

Sharing Good Practices on Restorative Justice: Opportunities and Challenges

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- Thailand, among other countries, has introduced restorative justice into its criminal justice system
 - need to keep the viability of restorative justice programmes under review (including ensuring that they operate in an appropriate manner)
 - need to consider expansion of their present use through training and allocation of resources
 - need to consider expansion to other groups of offenders and / or types of offences, including serious offences

- challenges: often due to *preconceptions*
- these preconceptions may “starve” RJ programmes of cases and resources, or of acceptance by key stakeholders
- preconception 1: “crime should be dealt with by the (formal) criminal justice system”
- preconception 2: “there is no suitable structure in the community for dealing with these matters”
- preconception 3: “restorative justice is too lenient on the offenders”
- getting the community, victim advocates, defence counsels and practitioners to understand that these are, largely, misconceptions leads to a win-win situation

- preconception 1: “crime should be dealt with by the (formal) criminal justice system”
 - preconception that restorative justice is suitable at most for juvenile offenders and petty crimes
 - protection of “turf”: criminal justice practitioners understandably see themselves as the professional “experts” in responding to crime
 - restorative justice can achieve crime prevention and criminal justice functions more effectively, humanely and efficiently
 - in practice, formal criminal justice processes *already* include an extensive element of discretion

- preconception 2: “there is no suitable structure in the community (or in our culture) for dealing with these matters”
- importance of strengthening the community’s resilience and capacity to deal with problems
 - these vary from one country to the next, and vary within a country, depending on the community and on the nature of the conflict
 - existing indigenous structures and processes
 - religious communities
 - village elders
 - civil society organizations
 - schools

- preconception 3: “restorative justice is too lenient on the offenders”
 - what is the criteria for “leniency”? (and what are the goals of formal criminal justice – retribution, rehabilitation, reintegration, general prevention ... ?)
 - myth of the “popular demand for justice” (which can result in “penal populism”): but note that there is also popular support for reparation and active participation
 - a restorative justice process may be quite demanding on the offender

- the restorative justice approach works
 - it works as an alternative or as a complement to formal criminal justice processes
- it has the potential for empowering victims and increasing victim satisfaction with the outcome
- it has the potential for changing the conduct of the offender and reintegrating him / her back into the community
- it has the potential for strengthening the local community's capacity to deal with problems, and for improving the sense of safety in the community

thank you!

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