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, *mis*conceptions 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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