

STATEMENT OF RESTORATIVE JUSTICE PRINCIPLES



**Restorative Justice Consortium
March 2002**

This Statement of Principles derives from a development of an exercise undertaken by the Restorative Justice Consortium to revise the well recognised Standards for Restorative Justice. The Principles will provide the basis for a series of standards in particular settings of practice, namely Adult Criminal Justice, Youth Criminal Justice, Schools, Workplace, Prisons and Neighbourhoods.

1. PRINCIPLES RELATING TO THE INTERESTS OF ALL PARTICIPANTS

- a) Participation to be based voluntary and based on informed choice
- b) Avoidance of discrimination, irrespective of the nature of the case
- c) Access to be available to relevant agencies for help and advice
- d) Maintaining access to various established methods of dispute resolution
- e) Processes that do not compromise the rights under the law of the participants
- f) Commitment not to use information in a way that may prejudice the interests of any participant in subsequent proceedings.
- g) Protection of personal safety
- h) Protection and support for vulnerable participants
- i) Respect for civil rights and the dignity of persons

2. PRINCIPLES RELATING TO THOSE WHO HAVE SUSTAINED HARM OR LOSS

- a) Respect for their personal experiences, needs and feelings
- b) Acknowledgement of their harm or loss
- c) Recognition of their claim for amends
- d) Opportunity to communicate with the person who caused the harm or loss, if that person is willing
- e) Entitled to be the primary beneficiary of reparation

3. PRINCIPLES RELATING TO THOSE WHO CAUSED THE HARM OR LOSS TO OTHERS

- a) The opportunity to offer reparation, including before any formal requirement
- b) Reparation to be appropriate to the harm done and within their capacity to fulfil it
- c) Respect for the dignity of the person(s) making amends

4. PRINCIPLES RELATING TO THE INTERESTS OF LOCAL COMMUNITY AND SOCIETY

- a) The promotion of community safety and social harmony by learning from restorative processes, and so take measures that are conducive to the reduction of crime or harm
- b) The promotion of social harmony through respect for cultural diversity and civil rights, social responsibility and the rule of law
- c) Opportunity for all to learn mediation and other methods of non-violent resolution of conflict

5. PRINCIPLES RELATING TO AGENCIES WORKING ALONGSIDE THE JUDICIAL SYSTEM

- a) Matters to be settled outside the judicial system, except where this is unworkable due to the level of harm done, the risk of further harm, issues of public policy, or disagreement about the critical facts
- b) Avoid unfair discrimination by ensuring that rights under the law are not compromised
- c) Provide a wide and flexible range of opportunities to enable those who have caused loss or harm to make amends.

6. PRINCIPLES RELATING TO THE JUDICIAL SYSTEM

- a) Primary aim to be the repair of harm
- b) Restorative requirements to be fair, appropriate and workable
- c) Where a restorative requirement is appropriate, but victims decline to participate, there should be opportunities for community reparation, or reparation to others who have suffered harm or loss
- d) Where a restorative requirement is appropriate, but those who have caused harm or loss decline to participate, community reparation should be enforced
- e) Voluntary offers to repair harm or loss, by those who have caused it, to be valued
- f) Content of restorative meetings to be considered privileged, subject to public interest qualifications

7. PRINCIPLES RELATING TO RESTORATIVE JUSTICE AGENCIES

- a) Commitment to needs based practice
- b) Safeguarding of legal human rights
- c) Restorative justice practitioners who are seen to be neutral
- d) Restorative justice practitioners who act impartially
- e) Maintaining neutrality and impartiality, restorative justice practitioners should play no other role in the case
- f) Restorative justice agencies making a commitment to keep confidential the content of restorative meetings, subject to the requirements of the law
- g) Participants to be encouraged to keep confidential the contents of restorative meetings
- h) The engagement of weaker parties in negotiation to be facilitated
- i) Upholding respectful behaviour in restorative processes
- j) Upholding equality of respect for all participants in restorative processes, separating this from the harm done
- k) Engagement with good practice guidelines within the restorative justice movement
- l) Commitment by the agency to the use of constructive conflict resolution in general, and specifically in internal grievance and disciplinary procedures, and in handling complaints by clients
- m) Commitment to the accreditation of training, services and practitioners
- n) Commitment to continually improved practice

About the Restorative Justice Consortium

The Restorative Justice Consortium was formed in 1997 bringing together a wide range of organisations with an interest in Restorative Justice. The organisations represented victims, offenders, young people and mediators, and those with a professional interest in RJ. Originally the Consortium wanted to encourage the adoption of RJ into the criminal justice system and it sought to provide good principles for standards of practice, to share and exchange information about restorative justice, and to promote understanding of the concept, and its use, to the community.

In 1998 and 1999 the Government in England and Wales introduced two pieces of legislation relating to youth justice, (the Crime and Disorder Bill and the Youth Justice Criminal Evidence Act) which started to embrace the principles of RJ.

As Restorative Justice expanded, the Consortium appointed a Director in July 2001 following its establishment as a not-for-profit company with charitable objects in April 2001. Restorative Justice Practice in Youth Offending Teams and in the police massively expanded in the three years between 1998 and 2001 and the Consortium responded to this in July 2001, by changing its role to that of a second tier organisation, and thus altering its objects.

The Consortium's aims are:

- To promote the use of restorative justice in schools, the community, prisons, the criminal justice system, the workplace and any other situation where conflict arises
- To disseminate information about, and act as a resource for, restorative justice
- To develop and promote agreed standards and principles for evaluating and guiding restorative practice
- To encourage, and to undertake, research on restorative justice
- To promote these objects fully, in September 2001, it was agreed to open up our membership, which had previously been for national organisations, to include local organisations and individuals who agree with our aims.

In September 2001 the Consortium applied for charitable status.

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