Current Issues

Restorative justice

Restoring Victims and Communities

What do the following news stories have in common? The Bernard Madoff Ponzi scheme responsible for the biggest corporate securities fraud in history, the Austrian rape case and murder of Josef Fritzl whose daughter was enslaved for 24 years, and the Irish Republican Army shooting two British soldiers and injuring four others in March 2009, breaking the peace outside Belfast? The answer is that we will probably never know what steps have been taken to provide a form of reparations to the victims or their families, in ways that allow them to live their lives in peace. Victims-driven restorative justice is happening all around the globe. It is challenging the traditional criminal justice system by providing a new vision for systemic justice reform. The crime victims and those who recognize their unmet needs are the ones who are increasingly leading the effort to make this transition. However, despite the evidence and numerous restorative justice evaluations, the victims’ appeal for restorative justice is rarely heard.

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Increasing cost of retributive approaches to crime, but in recent years crime victims have also been adding their voices to advocate new ways of responding to crime that directly involve them and their families. According to a number of international studies, victims are saying that they are unsatisfied with the traditional criminal justice system and they are asking for restorative justice.

Victims-driven restorative justice is built on the premise that an offender needs to see the direct impact that his crime had on his victim and the community. It is seeking ways to heal while arguing that direct offender accountability will increase the chance that offenders will change their conduct after being released from prison or jail. With the participation of victims in such projects, the victims’ satisfaction with the criminal justice system increases.

Some of these justice projects are being implemented in the following projects:

1. The Sycamore Tree Project, a pilot project of Prison Fellowship International (PFI), an intensive in-prison victim-offender program using surrogates in 23 countries since its first pilot programme in Texas in 1998;
2. The London Against Gun and Knife Crime, a community-based project of Race on the Agenda (ROTA), a programme to reduce violent juvenile crime by addressing issues related to crime and the injuring of victims;
3. Bridges to Life (BTL) based in Texas, an in-prison victim-offender restorative justice project replicated throughout the state of Texas created by a victim of violent crime, an outgrowth of the Sycamore Tree Project, and 4. The Guinean court in Gambia, an indigenous community-based restorative justice project that found its response to the 1994 genocide involving huge numbers of victims and their families urging offender accountability to fulfill their needs for healing and sometimes for reconciliation too.

These examples are just a few of the cutting edge projects in operation worldwide using restorative justice as the basis for justice reform and underwriting the need to involve crime victims. Along with a number of other projects, they have been the centre of government, academic and other independent evaluation and research, and have generated some of the richest and most thorough data ever produced within the criminal justice field. However, restorative justice still has to be mainstreamed.

For instance, following the Ninth United Nations Congress on Crime Prevention and Removal of Offenders held in 2000, their findings, along with submissions from governments, have led to the drafting of Resolution 1990/26 outlining the basic principles on the use of restorative justice and asking member states to introduce them into their criminal justice systems. This is now formally known as Resolution 3/1, resolution 56/2001.2.1 “Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters”.

The United Nations Resolution is only one of many international documents that call for the use of restorative justice, yet many national governments are refusing to mainstream its practices. As evidence continues to be collected, additional work must be carried out at the legislative and public policy level, while increasing awareness of victims-driven restorative justice among the public, decision makers and donors. But it is clear that a powerful new constituency of support is emerging globally: victims of crime.