

On 11 July 2002, Cherie Booth QC, the distinguished human rights lawyer, gave the inaugural Longford Lecture at Church House, Westminster.

*The Law, the Victims and the Vulnerable*

Cherie Booth QC

I'm delighted to be here. Delighted to have the opportunity to give this first Lord Longford memorial lecture. I am particularly pleased to have been able to renew my acquaintance with Lady Longford. She is of course a notable woman in her own right but as Lord Longford's wife for seventy years and the mother of his eight children she was his inspiration, strength and guiding light and I am delighted that she has done me the honour of being present here tonight. But looking around the audience tonight it is great to see that Lord Longford is still bringing together such an exciting mix of people.

In fact, this is one of the things I want to look at this evening: what was it about Lord Longford that made him so uniquely able to reach out to people in the way that he did?

I'm sure that everyone who knew him will be thinking of some instance of humour or generosity. I've certainly been told some wonderful stories about him in my preparations for this evening! But what I want to look at are the values that motivated him; and to discuss how these values hold the key to building sustainable protection for the most vulnerable and the most marginalised in our society.

Lord Longford has been described, paradoxically, as a man ahead of his time, and yet also one who was born too late. Ahead of his time in his advocacy of radical social reform; but born too late in his adherence to a deep-rooted sense of morality.

I say that the time is now right to prise open this apparent paradox. Many of the tensions with which Lord Longford grappled are now central features of contemporary debate. For those interested in the role of law and human rights - the relationship between the individual and the wider community - the questions implicit in his campaigning and in his tireless support for needy individuals are precisely those which are now of central significance. How should we deal with those who do not share our values or who break our moral codes? Are human rights about individual freedoms and formal justice, or about dignity, respect and substantive equality? What are our responsibilities to those in need, to victims and to those who have suffered injustice?

The time for Lord Longford's paradox is now, because the Human Rights Act 1998 has introduced a new moral underpinning to law and to state action. The law now provides us with a foundation, a set of fundamental guarantees. This has prompted advances in legal protection for victims and the vulnerable. And further rights for victims are planned. But we also need to look beyond the law. We need to look to the development of a more broadly based human rights culture – one which informs not just relationships between citizen and state, but between individuals and amongst wider communities.

Meeting the needs of victims and the vulnerable means looking well beyond the courtroom and the statute books. It means tackling the causes of victimisation and vulnerability. And it means building a community-wide solution.

In illustrating this need, I'm going to focus in particular on the issue of victims of crime. There has been increasing recognition of the needs of victims and our responsibilities to them. But often the focus has been on the role of the victim in the criminal justice process. And the wider impact of crime and the social needs of victims like healthcare, housing and financial assistance have received less attention.

Looking at these broader needs also means dealing with crime prevention. It means stopping people being revictimised and it means facing up to the vulnerabilities that lead people to commit crime. In this context, I'll look at the treatment of offenders – one of the subjects closest to Lord Longford's heart. I'll also look at the opportunities created by restorative justice – a process which gives victims and the community a much greater stake in dealing with the aftermath of crime. And a process which embodies the values central to Lord Longford's work and beliefs.

So what then are these values, which I say hold the key to providing genuine assistance to those most in need?

At the heart of Lord Longford's approach was a belief in the fundamental equality, value and dignity of every human person. These are also the foundations on which human rights are built.

Lord Longford came first to the notion of equality through his early political activities; through his socialist beliefs. However, he quickly realised that formal equality is not enough – it might, in his words, "cover a complete disregard of the dignity and self-respect of the individual by treating each of us as equally valueless."

As Lord Longford saw, what is missing from an isolated commitment to equality is a corresponding explanation for the value and dignity of every individual. If we are all equal, why are we not interchangeable? Why should the interests of the majority not trump those of minority groups? Why should we not simply seek the maximum amount of happiness for the greatest number, even if this must be bought at the expense of the few?

For Lord Longford, of course, the explanation lay in his Christian faith which I share. He took from the Bible the teaching that we are created in the image of God; that our oneness in Christ transcends racial, national, social and gender differences; and importantly, that even a single human life has supreme value in the eyes of God. In his autobiography, *Born to Believe*, Lord Longford wrote that "Our ideal society must be based on the equal and infinite worth of each human being". As bearers of infinite worth, there are certain things that must not be done to us; and certain things to which we are entitled. In contemporary language, we have rights.

Once it is accepted that people are of intrinsic value, the moral, if not the legal, responsibility for respecting this lies not just on the state, but on each of us. Rights, once viewed as based on fundamental human worth, give rise to principles governing the way we, as people, as individuals, treat one another. Rights impose duties on us.

For Lord Longford, these duties were set out in the teachings of the Gospels. The duties of humility, compassion and forgiveness; to be a friend to the weak and the outcast; and to maintain hope for redemption.

It is no coincidence that the first major international expression of commitment to human rights, the Universal Declaration, has many parallels with biblical teachings. One of its major authors, René Cassin openly acknowledged that the Declaration locates its ideological roots in the Ten Commandments.

But where does this leave us in a more secular age; where advocates of human rights come from many different religious perspectives and many profess no religion at all?

In fact it is here that such values have most to offer. Building consensus about fundamental human rights; about the basic guarantees to which every person is entitled, simply by virtue of their humanity, provides at least a starting point of common ground.

When founded on a belief in the fundamental value and dignity of human life, human rights provide not just a set of legal entitlements, to be battled over in the courts, but to some extent a form of contemporary ethics. My friend Francesca Klug, one of the leading creators and proponents of our Human Rights Act, has described human rights as "values for a Godless age". In this way, a commitment to human rights provides an ethical underpinning for personal as well as state action.

Lord Longford embodied such an approach. Not only did he strive to improve the position of the outcast and the dispossessed throughout his political career, but also at a personal level, he was a constant friend to those in need. A friend to prisoners, to the homeless and to victims of crime. Politically, he played a key role in many of the significant social reforms of the last century – not least in his work on the Beveridge Report and in the passing of the Criminal Justice Act of 1967, introducing the parole system for prisoners. He also campaigned for compensation for the victims of crime. And, at the same time, those who knew him describe a constant stream of visitors to his home and to his office; visitors whom he helped on a personal level - by visiting them in prison, or helping them through times of particular hardship.

It is exactly this compassion and understanding that must underpin our treatment of victims. In 1999, for the first time, the United Nations published a "Handbook on Justice for Victims". This builds on the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. The Declaration has as its central philosophy that "victims should be treated with compassion and respect for their dignity".

These values are also reflected in the recent European Union Framework Decision on the Standing of Victims in Criminal Procedure, and again in the European Commission's Green Paper on compensation for victims of crime.

Here in the UK there have also been important developments. Last year the Home Office conducted a major review of the Victim's Charter, looking at the standards of service victims are entitled to expect from the police, the Crown Prosecution Service, the Courts and the Probation Service. And in particular, looking at whether these standards should now be elevated to the status of victims' rights, enshrined in legislation.

The response to these proposals has been positive and the Home Secretary announced earlier this year that there will indeed be a Bill of Rights for victims and also a Victim's Commissioner who will champion victims' interests. These changes are likely to reflect the key principles set out in the Review. First and foremost, that victims of crime should be treated with dignity and respect by all criminal justice partners.

And more specifically, that decisions at every stage of the criminal justice process should take into account the interests of the victim in securing protection. This includes decisions on bail, sentencing and release. Victims should be offered specialised support services and witnesses should be put in touch with the Witness Service.

The Review also proposed setting up a Victim Fund, which would help to make sure that any compensation ordered is paid to the victim promptly, irrespective of how long it takes the defendant to pay.

Victims now have greater opportunity to express how they have been affected by crime, by making a Victim Personal Statement. This must be considered by the court at the sentencing stage and it also helps criminal justice and support agencies to identify any special needs the victim has as a result of the crime.

The trial process has also been the focus for recent changes. In 1998, an interdepartmental working group published "Speaking up for Justice" a report recommending a host of measures designed to ease the burden on victims and vulnerable witnesses when they come to court. All of these are now being taken forward. Later this month a roll-out programme will

begin, introducing many of the special measures for vulnerable and intimidated witnesses contained in the Youth Justice and Criminal Evidence Act 1999. And an expert video is being produced to train judges, lawyers, magistrates and court officials how to deal more sensitively with vulnerable witnesses. The aim is to assist witnesses who feel intimidated or overwhelmed and to help them feel confident about speaking out. This requires a significant shift in the present culture of the courtroom, but is vital both for the well-being of the individuals involved and also in the interests of the wider community. It is one of the tragedies of our present system that too many genuine cases collapse because witnesses are unable to testify or are too afraid to come forward.

The other driving force for change has come from the European Convention on Human Rights. The Osman case stripped away the immunity of the police from civil actions – giving those living in fear of crime much greater scope for demanding reasonable standards of protection.

The incorporation of the Convention into domestic law has also brought into sharper focus the tension between the right of defendants to a fair trial; the right of victims and witnesses to respect for privacy and protection from excessively intrusive or bullying cross examination; and the interests of society in a just and effective legal system. The balance between these conflicting rights and interests was considered in the case of R v A – often referred to as the rape shield case. The House of Lords was called on to decide whether tight statutory restrictions, in sexual offence cases, on a defendant's right to cross-examine the complainant on past sexual conduct was compatible with the defendant's right to a fair trial.

Ultimately it was decided that a blanket ban on this type of questioning is not permissible: trial judges will have to decide whether the evidence the defendant seeks to elicit is so relevant that to deny it would make the trial unfair.

Although on this occasion, the House of Lords read into the legislation increased safeguards for defendants, this does not mean that the rights of the victim can be ignored. Although defendants have an absolute right to a fair trial, what constitutes a fair trial must, in the words of Lord Steyn, take into account "the triangulation of interests of the accused, the victim and society."

The A case considered this issue specifically in the context of rape cases, but Victim Support has pointed out that similar human rights considerations could arise in the context of any excessively humiliating or intrusive cross-examination. To this end they advocate a series of express duties on prosecutors. Prosecutors must challenge aggressive or degrading cross-examination and object to attempts by the defence to introduce irrelevant material.

They should question aspersions cast by the defence on the victim's character or conduct and challenge mitigation which contains unjust criticism of the victim or witness. They should also protect victims and witnesses from other potential human rights breaches in the course of the trial.

Victim Support has also raised questions about the rights of victims and witnesses to confidentiality, security and private life in relation to the transmission of information throughout the criminal justice process. In particular they have expressed concern about disclosure of medical records, including those relating to pre-trial therapy.

All of these considerations are vital for enhanced protection for victims and vulnerable witnesses. But they all relate to the criminal justice process and as such, they only provide part of the picture. As I argued at the outset, victim's needs extend far, far beyond the courtroom. Only 3% of crimes ever make it to the criminal justice system, leaving a huge tranche of victims entirely outside the scope of these advances.

In February this year, Victim Support published a report called "*Criminal Neglect: No justice beyond criminal justice*", highlighting the wider needs of victims. It points out that, since half of

all crimes are never reported to the police, it is often other agencies, such as the NHS or housing authorities which are the first point of contact for victims of crime. It is essential, therefore, that these agencies, like the criminal justice agencies, receive adequate training in recognising and dealing with the needs of victims. Often this is not the case and the problem is vast. A recent study by the Greater Glasgow Health Board found that "Family doctors in Glasgow are treating more women and children for domestic violence than for cancer, heart disease or diabetes."

Housing is also concern for many victims. Proposed changes to homelessness legislation will mean that those at risk of violence in their homes must be treated as a priority need. But, these proposals do not apply to those who are not at direct risk of violence - those who, for example, are too traumatised to remain in a home where they have previously been attacked, or where they have suffered repeated burglaries.

Poverty is another problem. A disproportionate number of victims are poor and the financial impact of crime is often destabilising. Pioneering work is being done with collective insurance schemes through housing associations and social landlords, but many victims are still left uninsured and unprotected.

Children are another particularly vulnerable class of victim and schools must be adequately equipped to cope with the particular challenges this generates.

One of the key issues that leaps out from the Criminal Neglect report is the universal requirement of greater understanding of the effects of crime. There is a need across the board to focus on this issue. And a need for a more joined up approach in tackling it. This involves in-put from public services, but it also means commitment from the wider community. Victims report grave difficulties, not just in terms of health-care, housing and financial aid, but also in getting friends, colleagues, employers to understand what they have been through and to give them adequate support. Genuine assistance for victims is a community-wide problem and it needs a new approach.

An approach firmly rooted in compassion, understanding and respect - the very values Lord Longford stood for.

This kind of approach is also crucial to tackling many of the causes of crime. And in particular in trying to find a more constructive way of dealing with offenders.

Without wishing to detract from the emphasis I have placed on addressing the effects of crime, it is inescapable that the only way we can stop people being revictimised – the only way we can prevent others from becoming victims in the future – is to find more effective ways of tackling the causes of crime. The two concerns go hand in hand. We have to find ways of minimising the risk of reoffending. A report published this month by the Social Exclusion Unit estimates that ex-prisoners are responsible for at least one million crimes each year – that's 18 per cent of all recorded offences. At very least, we have to ensure that our criminal justice and penal systems aren't making the problem worse. This, of course, was what Lord Longford fought for all his life.

Not solely, as some have suggested, out of compassion for prisoners – although undeniably that was a large part of his motivation – but also out of a deep understanding that there can be no progress on the issue of crime for anyone – for victims, or for society – in the absence of such an approach.

In what was sadly to be his last contribution to Parliamentary debate, a year ago tomorrow, Lord Longford made precisely this point. He spoke movingly of the personal experience of two of his children as victims of serious and potentially violent burglaries. And yet he drew on this experience to endorse Lord Hurd of Westwell's earlier comment that "we do no service to the victim by making a hash of the treatment of the offender."

So what then is involved in taking a more constructive approach to the treatment of offenders?

Clearly the pressing issue at the moment is the sheer volume of numbers our prison service is grappling with. The prison population currently stands at well over 70,000. That's four and a half thousand more than at the start of this year and nearly 60% more than ten years ago.

Martin Narey, Director General of the prison service is the first to admit that the system is under pressure reeling from the impact of these numbers.

More than one in six of the current prison population is on remand – in other words they have yet to be tried or sentenced. In fact, the majority of this group doesn't ultimately go on to receive a prison sentence.

A further 8,300 prisoners are serving short sentences of less than 12 months. This in fact means that they'll only be in prison for 6 months or less, because they'll automatically be released after serving half of their sentence.

The huge increase in numbers and the prevalence of short-term sentences is crippling to any attempt at a constructive approach to prison.

As the Home Secretary, the Court of Appeal, the Director-General of Prisons and the Halliday Review of Sentencing has said there is very little that can be done with prisoners in prison for less than six months.

Martin Narey forcefully argues that short prison sentences are not long enough for prisoners to participate in any meaningful training, but they are sadly often long enough to damage family and community ties and to lose jobs.

The Social Exclusion Unit report I mentioned identified nine key factors that influence re-offending, including: lack of educational opportunity; unemployment; drug and alcohol misuse; mental illness; institutionalisation; homelessness; financial problems; and broken family networks.

The report concludes that "There is a considerable risk that a prison sentence might actually make the[se] factors ? worse. For example, a third [of prisoners] lose their house while in prison, two-thirds lose their job, over a fifth face increased financial problems and over two-fifths lose contact with their family. There are also real dangers of mental and physical health deteriorating further, of life and thinking skills being eroded, and of prisoners being introduced to drugs. By aggravating the factors associated with re-offending, prison sentences can prove counter-productive as a contribution to crime reduction and public safety."

Evidence shows that the psychological, social and economic impact of prison is especially serious for women. Not least because nearly half of all women prisoners have children living with them before coming to prison – an estimated 13,000 children are affected each year. A third of these children are under the age of five and two-thirds are under the age of ten. A significant number of these families are permanently broken as a result of the mother's imprisonment, and as many as four out of ten lose their homes.

The impact of this is not only emotionally punishing for the individuals affected, but family and community ties are crucial to rebuilding a life after prison. Research from the US shows that prisoners who retain close family ties are six times less likely to reoffend in the first year after release, compared with prisoners who are released without family support.

In this context, the Home Office's work in extending the use of electronic tagging is a welcome development. As is the new system of local hostels and open prisons announced earlier this year, particularly if it fulfils the intention of enabling women to remain closer to their

children. I know that women's groups have also expressed support for the use of intermittent custody, which would enable individuals to serve their sentences at weekends or in the evenings, allowing them to work during the week, or to look after their children.

There is also an urgent need to look at other alternatives to prison. And in particular to recognise the advances that have been made with community sentences. The Court of Appeal has repeatedly laid down guidance stressing that short sentences must be avoided unless they are absolutely necessary. However, if magistrates are to follow this guidance, they must have confidence in community sentences and they must feel reassured that such sentences command the confidence of the public.

The reality is that community sentences are not a soft option and they can be used to good effect. The most recent statistics show that the completion rate is around 70% and the rate of reconviction is no higher than for those sentenced to custody.

For serious offenders, for whom prison really is the only option, it's important that time in prison is put to good effect. If only we can begin to get the prison population down, the prison service has already demonstrated that it is capable of delivering innovative and effective programmes for longer-term prisoners.

A few weeks ago, I was lucky enough to hear Martin Narey speak about the advances being made with long-term prisoners through the Cognitive Self-Change Programme and through work to combat drug addiction.

I have also seen for myself the impact this kind of work can achieve. In the course of my training to be a Recorder I visited a prison and a Young Offenders Institution. And since agreeing to give this lecture - partly inspired by my reading of Lord Longford's life and partly by my own limited experiences of sitting as a Recorder, I have visited four more prisons: Belmarsh, Wormwood Scrubs, Altcourse prison in Liverpool and Holloway prison for women.

Many of the prisoners I met during those visits – and I want to thank them for taking the time to talk to me - had faced multiple difficulties in their lives. Many had fallen through the vast array of social provision designed to prevent people ending up without a stake in society. So many of them had suffered abuse as children, others had dropped out of school and many again had mental health problems. Research shows that "Compared with the general population, prisoners are thirteen times as likely to have been in care as a child, thirteen times as likely to be unemployed? and fifteen times as likely to be HIV positive. Many prisoners' basic skills are very poor. 80 per cent have writing skills? at or below the level of an 11 year-old child. 60 to 70 per cent of prisoners were using drugs before imprisonment [and] [o]ver 70 per cent suffer from at least two mental disorders." [From Reducing re-offending by ex-prisoners, published by the Social Exclusion Unit July 2002.] The evidence of these problems is particularly stark amongst women offenders.

I was shocked at the enormous number of women prisoners who report having suffered a history of violence and sexual abuse.

In view of these problems, it was enormously encouraging to meet prisoners who had come through courses in prison and who now expressed a sincere desire to build a more positive future. One former drug pusher I met told me that he had never been an addict himself. In fact he had had nothing but contempt for addicts, he just viewed them as a business proposition. He told me he'd felt like that until he'd been in prison a few years and had been on the drug courses there. He told me how he had started to see the other people on the course become transformed as they were gradually weaned off drugs. And he described how he had watched them go out hoping to lead a better life only to find many of them turning up again in prison just a few months later, right back where they started. It was only then, he said, that he realised it was people like him who had done that to them. He said he was now determined never to deal in drugs again.

Shifts in attitude of this kind are crucial but this man's story also illustrates how important it is that the support doesn't stop at the prison gates. Prisoners need help to kick the habit not just when they are in prison but even more importantly when they are released. This is when they're at their most vulnerable. Too often, prisoners are released straight back into the same environment that led to their addiction in the first place. We desperately need a more joined up approach to continuing anti-drugs and other forms of post-release support. There is little point in drying out addicts in jail only to send them unsupported back into the community. Vulnerable people leaving prison must be helped to stay away from their old patterns of life.

Another priority is giving prisoners basic skills so they'll have some chance of finding work in the future. Again on my visits, I saw some very positive programmes of education and training. I was particularly struck by one young man I met at the Young Offenders Institution. He had dropped out of school and had never passed an exam in his life, yet he managed to get his GCSE in maths after only 6 months study. The sense of pride he had in himself and that the other young people in the YOI also had in him was tremendously uplifting and encouraging.

In this, I want to pay tribute to the hard work and dedication of the men and women of the prison service together with the Visitors, chaplains and teachers I met on my visits. They work in difficult, often distressing and sometimes dangerous circumstances. Yet, they were quick to welcome me and to share with me their experiences of the system.

The positive change programmes like the ones I've described can make a real difference, but only if prison numbers can be reduced. In the present circumstances, targets for literacy and treatment courses are simply not being met. Not enough prisoners are getting the opportunity to take part in these courses. Yet programmes like these are so important. They're about giving people a chance – about addressing the causes of offending; treating prisoners as individuals and treating them with respect and compassion.

As the Social Exclusion report makes clear, "In many cases, the task is not to resettle prisoners in society, but to settle them for the first time."

In this vein I want to look at the growing use of restorative justice - a development which seeks to find methods of dealing with crime that combine the achievement of some degree of emotional restoration for victims, often some form of reparation for the community, and also a more positive and constructive means of dealing with offenders.

Most of the work so far on restorative justice in this country has been carried out with young offenders as part of the programme of reparation and referral orders. Both types of order allow for the wishes and feelings of victims to be taken into account. The first type provides for a young offender to make some form of reparation either to the victim or to the community. The second type - referral orders - allows young people between the ages of 10 and 17 to be referred to a Youth Offender Panel. This panel meets with the young person and his or her parents to agree a programme of action to prevent re-offending and to make reparation to the victim or the community. The panel includes at least two volunteers drawn from the local community and the victim may attend the meeting if they want to and tell the young person how the crime has affected them.

This type of order is very new, but the research findings from the pilot studies are encouraging. Over two thirds of young offenders who took part said they had a clearer idea of how people had been affected by their offence. And, on the whole, all participants, including victims, were positive about their experiences.

This type of restorative justice approach has also been used by Thames Valley Police in cautioning young offenders. Recent research published by the Joseph Rowntree Foundation suggests that where meetings between victims and offenders are carefully planned and well facilitated, this can have a positive effect on the young offender's insight into his or her offence. And, for the victim, it can help to clarify their feelings about what happened to them.

One young offender told researchers: "If the victim wasn't there I would have just listened to what the policeman had to say. I don't respect the police whatsoever, so I'd have just said "all right, thanks, bye". But because that guy was there I took a bit more notice of the situation. Instead of saying "yes, whatever, whatever", I actually listened to what he had to say? It's made me, like I always think now before I do something".

Another young offender who had quite seriously assaulted a young man told researchers: "I felt really guilty, speaking about what I'd done to him when I saw him, and how it did affect him and how badly he was injured? Some of the things he couldn't have done because he was too injured just made me feel really, really bad."

The research study also tracked patterns of offending in the twelve months following the restorative cautioning process. The study concluded that about a quarter of offenders were helped by the restorative session to avoid future criminal activity.

Similarly positive results have been found in Australia in studies involving adults who've committed more serious offences. Repeat offending was found to be 38% lower following restorative conferences than it was for similar offenders who had been dealt with through the conventional system. And crucially, victims have also reported real benefits in terms of their psychological and emotional recovery following the crime.

The Home Office here has now commissioned research in London, Northumbria and Thames Valley to look at the opportunities for restorative options in offences committed by adults. The study is looking at restorative justice as an alternative to conventional sentences, but also at how it might operate in addition to custody for serious and violent offenders convicted of burglary, robbery and other violence.

It is still early days in terms of these pilot studies and I understand that victims' organisations, whilst welcoming the projects, stress the importance of giving victims the choice of whether or not to participate and of giving them full information about what the process entails. Nonetheless, there does appear to be growing interest in this area and increasing acknowledgment that, when it is carefully planned and sensitively conducted, restorative justice can offer a significant new opportunity for victims to make their views heard.

This was certainly the experience of one victim of burglary who, with his wife, attended a restorative justice conference inside prison as part of the Home Office study.

In his words:

"It was not easy to look at [the burglar] directly. This was a person who had invaded our privacy, desecrated our home and caused us great heartache, disruption and anger?He described how he had been on drugs and alcohol for several days and had picked our house at random?He described his fear?and that he was very sorry for what he had done?. As the [meeting] went on it became?more of a conversation?The most important effect for all of us was, I suspect, that we were able to move on from our fantasies. The imaginary picture we had of the man who had invaded our home was undermined by the well-dressed, calm, articulate person in front of us. Similarly I suspect, our readiness to want the best for him without expressing anger or bitterness was a help to [him]. We left feeling that there was hope for the future and that maybe our meeting had helped him to take a step forward. It had certainly helped us to come to terms with what had been a very traumatic and painful experience."

Although this is only one account, the many research studies from around the world are beginning to show that for at least some victims and particularly for certain types of offence, restorative justice can offer a degree of psychological and emotional benefit which is simply not addressed in traditional criminal justice processes.

Of course it cannot meet all victim needs, especially for those whose offenders are never caught. It will never replace the need for the type of joined-up community-wide response I have already advocated. Nor, in the interests of the due process rights of defendants, is restorative justice ever likely to replace formal trials in contested cases. But it does look like it might be a step in the right direction. A step towards a more compassionate and constructive response for both victims and offenders.

Before I finish this evening, I want to look very briefly at one more pioneering approach aimed at putting the interests of victims and the community back into the heart of criminal justice.

I want to look at the pioneering work being done in the United States with community courts – otherwise known as "problem-solving courts". These have grown up in many states in the past decade, but two of the earliest are in New York - in Midtown Manhattan - and in the centre of a low-income Brooklyn neighbourhood called Red Hook. The Midtown court targets low-level, quality-of-life crimes, such as prostitution, illegal vending, graffiti, shoplifting and vandalism – the kind of crimes that blight the lives of victims and the local community day in day out.

The Red Hook Community Justice Centre deals with drugs, domestic violence, neighbourhood criminal offences and landlord and tenant disputes.

Both courts are presided over by a professional judge, but importantly, they employ a collaborative approach, relying on both government and non-profit partners such as social service providers and community groups to help achieve their goals. The courts can sentence offenders to pay back the neighbourhood through community service, but at the same time, the courts offer defendants help with the problems that have contributed to their offending.

The courts provide on-site drug treatment, health care, counselling and educational services. They also have a community mediation team and provide job-training and homelessness outreach. Crucially, these services are not only available to offenders, but are there to be used by all members of the local community. In this way, the courts seek to break down the barriers between offenders and the rest of the community and to build a feeling that they are places where people can go to get their problems solved rather than just being places where punishments are dished out. It also means that there are facilities on hand to meet many of the social and economic needs of victims and there's a network of support with real understanding of the broader effects of crime.

The Midtown Community Court has been running since 1993 and has been the subject of independent research by the National Centre for State Courts. The research found that the Court had a significant impact on low-level crime: prostitution arrests had dropped by sixty-three per cent and illegal vending had dropped by twenty-four per cent. The compliance rates for community service are the highest in New York City.

I argued at the beginning of this lecture that there have been important advances in the protection our law affords to victims and the vulnerable, but that there are also limits to what the law alone can achieve. I argued that the most effective assistance we can give also requires the support of the community. And that the key lies in developing a broader human rights culture based on compassion, understanding and respect. We need to focus on the effects of crime and support victims outside as well as inside the courtroom. We also need to tackle the vulnerabilities that lead people to commit crime. We need to break the cycle of re-offending. This means dealing with poor basic skills and improving job opportunities. It means addressing mental illness; working to meet housing needs and fighting drug and alcohol addiction.

The types of initiative I have outlined this evening suggest a way forward – a way forward founded on the values Lord Longford stood for.

I began tonight with a paradox – I'd like to end with an expression of hope – a hope that those of us who advocate a human rights approach will now grasp some of these opportunities – opportunities for better ways of working with victims, offenders and communities and so continue in the 21st century the work so ably started by Lord Longford in the last century and thus to provide a real opportunity for a more positive response to victims and the vulnerable.