Culture of Justice

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Focus: European experiences with restorative justice approaches
Goal: Understand how cultural context shapes a given approach and its implementation

KEY TAKEAWAYS

Restorative justice seeks to improve accountability and make space for the victim’s experiences, encouraging dialogue about a crime’s impact on both lives and helping the community heal.
• No single model or international body defining “correct” approach
  o Develops according to each country’s culture, history, and justice structures
  o Council of Europe recommendations have however had a large impact in Europe
• Core to restorative justice are two principles:
  o Stakeholder participation
  o Repairing harms
• Mediators play key role by identifying victim’s needs

Shifting to a restorative justice approach requires “changing lenses” across the system.
• System-wide stakeholder dialogue necessary to understand roles in restorative justice approach
• Best to build record of success with work on low-level crimes before addressing serious felonies
• In cultures with a tendency to defer to authority, emphasis on avoiding dominion is meaningful

Working with governments rather than NGOs offers stable financing, but it may cause political tensions.
• Restorative justice programs are typically less expensive than incarceration
  o Not a “rich country” luxury
• Tensions between parties or ministries can limit efficacy if they refuse to work together
  o E.g. No social services support reduces ability to address root causes of crime

Timing and the right supporters are key to introducing and maintaining restorative justice programs.
• Election or re-election campaigns are opportunities
  o Restorative justice pilot has relatively low overhead and can begin quickly
• Prosecutors may be won over by greater job satisfaction and new positive public image
• International support can reduce national political skepticism
• Religious institutions can be powerful supporters

Specialized juvenile prosecutors are well-placed for transition to restorative justice approach.
• Often female and perceived as more empathetic
• Their special training in child psychology and brain development helps unpack decisions
• Due to focus on accused however, training in victim interaction is particularly important

Low participation rates may be addressed with greater public awareness and support from victims.
• Must reach people before they become involved with the system
  o Social media, bloggers, public transport ads reach juveniles better than websites
• Must overcome belief that accountability comes only through punishment, i.e. sentences
  o Absolution of criminal responsibility is not absolution from all responsibility
• Must not come at cost of pressuring victims to participate

Criminal justice cannot solve social injustices.
• Solutions flow from re-shaping social structures and opportunities

KEY EXAMPLES
• Restorative Justice: Strategies for Change (Europe)
• Specialized juvenile prosecutors (Ukraine)

REFERENCED RESOURCES
• Changing Lenses: Restorative Justice for Our Times by Howard Zehr
• “The Idea of Restorative Justice and How It Developed in Europe” by the European Forum for Restorative Justice
• “The new international restorative justice framework: reviewing three years of progress and efforts to promote access to services and cultural change” by Ian D. Marder
• “Restorative Justice” by the Minnesota Department of Corrections