

Restorative justice

Restoring Victims and Communities

* Lisa Rea, Theo Gavrielides

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 and murder case 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 reparation 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 thorough evidence and numerous restorative justice evaluations, the victims' appeals for restoration are rarely heard.

There is mounting pressure on governments worldwide to respond to crime by doing more than just incarcerating offenders for long periods of time. This is partly due to the ever

Victims are saying that they are unsatisfied with the traditional criminal justice system and they are asking for restorative justice

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 justice¹.

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 on the community, and should be given the opportunity to make amends and seek to provide a form of reparation to those he injured. Through the voluntary participation of both the victim and the offender engaged in an honest and constructive dialogue (i.e. mediation, family group conferencing, circles, etc.) facilitated by trained professionals, the participants benefit from the information exchange. Advocates of restorative justice argue that it isn't enough to just "process" offenders in ways that emphasize only the fact that their crime is a crime against the state. Instead, victims



Victims' panel Restorative Justice Conference, FPU October 2006



Graeme STP training circle



FPU conference with JRP victims' panel, Ron Claassen and Lisa Rea (third from left)



Theo Gavrielidis at meeting

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 on the community

are 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 deserving a close examination include the following: 1) the Sycamore Tree Project, a project of Prison Fellowship International (PFI), an intensive in-prison victim-offender program using surrogates tested in 23 countries since its first pilot programme in Texas in 1998; 2) 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 Gacaca court in Rwanda, an indigenous community-based justice effort in response to the 1994 genocide involving huge numbers of victims and their families urging offender accountability to fulfil their need 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 underscoring 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 research², 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, the formation of the "Working Party on Restorative Justice" brought together a panel of international experts under the

auspices of the Alliance of Non-governmental Organizations on Crime Prevention and Criminal Justice. This Alliance collected the evidence that gave a high profile to restorative justice, earning it a place on the agenda of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in 2000. Their findings, along with submissions from several governments, have led to the drafting of Resolution 1999/26 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 E/CN.15/2002/L.2 "Basic Principles on the use of Restorative Justice programmes in criminal matters".

The United Nation 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

Victims are 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

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.

* Lisa Rea has been a public policy consultant specializing in restorative justice since 1992; Founder, The Justice & Reconciliation Project (JRP) based in California, U.S.

Dr. Theo Gavrielides is the Chief Executive Officer, Race on the Agenda (ROTA) and is the Founder and Director of the Independent Academic Research Studies (IARS) based in London, UK

¹ Gavrielides 2007, Sherman 2007, Strang 2000, Van Ness 1986
² Sherman 2007, Sherman 1998, Umbreit 1998, Rea 1998, Strang 1997