



# What is 'restorative justice'?

## Is it a foreign concept? Will it work in South Africa?

Restorative justice is based on the idea that we are all connected, that crime is a violation of relationships, and that such violations create obligations. Rather than focus primarily on punishment, restorative justice is concerned with harms and needs and how an offender can "put the wrong right". This is done by encouraging offenders to accept responsibility and make restitution, as well as taking other steps to prevent a recurrence of the incident and to promote reconciliation. Restorative justice also strives for maximum inclusion and collaboration by everyone who has been affected by an incident. .

Although formal 'restorative justice programmes' were first introduced in countries such as Australia and New Zealand, restorative justice concepts are certainly not new to South Africa, and it is not true to say we are importing an inappropriate foreign concept. On the contrary, in South African communities, the way of dealing with children has traditionally included mechanisms that encourage children to take responsibility for their actions. This includes outcomes such as an apology, restitution and reparation, and restoring relationships between offender and victim.

In addition, where a community is involved, meetings are held publicly so as to provide everyone with a sense of ownership in the process. This is still evident in the way traditional courts function and the principles they uphold. Offenders in most cases are not separated from their support system of family and close relatives, and those closest to offenders hold them responsible. In other words, concepts that have now been labeled restorative justice have been in use in South African communities for some time. African traditional justice has informed the development of restorative justice, and South African traditional leaders have endorsed the concept.

Victim-offender mediations and family group conferences are two examples of restorative justice processes mentioned in the Child Justice Bill. But restorative justice is not limited to these programmes. Restorative justice can embrace any other programme using restorative justice concepts. Some other examples of restorative justice processes are victim offender panels. Related programmes include:

- **Victim support**, arranged either individually or in groups, at any stage after a crime or violent incident
- **Victim awareness**. This is usually targeted at offenders in either a custodial or non-custodial setting with the purpose of helping them understand the impact of their behaviour on others
- **Life skills and mentoring for offenders**. These would typically be the kind of assistance programme that an offender could be referred to from a restorative justice process.

The application of restorative justice is being seriously pursued by all government departments in the criminal justice system. For more information see [www.restorativejustice.org](http://www.restorativejustice.org) or [www.rjc.co.za](http://www.rjc.co.za)

