

RESTORATIVE JUSTICE DIALOGUES

for Persons impacted by Offences by Children



ENFOLD PROACTIVE HEALTH TRUST

What is Restorative Justice ?

Restorative Justice (RJ) means “any process in which the person harmed, the responsible youth and/ or any other individual or community members affected by a crime actively participates together in the resolution of matters arising from the crime, often with the help of a fair and equally partial third party.”¹

RJ processes in different parts of the world have been effective in addressing the needs of persons harmed and ensuring that children do not reoffend.

¹ Adapted from the definition of restorative justice in the Council of Europe's recommendation. Child Justice System, 18 September 2019, para 8.

RESTORATIVE JUSTICE SEEKS TO ANSWER 3 QUESTIONS



Who has been harmed by the offence ?

What do they need ?

What can be done by the person who caused the harm to set things right ?

What does the Restorative Justice process offer Persons directly Harmed and the Responsible Child?²

PERSONS DIRECTLY HARMED HAVE AN OPPORTUNITY TO

Tell the Responsible Child how they have been affected by the crime and share the impact the harm had on them

Receive support to express the impact of harm on themselves and their loved ones

Experience constructive support from members of the community who have also been affected by the crime

Ask questions about the incident(s)

Seek an apology

Restore the relationship with the Responsible Child, if and when appropriate

Be directly involved in deciding what needs to be done to address the harm and move forward in a good way

²Adapted from UNODC, Handbook on Restorative Justice programmes, (2006), p.17.





THE RESPONSIBLE CHILD WILL HAVE AN OPPORTUNITY TO

Take responsibility for the harm

Listen to and better understand
the impact the crime has had on
the affected person(s)

Respond to questions the
Person directly Harmed may
have about the incident

Make amends

Express emotions (even remorse) about the offence

Apologise to the Persons directly Harmed

Restore, if and when appropriate,
the relationship with the Person
directly Harmed

Receive support to repair the harm
and move forward in a good way



Who can initiate an RJ process?

Any party affected by or involved in an offence willing to have a dialogue with the other party.

Referrals can be made to the Restorative Justice team at Enfold by the police, the Juvenile Justice Board (after disposal of a case), or any other organisation, or person.

RJ Processes will be initiated only with the informed consent of parties involved, even if it has been referred by authorities. Parties cannot be compelled to participate. They can also withdraw at any time, even after giving consent.

RJ may not be appropriate in all cases. Suitability will be determined in every case.

RJ processes will be facilitated in keeping with existing laws.

Confidentiality of the process shall be maintained.

Parental/Guardian agreement and support is essential for participation of Responsible Child and Person directly Harmed (12-18 years).

What happens in an RJ process?

1

INITIAL CONTACT

Enfold's RJ facilitators contact the parties and request for an in-person meeting.

2

FIRST PREPARATORY MEETING

The nature of the process and the principles that will be followed are explained. Questions and doubts of the parties are clarified

3

INFORMED CONSENT

RJ facilitators ensure that parties have necessary information to make an informed decision to participate.



4

PREPARATORY MEETINGS

RJ facilitators work with the involved parties to identify their needs, questions and concerns they may have, and the support they may require to participate meaningfully in the dialogue. The Person directly Harmed and Responsible Child can name the persons they would like to bring to the dialogue. Facilitators will work separately with them. Preparation may entail 3-4 separate meetings with each person involved.



SAFETY & RISK ASSESSMENT

RJ facilitators assess whether it is safe for parties to come together for a dialogue. Measures to mitigate the risk, if any, are identified and discussed with the concerned party in advance. If safety cannot be assured, the dialogue will not be facilitated.



THE RJ DIALOGUE

- » **Safe space** is created before a face-to-face dialogue is facilitated.
- » **Venue** is decided based on the mutual consent of parties.
- » **Guided dialogue** is based on questions discussed during the preparation. Person directly Harmed is invited to share what happened and the impact of the harm on them and the Responsible Child is invited to take responsibility. Thereafter, family members, friends, and support persons will be invited to share the impact of the harm on them. All parties are invited to share what is needed for the harm to be addressed. RJ facilitators provide support, if parties decide they need to meet again to continue the dialogue.

» **Restorative Agreement**

The RJ facilitators support the participants to collectively arrive at a Restorative Agreement to repair the harm. Parties can, however, decide that the dialogue itself satisfies their needs and they may not require an agreement. The facilitators do not impose any agreement or pass any decision.



FOLLOW-UP

The RJ facilitators follow-up and extend support to Person directly Harmed and the Responsible Child to fulfill the agreement.



What can one expect from the RJ facilitator?

Non-judgmental attitude, patience and respect
Impartiality and equal concern for all parties.



Necessary information to make an informed decision to participate.

Honest responses to the questions, fears and concerns parties may have. No false promises.



Utmost concern about the safety of all parties.
Demonstrable measures to mitigate risk, if any.

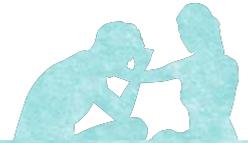


All efforts are made to try and ensure that no further harm is caused.



Support during the preparatory process and the dialogue to ensure that needs are identified and addressed where possible.

Support to develop a Restorative Agreement that is reasonable, fair and realistic, is not degrading or humiliating, and is time bound. RJ facilitators are not decision-makers.



Follow-up with and support to the Person Directly Harmed and Responsible Child to support compliance with the Restorative Agreement.

Refer any of the parties to mental health professionals or other services, if the need arises.

What if the Person Directly Harmed doesn't want to meet the Responsible Child in person?

When harm is done, one may not always want to meet the person responsible. Yet, there still might be many questions one may have about the harm or the desire to convey the impact of it.

Enfold can facilitate an indirect dialogue through exchange of written communication, while ensuring informed consent, willingness of parties, safety, and confidentiality.





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22, 3rd Main Rd, Ashwini Layout, Ejipura, Bengaluru, Karnataka 560047

info@enfoldindia.org

