February 13, 2017
Justice Section, Division for Operations
Attention: Valérie Lebaux, Chief
United Nations Office on Drugs and Crime
P.O. Box 500, A-1400
Vienna, Austria

Re: Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (ECOSOC resolution 2002/12)

Dear Ms. Lebaux:

The National Association for Community and Restorative Justice (NACRJ) appreciates this current UN effort to expand the growth of restorative justice frameworks worldwide through coordinated supports from experts in the field. We are also impressed with the frequent referencing of prior studies and documents which provide a strong foundation on which wider restorative justice work can be built. As one of the leading networks for fostering the growth of restorative practices in the United States, our association would like to provide any partnership that the UN seeks in order to advance the nine objectives stated at the close of the document.

NACRJ is a membership association with nearly 500 members who are dedicated to restorative justice practices as one of the elements for producing safe, just and equitable societies. Our members are practitioners, educators, academics, researchers and policy advocates of restorative and community justice. We are also actively engaged in policy advocacy working to broaden the application of community justice and restorative justice practices as constructive and meaningful responses to conflict, incivilities and crime within our lives, communities, and institutions. We support efforts, such as those by the United Nations, to provide support and structure for restorative practices.

We acknowledge that the UN document wisely limits the discussion to the criminal realm, as the field of restorative justice increasingly spreads far beyond the scope of resolving crimes. Nevertheless, the strength of the restorative justice movement is precisely in its capacity to integrate with adjacent realms to the world of criminal intervention, including prevention work, conflict resolution work, and many aspects of community and family based social work. Of notable interest is the merger of restorative justice with ‘transitional justice’ models for helping countries cope with periods of mass violence and
resulting trauma. We think that the UN document could benefit from some additional statements or findings about the interactivity between restorative justice for typical crimes and transitional justice for addressing large-scale issues for nations rebuilding themselves in the wake of oppression or violence. At minimum, there are crucial timing issues here.

Other aspects that we think should be considered for inclusion by the UN in its overall framing around relational justice practices (i.e., restorative and community justice) would be:

1. Sensitivities to cross-cultural adaptations and the incorporation of indigenous communal traditions that correspond to restorative practices;
2. Recognition that restorative justice dialogue (victim offender mediation, community/family group conferencing, peacebuilding circles, and related approaches) falls on a wider menu of options which do not involve victims and offenders of the same crimes coming together;
3. Understanding how the restorative resolution of crimes can often overlap community justice models for prevention work and community building strategies that address root “quality of life” issues with the aim of strengthening communities;
4. Awareness that most restorative programming should be victim focused, yet many programs tend to gravitate toward offender-centric services. It is important to ensure that all persons victimized or impacted by harms deserve equal attention and effective services.
5. Reference to ‘best practices’ for serving participants and communities in ways that cause no additional harm or disrespect should involve specific references to best practice documents.

We hope the UN will add NACRJ to the list of resource organizations that might be of assistance on restorative justice and related issues. We would be interested in assisting the UN with:

- Request stakeholder input,
- Convening a meeting of subject matter experts,
- Assessing practices by country,
- Conducting surveys to assess support within and between nations,
- Creating the capacity to provide training and technical assistance for developing nations,
- Creating training materials,
- Development of support to guide and sustain restorative practices,
- and, other issues that may arise.

As President of NACRJ and after four decades of involvement as a practitioner and scholar of restorative justice I have been blessed to witness the development of restorative justice from an idealistic vision of a relatively few of us in the 1970s into what is truly a global movement as you know so well. It would be hard for me to identify all the countries that our members have had an impact on. Over the years, I have worked with or am currently engaged in restorative justice initiatives in Brazil, Peru, Argentina,
Mexico, Canada, Italy, Ireland, Japan, China, Taiwan, Turkey, Israel/Palestine, Bahrain, Liberia, and the Ivory coast. The leadership of the United Nations has been crucial in supporting this movement and we look forward to your continued leadership.

I am a Professor at the University of Minnesota and Director of our Center for Restorative Justice & Peacemaking. You can contact me directly at mumbreit@umn.edu at if you need any further information.

You can also reach the NACRJ Executive Director, Dr. Michael Gilbert at (210) 218-7159 or exec.director@nacrj.org.

Sincerely,

Dr. Mark Umbreit
President
National Association of Community and Restorative Justice