

## United Nations Releases “Handbook of Restorative Justice Programmes”

BY JOSHUA WACHTEL

Restorative practices got a boost last month with the publication of the Handbook on Restorative Justice Programmes by the United Nations Office of Drugs and Crime’s Criminal Justice Reform Unit (UNODC CJRU). The Handbook, a free publication, serves as an introduction to the theory and practice of restorative justice. A hard copy is available from UNODC RJRU (email: [criminal.justice@unodc.org](mailto:criminal.justice@unodc.org)) or online in PDF eBook format ([http://www.unodc.org/pdf/criminal\\_justice/06-56290\\_Ebook.pdf](http://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf)).

“We felt we needed to offer a tool,” said Ricarda Amberg, officer-in-charge of the CJRU. “[This is] resource material that gives a snapshot view of what restorative justice is all about.”

According to the UNODC CJRU’s webpage, “Criminal justice reform is at the heart of the mandate of the United Nations” ([http://www.unodc.org/unodc/criminal\\_justice.html](http://www.unodc.org/unodc/criminal_justice.html)). The Handbook is the latest in a series of efforts by the UN and the CJRU to encourage nations to develop alternatives to imprisonment and make restorative practices a component of their criminal justice policy.

Chapter One of the Handbook, in defining the philosophical principles behind restorative justice, makes the case for why it is needed at this time and explains how it is different from traditional justice practices:

“Restorative justice programmes are based on the belief that parties to a conflict ought to be actively involved in resolving it and mitigating its negative consequences. They are also based, in some instances, on a will to return



**The Experts Group meets to discuss the United Nations Handbook of Restorative Justice Programmes, in Vienna, Austria, January 2006.**

to local decision-making and community building. These approaches are also seen as means to encourage the peaceful expression of conflict, to promote tolerance and inclusiveness, build respect for diversity and promote responsible community practices” (p.5).

“... Restorative justice programmes are based on the fundamental principle that criminal behaviour not only violates the law, but also injures victims and the community. ... Restorative justice refers to a process for resolving crime by focusing on redressing the harm done to the victims, holding offenders accountable for their actions and, often also, engaging the community in the resolution of that conflict” (p.6).

The Handbook was written by two British Columbia, Canada-based scholars, with support from the government of Canada. Dr. Yvon Dandurand, senior assistant at the International Centre for Criminal Law Reform and Criminal Justice Policy (one of the UN’s Programme Network of Institutes, which also includes UNODC) and dean of research and graduate studies at the University College of the Fraser Valley, has worked with the UN for 20 years on the issues of human trafficking, organized crime and terrorism. Dandurand and Dr. Curtis T.

Griffiths, professor at Simon Fraser University School of Criminology, have often worked together on national conferences and other projects. They produced a draft of the Handbook, which was submitted to review by an Experts Group.

“The difficulty,” said Dandurand, “was to make the Handbook apply to all the member countries.” The content would need to be general, but Dandurand acknowledged, “generality can be frustrating.” The solution was to illustrate the Handbook with examples of restorative programs from around the world. Chapter Two, for instance — “The use of restorative approaches” — contains a description of victim-offender mediation at the pre-trial stage as employed in the Czech Republic, discusses how police in New Zealand use conferences based on traditional dispute-resolution techniques in cases of youth crime, and illustrates how peace committees are utilized in Zimbabwe to resolve community-referred disputes in both civil and criminal matters.

Much of this illustrative material, as well as suggestions for organizing the Handbook, were gathered during an intensive two-day session with the Experts Group, in Vienna, Austria, in January 2006.

# FORUM

Dandurand said the group — “good friends” — included criminal justice specialists from Austria, Belgium, Costa Rica, the Czech Republic, England, Hungary, Thailand, Lebanon, Nigeria, South Africa and the United States. The Experts Group scrutinized the draft “page by page.” After the session, Dandurand and Griffiths continued to receive “a flood of additional material,” much of which found its way into the manual.

Experts Group member Dr. Paul McCold, of the International Institute of Restorative Practices (IIRP), based in Bethlehem, Pennsylvania, USA, said, “The group helped internationalize the language, examples and applications of the Handbook.” He added, “The Handbook is done well because it gets to the essence of criminal justice reform while not trying to be so definitive that it doesn’t leave room for innovation.”

The UN’s development of programs to encourage restorative justice has been an ongoing project. In 2000 the Tenth UN Congress on the Prevention of Crime and the Treatment of Offenders adopted the “Vienna Declaration on Crime and Justice,” which recognized the “promise of restorative approaches to justice that aim to reduce crime and promote the healing of victims, offenders and communities.”

In 2002, the UN Economic and Social Council called upon member states, when implementing restorative justice programs, to draw on a set of Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters, a four-page document outlining the rationale for, basic definitions of, and use, operation and development of restorative justice programs. These Basic Principles, appended to the Handbook, were initially drafted by the Working Party on Restorative Justice of the Alliance of NGOs on Crime Prevention and Criminal Justice, which sponsored ancillary sessions at the 2000 Congress and again at

the Eleventh Congress in 2005. During the 2005 Congress, member states were encouraged to recognize the importance of further developing restorative justice polices, procedures and programs that include alternatives to prosecution.

The Handbook on Restorative Justice Programmes builds on these past efforts. Said Dandurand, “Since the UN adopted the Basic Principles, countries all over the world have made requests for implementing them.” Added Amberg, “Governments ask us for assistance, particularly in post-conflict situations, and in building their criminal justice systems.” The Handbook had to speak to all countries and to people at all levels of administration: “Politicians, policy makers, even a prison warden dealing with an overcrowded prison and looking for alternatives,” Amberg continued. “It’s for everybody.”

The Handbook is organized to suit the needs of the user. Chapter One provides an overview of restorative justice. Chapter Two covers types of programs; Chapter Three involves safeguards, such as rights of victims and offenders and guidelines for best practices. Chapter Four outlines steps for instituting new programs, including planning, legislation, organizational structure and leadership, as well as garnering the support of criminal justice agencies. Chapter Five discusses the roles of everyone involved in restorative justice processes, from victims and offenders to attorneys and judges, and from police and corrections officers to facilitators and community members. Chapter Six encompasses program operation: conditions for success, police and judicial discretion, referrals, the role of NGOs and compliance monitoring. Chapter Seven involves monitoring and evaluation. Five pages of resources and bibliographical listings and two pages of web resources are appended to the Handbook.

The Handbook presents restorative justice concepts on a continuum. A victim of

crime may be very involved in a process, as in restorative conferencing; not involved at all, as in some parole or prison programs; or involved indirectly, as in certain forms of victim-offender mediation. The Handbook suggests that programs may be formally or informally implemented, that the extent of community involvement can vary, and that the degree of focus on offender rehabilitation may or may not be a major concern. Legal counsel’s involvement, the role of punishment, the role of corrections officers and other factors vary too, depending on the circumstances.

Throughout the Handbook emphasis is placed on the need for flexibility and adaptation to local differences, including the nature of the crime, local tradition and culture. “Starting from where they are currently, countries can build on their strengths,” said Dandurand. “The Handbook is not prescriptive. ... It gives people a sense of how they can implement this kind of thinking and will equip them with knowledge.”

A thousand copies of the Handbook have been printed for free distribution through UNODC’s 22 field offices around the world, with another print run projected, said Amberg. CJRU hopes to translate the Handbook into all the official UN languages, starting with French and Spanish, followed by Arabic, Russian and Chinese. An unofficial translation of the Handbook is currently being prepared in Czech by the Probation and Mediation Services of the Czech Republic for training purposes.

The Handbook on Restorative Justice Programmes is one of seven books in a series, which currently includes a Criminal Justice Assessment Toolkit, Manual for the Measurement of Juvenile Justice Indicators and a forthcoming Handbook on Alternatives to Imprisonment. The CJRU hopes to develop trainings in restorative justice and other criminal justice reforms in the future. ☉