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RESTORATIVE JUSTICE FOR ALL
INTERNATIONAL INSTITUTE

Policy Change Victims' Advocacy Statement

Elevating Restorative Justice within the Victims and Prisoners Bill

We advocate for a policy change to elevate Restorative Justice (RJ) within the Victims and Prisoners Bill, recognising its pivotal role in enhancing victim satisfaction, reducing recidivism rates, and fostering a more holistic approach to justice. **Currently, RJ is relegated to mere guidance within the Victims Code, resulting in inadequate implementation and inconsistent access for victims, as it is unquestionably proven by evidence and frontline practitioners' witness testimonies**. Available strong evidence suggest that RJ should be pulled out of the shadows and be enshrined as a victims' right within the Victims and Prisoners Bill to ensure its prioritisation and holistic integration into the criminal justice system.

Insufficient Implementation under Current Guidelines (incl. Victims Code)

The existing placement of RJ within the Victims Code rather than enforceable legislation has led to its neglect and inconsistent provision to victims. Despite guidelines mandating equal access, research highlights pervasive disparities in its availability, with only a fraction of victims being informed about this option. The 2019 Crime Survey for England and Wales showed that only 4.8% of adult victims of crime with a known offender recalled being given the option of Restorative Justice in 2018/19.

In the UK, while legislation recognises restorative justice as an option, there is a lack of enforceability regarding victims' awareness of this right (Gavrielides, 2015a). Despite the possibility of diverting cases from traditional justice systems according to the Crime and Courts Act of 2013, the parties must be informed about restorative justice to opt for it, highlighting the principle that a right is only meaningful if known (Gavrielides, 2018). A 2017 research project in London revealed low levels of awareness about restorative justice among victims, with 69% having never heard of it. Furthermore, 85% of the victims surveyed were never offered the chance to communicate with their offender, either directly or indirectly. Finally, the survey suggests an unmet demand for restorative justice, with 68% of respondents expressing a desire for the option (Gavrielides, 2018). This is, also, proved every day in real-life examples where Youth Justice Service RJ practitioners highlight that they have decided to provide police officers with a script to help them at least mention the option to victims, given that this is not the reality out there.

If our commitment lies in genuinely empowering both the harmed and harming partiesin the pursuit of justice, we have a distinctive chance to establish a right to restorative justice within the framework of the Victims and Prisoners Bill. Such a provision would be consistent with The Council of Europe Recommendation CM/REC(2018)8, which

acknowledges that restorative justice can either supplement traditional criminal proceedings or serve as an alternative to them.

RJ's Contribution to Reduced Recidivism Rates

Further to the above, elevating RJ within the Bill is imperative due to its demonstrated effectiveness in reducing recidivism rates (Gavrielides, 2018). With recidivism rates reaching alarming levels (25.5% for 2022), investing in RJ offers a pragmatic solution to address this persistent challenge. By facilitating offender accountability and rehabilitation through meaningful dialogue with victims and communities, RJ not only enhances victim satisfaction but also fosters long-term societal safety and well-being (Gavrielides, 2015b).

RJ as a Systemic Approach Beyond Victim Services

Contrary to current misconceptions, RJ transcends the scope of traditional victim services, embodying a systemic approach that addresses the inherent flaws within the conventional criminal justice system. RJ engages all primary stakeholders—victims, offenders, and communities—in a collaborative process aimed at repairing harm and promoting reconciliation. Unlike traditional victim services, often focusing on compensating victims, RJ prioritises holistic healing and restoration, thereby fostering a more inclusive and participatory form of justice. Additionally, Gavrielides' consensual model of restorative justice (2021) demonstrates that RJ can be offered through top-down formats (structured) but also through bottom-up community driven responses (unstructured), allowing for a spectrum of approaches beyond traditional victim services and in parallel to established forms of delivering justice.

With the above evidence and considerations, we urge policymakers to recognise the imperative of elevating Restorative Justice within the Victims and Prisoners Bill. The current relegation of RJ to mere guidance has resulted in systemic inequities and missed opportunities for meaningful justice. By enshrining RJ within the legislative framework, we can ensure equitable access, reduce recidivism, and foster a more restorative and inclusive criminal justice system. Our advocacy is grounded in evidence-based research and a commitment to advancing justice that truly serves all stakeholders involved. The Victims and Prisoners Bill should capitalise on the transformative potential of Restorative Justice within our legal framework.

RJ4All disclaimer: "victims" and "offenders" are not labels we find useful when referring to restorative justice. Gavrielides (2017) explains that as we change our lenses, these terms are better replaced with “harmed” and “harming” parties to put an emphasis on restoring and healing as opposed to correcting the law alone.

Resources

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