

Better criminal law or better than criminal law?

What restorative justice offers to victims and offenders

*Paper for Building Bridges Project Conference, Rome, 19-20 November
2015*

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Restorative practices

Restorative justice

– Individual RJ

- V-OM, conferencing

– Surrogate RJ

- Sycamore Tree Project

Mediation

- Schools

- Community

- Workplace, etc

Outline

1. Restorative justice:

.Structural approach:

- Individual RJ, victim-offender mediation**
- Surrogate RJ, Building Bridges, Sycamore Tree**

.Psychological approach

- Fear, punishment**
- Respect, empathy**

.RJ, STP in community and prisons

.Restorative practices:

2. Victims become visible

•A new structural principle

- **Returning conflicts to their owners**
- **Doing things *with* people rather than *to* them or *for* them**

•A new psychological principle

- **From fear and punishment**
- **to rehabilitation and treatment, and then**
- **to dialogue and empathy**

3. The restorative ideal

- .Recognises harm experienced by victims**
- .Victim-offender dialogue, with facilitators**
- .Offenders recognise harm, make reparation**
- .Make better for victim, and offender if needed**

4. Restorative justice in practice

a. When individual RJ can be used

- **Keep cases out of system ('restorative practice')**
- **Deferred prosecution or sentence**
- **Non-custodial restorative sentence**
- **During or after prison**

b. What does it need to make it work?

- **Legislation**
- **Infrastructure**

a. When individual RJ can be used

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b. What does it need to make it work?

.Legislation

- NZ: 2014 Jan-Mar, 32 referrals, 6 conferences
2015 Jan-Mar, 76 referrals, 22 conferences**
- NI: 75-80% informal, 10-15% cautions, 10% prosecution**

.Infrastructure

.Support

- For victims**
- For offenders, to make reparation**

.Evaluation

*c. What to do when individual RJ can't
be used?*

- **Sycamore Tree Project (Surrogate RJ)**

- **Court**

 - **Restorative sentencing**

5. Sycamore Tree Project

a. When STP can be used

- Community
- Prisons

b. What does STP need to make it work?

- As for RJ
- Fit in with existing system
- Evaluation, feedback

c. What to do when STP can't be used

- Court

6. Justice in a restorative society

- .Progressive reduction of imprisonment**
- .Individual or proxy RJ**
- .Acceptance by public, especially victims**
- .Spreading restorative practices and values**
 - Restorative city**
 - Organisations, workplaces**
 - Neighbourhoods, anti-social behaviour**
 - Schools**

Thank you!

- www.euforumrj.org
- www.restorativejustice.org.uk
- www.restorativejustice.org (PFI)
- www.martinwright.eu