



Restorative Justice

What is restorative justice?

Restorative justice is one way to respond to a criminal act. Restorative justice puts the emphasis on the wrong done to a person as well as on the wrong done to the community. It recognizes that crime is both a violation of relationships between specific people and an offence against everyone — the state.

Restorative justice programs involve the voluntary participation of the victim of the crime and the offender and ideally members of the community, in discussions. The goal is to “restore” the relationship, fix the damage that has been done and prevent further crimes from occurring.

Restorative justice requires wrongdoers to recognize the harm they have caused, to accept responsibility for their actions and to be actively involved in improving the situation. Wrongdoers must make reparation to victims, themselves and the community.

What are some examples of restorative justice programs?

All restorative justice programs have some common elements. They seek healing, forgiveness and active community involvement. The programs can take place at different times after a crime has occurred — sometimes after charges have been laid; sometimes after an accused has been found guilty of an offence.

Some examples of restorative justice programs include:

- victim offender mediation;
- family group conferencing;
- sentencing circles;
- consensus-based decision-making on the sentence; and
- victim offender reconciliation panels.

Good restorative justice programs have well-trained facilitators who are sensitive to the needs of victims and offenders, who know the community in which the crime took place and who understand the dynamics of the criminal justice system.





How do victims of crime benefit from restorative justice programs?

The restorative justice process provides victims with the opportunity to express their feelings about the harm that has been done to them and to contribute their views about what is required to put things right. Some studies of restorative justice programs show that victims who are involved in the process are often more satisfied with the justice system and are more likely to receive restitution from the offender. Involvement can also help victims heal emotionally as well as lessen their fear of the offender and of being a victim of crime again.

However, restorative justice programs can be time-consuming and emotionally draining. For some crime victims, meeting the offender is difficult. The criminal justice system is working out ways to make sure that restorative justice programs give victims a voice in the process without pressuring them to participate or causing them more distress.

Does a victim of crime have to participate in restorative justice?

No. A victim's participation is voluntary. To help a victim decide whether or not to participate in a restorative justice program, the victim should be given complete information about the restorative justice process, possible outcomes, her or his role, the role of the offender and other process participants, as well as information about the criminal justice system options.

The fundamental principle is that restorative justice must not re-victimize the victim in any way. The process and the outcome should not cause further harm.

Whether or not a victim of crime participates in a restorative justice program, she or he is entitled to all the victims' services that are available in the community.

Are restorative justice programs in place across Canada?

There is a growing number of restorative justice initiatives under way across the country. More programs are being put in place all the time.

Will restorative justice programs replace other criminal justice system responses to criminal behaviour?

No. There will always be the need for a court process. Restorative justice can only take place when:

- an offender admits guilt, accepts responsibility for his or her actions and agrees to participate in the program;
- the victim of the crime freely agrees to participate in the program, without feeling pressured to do so; and
- trained facilitators are available in the community and a restorative justice program is in place.

As well, a person who has been wrongly charged with an offence must have the opportunity to prove his or her innocence in court. Restorative justice programs are not appropriate in every situation.

Where is more information available?

If you or someone you know have been a victim of crime, help is available. All provinces and territories have services for victims of crime. They can help if you need information or other assistance.

For more information about Canada's justice system and links to victim services, visit our Web site:

www.canada.justice.gc.ca/victim

Policy Centre for Victim Issues
Department of Justice
112 Kent Street, Suite 870
Ottawa, Ontario K1A 0H8

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Other fact sheets with related information:

Victim Impact Statement