

(9 March)

This paper gives a brief description of the restorative justice concept and considers its applicability in the circumstances of Northern Ireland.

2. Crime harms individual victims, their families, the community and quality of life generally. It is a Government priority to ensure that the interests of victims are properly taken into account by the criminal justice system; on 23 February this year it published a Code of Practice for victims and committed itself to developing an agenda for further action. However, while the criminal justice system is designed to secure outcomes that are fair and proportionate in relation to the crime, the victim and community may still be left with a feeling that underlying problems relating to the offence have not been satisfactorily resolved.

3. In certain circumstances, restorative justice can offer a more inclusive approach to dealing with the effects of crime. It concentrates on restoring and repairing the relationship between the offender, the victim and the community at large. It can operate in a number of contexts, both within the formal prosecution process and outside it. It depends crucially on the offender admitting the wrong and showing some signs of wanting to put it right. In restorative schemes, where all parties consent, some form of victim-offender mediation may take place. This can be done directly, in a conference, or indirectly, through intermediaries. In



recognition of the fact that the effect of crime goes beyond the initial participants, there is also scope to include family members and representatives of the wider community.

4. The aim is to repair the damaged relationship which may be at the root of criminal behaviour and which will have been further damaged by that behaviour. In this process:-

- victims are given the chance to say how the crime has affected them, and their needs and fears are addressed;
- the offender is confronted with the distress that he has caused and has the opportunity to make amends. This may involve a range of outcomes from an apology, through counselling to improve relationships, to forms of reparation and community service. The opportunity for offenders to participate in diversionary programmes may also be available;
- by involving victims and families, restorative justice gives more people a stake in dealing with crime. This in turn helps to build public confidence that justice is being done, and is seen to be done.



5. Schemes and practices involving a restorative element are being developed in many parts of the world, including the United Kingdom. Many are at the experimental stage, but some have been in existence for a considerable time and in one area of England at least (Thames Valley) the concept is built into police processes.

6. The Government has work in hand in Northern Ireland in a number of areas of the criminal justice system. The Government has set up a multi-agency steering group to look at ways of incorporating restorative justice into the formal justice system. Some examples of work in hand are outlined below:

- We are looking at ways of enabling the courts to make use of the power to defer sentence to allow a convicted offender to make good the damage he has caused and to turn over a new leaf.
- Probation schemes can incorporate a restorative element. An example of this is the Watershed programme, which is a court-imposed condition of a probation order. In carefully controlled circumstances participants are brought to confront offending behaviour and to acknowledge the reality of the harm they have done - family group conferences and meetings with victims can have a role to play in this.



- The RUC are examining proposals, similar to the Thames Valley scheme, for administering "restorative cautions" to juvenile offenders within a particular area. This would involve their being confronted with the distress caused and brought to acknowledge the effects of their offences.

7. It is of course important to recognise that there are types of crime where a restorative approach would not be appropriate. In all cases the rights of victims must be respected; if they are to be involved in restorative activity it must be on the basis of genuine consent on their part.

8. Local communities, in partnership with appropriate statutory agencies, including the police, may want to develop their own mechanisms for dealing with petty crime and anti-social behaviour, some of which can incorporate a restorative element. The Community Safety Centre, managed by a Board comprising representatives of key statutory and voluntary agencies in the criminal justice sector, has a role to play in enabling such activity. Community empowerment must however be subject to certain ground rules. These are outlined in the paper "Crime and Community - a Local Partnership Approach" and are important; no proposal can be tolerated which is based on violence or the threat of violence and appropriate statutory agencies must have an input. It is important to find means of enabling schemes to be "owned" by the whole community in which they operate, and not to become the prerogative of one particular party or grouping.



9. There is considerable scope for building on good work already done to develop community involvement in community safety, crime prevention, diversionary schemes and restorative justice but it must be in partnership with, rather than as an alternative to, the official systems. It is necessary to find a means of mobilising local opinion against vigilantes and violence while simultaneously securing the commitment of the deliverers of statutory services, who have to operate within finite resources. This takes time, and effort. There is no single template for developing schemes; much will depend on local circumstances. Ideas are at different stages of progression in various parts of Northern Ireland.