There has been a growth in community Gardai and civilianisation of more routine tasks. This direction of policing is to be welcomed. However the number of Juvenile Liaison Officers is still way too low. Addressing these issues may not involve major costs given it is mainly a re-designation rather than additional recruitment. All members still remain available to the force.

- There should be at least 20 extra JLOs appointed in a crime prevention roll

Anti Social Behaviour

Much of the focus on young people in terms of their interaction with the criminal and policing system relates to the concept of anti social behaviour. This is somewhat unfair given that a relatively small number of young people are involved in anti social behaviour and such behaviour is not necessarily criminal in it's own right.

Furthermore the definition and understanding of anti social behaviour leaves a lot to be desired. The Criminal Justice Act 2006 says that anti social behaviour orders cannot be issued where criminal proceedings are being brought. However much media and public comment conflates and confuses sometimes serious criminal behaviour such as stealing cars and damaging property with anti social behaviour which according to the 2006 Act is usually less serious.

We welcome the recent comments of the Minister on the topic of ASBOs

“Ultimately, the success of the initiative is being measured by in effect criminalising young people in particular. If a young person gets a warning and behaves thereafter, we should not, for the sake of statistics, force the Garda to criminalise people by serving them with an order or bringing them before a court to get an order. It is not a solution”

(Dail Debates, Nov. 10)

Given the miniscule number of Anti Social Behaviour Orders given out since their introduction for children and young people their value is now open to question. It appears that legislation like the Public Order Act and the general diversion scheme is prioritised by the Gardai.

- The withering of the ASBO should be accepted and a greater emphasis should be put on community policing and the role of the JLO which have been shown to work and are prioritised in the Youth Justice Strategy.

Garda Complaints

Unfortunately opinion poll research has shown that a majority of young people do not have faith in the Gardai and this can be exacerbated in certain communities. Clearly the development of such relationships is a key task in preventing crime. The establishment of the Garda Ombudsman Commission has been a welcome development in this area however we believe there is a need for a specific office for complaints by young people. Concluding observation 13 of the U.N. Committee on the Rights of the Child on Ireland's State Report observed

“While welcoming the specific inclusion of powers to investigate complaints by children or on behalf of children by the Ombudsman for Children, the Committee is concerned that some limitations may undermine the mandate of the Ombudsman for Children in investigations related to children in prisons and Garda stations”

- We believe that the remit of the Ombudsman for Children should cover the Gardai rather than this function being vested in the Garda Ombudsman Commission. Such a change would contribute to building faith in the Gardai amongst young people.

Mosquito Teenage Deterrents

The use of these devices is growing in Ireland. It is a major issue for teenagers who consider it a breach of their rights. Youth Work Ireland has received legal advice that the use of these devices may constitute an assault under Irish law. The Ombudsman for Children has commented on their use and the Gardai have said they will investigate their usage. The UN Committee on the Rights of the Child has also condemned their use in the UK.

- The state should in no way endorse or support the use of these devices.

Youth Services and Activities for Young People

There is a tendency in modern public policy to link and target funding for social issues. Garda Youth Diversion Projects are one example of this. Much mainstream youth funding is targeted at disadvantage. In addition to this there is funding from the Drugs Strategy dependent on those issues. There has even been funding from the Crisis Pregnancy Agency for

facilities...presumably only those at a risk of becoming pregnant could avail of these facilities!

There is a need for a much more joined up and integrated approach. Indeed this is the very logic of a Minister for Children and Youth Affairs and a Youth Justice Service. On a day to day level youth services offer a joined up service to young people based on a diverse funding base. The inability of Government Departments to operate outside of silos can make this work very difficult.

The advantage of targeted funding and support to initiatives can be seen when there are concentrated issues such as drugs, unemployment or the need for physical regeneration. Making funding for youth work dependent on such approach is highly questionable in our view and runs contrary to the best interest of the child principle.

Children and young people need to grow up together and not in a segregated fashion. This level of integration is a key advantage of youth services. The over targeting of funding and resources can lead to the ghettoisation of young people. Approaching youth services as agents of the state in terms of solving social problems is unrealistic given their size relative to mainstream state services. It also denudes communities of social capital and the natural spirit and advantage of bottom up initiatives. This can be seen in the UK where the idea of voluntary youth services is almost history.

- We believe good youth work can have a major impact on crime reduction but only if youth work principles are recognised by the state and funders