

RESTORATIVE JUSTICE: INTERNATIONAL PERSPECTIVES

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Perspectives
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THE INSTITUTIONALIZATION OF
RESTORATIVE JUSTICE IN CRIMINAL
MATTERS HAS TAKEN **MANY PATHS**

VARIATIONS IN PROGRAMMES AND APPROACHES


- ▶ Various forms of victim-offender mediation including circles
- ▶ More participatory, community-based approaches
- ▶ Focus on diversion and alternative to the justice system
- ▶ Focus on the reintegration of the offenders
- ▶ Focus on assistance to victims
- ▶ Focus on serious crimes

VARYING CHARACTERISTICS OF RESTORATIVE JUSTICE PROGRAMMES

- ▶ A focus on the harm caused by crime
- ▶ Voluntary participation by those most affected by the harm, including the victim, the perpetrator and, in some processes, their supporters, members of the community, and appropriate professionals
- ▶ The process is prepared and facilitated by a trained restorative practitioner
- ▶ Dialogue between the parties to arrive at a mutual understanding of what happened and its consequences and an agreement on what should be done
- ▶ Outcomes of the restorative process vary and may include some reparative action for the victim or for the community
- ▶ An offer of support to the victim to aid recovery
- ▶ Support the reintegration of the offender and his or her desistance from crime

- ▶ Comment on progress made in implementation RJ in Criminal matters
 - ▶ Implementation issues
 - ▶ Adoption of national strategies
 - ▶ Improved participation of victims
 - ▶ Application of RJ in matters involving serious crime
 - ▶ Application of RJ in the social reintegration of offenders
 - ▶ Restorative juvenile justice
 - ▶ Community engagement and public support for RJ
 - ▶ Better evaluations
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IMPLEMENTATION ISSUES

- ▶ low level of referrals to programs;
 - ▶ hesitation or resistance on the part of justice and allied professionals to the use of restorative justice;
 - ▶ victims' difficulty in accessing restorative justice;
 - ▶ the lack of effective protection of confidential information;
 - ▶ community resistance and the need for local awareness and support for programs;
 - ▶ the need to manage participants' perceptions and expectations;
 - ▶ difficulties in linking restorative justice programs to other essential services and interventions for the victims and the offenders;
 - ▶ difficulties involved in monitoring offenders' compliance with a restorative justice agreement;
 - ▶ issues relating to the governance and to program funding;
 - ▶ the need for specific guidance for police and prosecution;
 - ▶ the need for suitable training for facilitators and others.
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NATIONAL STRATEGIES

BASIC PRINCIPLES ON THE USE OF RESTORATIVE JUSTICE PROGRAMMES IN CRIMINAL MATTERS (2002)

“Member States should consider the formulation of national strategies and policies aimed at the development of restorative justice and at the promotion of a culture favourable to the use of restorative justice among law enforcement, judicial and social authorities, as well as local communities” (para 20).

THE BASIC
PRINCIPLES
RECOMMEND
THE ADOPTION
OF NATIONAL
GUIDELINES TO
COVER:

- ▶ The conditions for the referral of cases to restorative justice programmes;
- ▶ The handling of cases following a restorative justice process;
- ▶ The qualifications, training, and assessment of facilitators;
- ▶ The administration of restorative justice programmes; and,
- ▶ Standards of competence and rules of conduct governing the operation of restorative justice programmes.

IMPROVED PARTICIPATION OF VICTIMS

WAYS TO ADVANCE THE PARTICIPATION OF VICTIMS

- allowing or promoting victim self-referrals to restorative justice services;
- increasing public awareness of restorative justice;
- raising victim awareness of restorative justice soon after their victimization;
- alleviating victims' concerns about their own safety and about the intentions of the offender; and,
- addressing the problem of lack of victim referrals by front line justice officials

APPLICATION OF RESTORATIVE
JUSTICE IN MATTERS
INVOLVING SERIOUS CRIME

WHY WE NEED TO PROCEED CAUTIOUSLY WITH PROGRAMMES FOR SERIOUS VIOLENT CRIMES

- ▶ Concerns for the victim's safety
- ▶ The frequent power imbalance between the offender and the victim
- ▶ The traumatic impact of the offence on the victim and the concern that the restorative justice process may compound the trauma
- ▶ The fear of re-victimization
- ▶ The need to assess victims and ensure that they are psychologically ready to participate in a restorative justice process
- ▶ The lack of victim assistance services for follow-up support
- ▶ The need for special training for facilitators

RESTORATIVE JUSTICE AND OFFENDER SOCIAL REINTEGRATION

RESTORATIVE JUVENILE JUSTICE PROGRAMMES

COMMUNITY ENGAGEMENT AND SUPPORT FOR RJ PROGRAMS

BETTER EVALUATIONS



- ▶ wider access to justice
- ▶ more effective resolution of conflicts
- ▶ greater victim satisfaction
- ▶ a therapeutic impact on the victim
- ▶ greater likelihood of offenders' desistance from crime
- ▶ greater likelihood of successful social reintegration of offenders
- ▶ greater community engagement and confidence in the justice system.

THE MANY BENEFITS OF
RESTORATIVE JUSTICE
PROGRAMMES ARE
SLOWLY BEING
DOCUMENTED

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THANK YOU

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