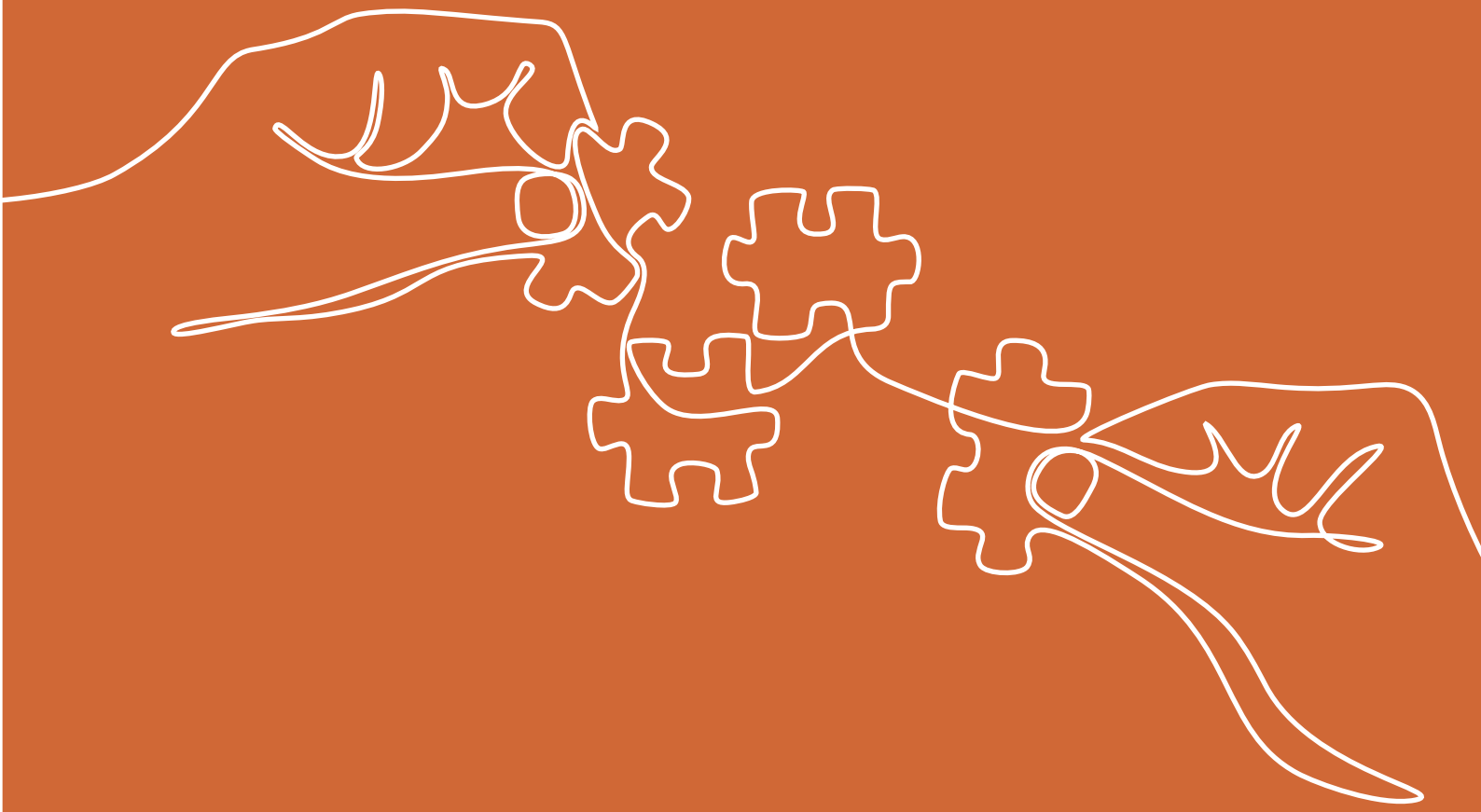

THE RJ4ALL RESTORATIVE JUSTICE PRACTICE FRAMEWORK

10 STEPS TO DELIVERING SAFE AND COMPLIANT RESTORATIVE JUSTICE PRACTICE

3rd Edition (2025)

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Professor Dr.
Theo Gavrielides
RJ4All Founder and Director
April, 2024

FOREWORD

The fall and rise of restorative justice practice through history signifies not only its strengths, but also its weaknesses as an alternative form of conflict resolution, and as a peace-making process that aims to restore harm (**Gavrielides, 2011**). I have written and spoken openly about the evidence I have been collecting for over 2 decades, highlighting the community-led and community-born nature of restorative justice. This very organic nature of restorative justice is what creates its underlying ethos (Gavrielides, 2007), and which we must safeguard.

And there is a difference between restorative justice and restorative justice practice. While the former can guide our ethics and way of living (**Gavrielides 2005; 2013**), the latter can intercept formal justice procedures whether these belong to the criminal or civil law sphere, institutional conflicts or indeed any dispute that has taken a top-down resolution route.

Restorative justice can return conflicts to parties but while doing so we must take into consideration its fluid and adjustable nature. At the same time, it must be delivered according to its founding values and original purpose of providing restoration when other processes either failed or were not preferred by parties. Luckily, there are not many disagreements as to what constitutes the core restorative justice values. However, this is not the case when it comes to its standards, who gets to practise and who doesn't, what practice to choose and how to certify or accredit. I have written extensively about the power-interest battles that have weakened the restorative justice movement (Gavrielides 2021b; 2021c; 2008). It is not the intention of this Framework to either address, nor endorse these battles (or join them)!

Putting together a practice framework for the safe and proper delivery of restorative justice practice was difficult. The key purpose of this Framework is to guide practice within the Restorative Justice for All International Institute (RJ4All). However, our ambition is that others who practise restorative justice will want to use it independently of their location. In drafting the Framework, I was faced with a dilemma. How do we honour the RJ4All narrative for a community-led, community-born organic restorative justice, while ensuring that there is a blueprint for what is expected in practice? Thankfully, my trusted contacts within the field helped me to overcome this hurdle, and with their help and a lot of research, I constructed this Framework. I am particularly grateful to Ben Lyon (RJ4All Vice-president and independent senior restorative justice practitioner), Chris Straker (independent senior restorative justice practitioner), Robert E. Mackay (RJ4All Associate and independent senior restorative justice practitioner), Janine Carroll (Restorative Now), and my team at RJ4All. Two important initiatives supporting and informing this Framework are the **RJ4All International Fellowship of Restorative Justice Practitioners (IFRJP)** and the **The RJ4All International Restorative Justice Pledge.**

Together these three initiatives aim to advance both the quality as well as the uptake of restorative justice internationally. Just like restorative justice, they are living instruments and adjusted according to the needs of our communities and times. I hope that together we can help create a world restorative justice peace movement.

DEFINITIONS

Definitions can be helpful in setting a conceptual framework that can navigate reflective thinking and practice. However, they should not be used as absolutes especially when it comes to living concepts such as hate violence and restorative justice. In fact, a key objective of this Framework is to support a critical approach to violence capturing its wide spectrum. Similarly, the Framework distinguishes the *restorative justice ethos* from the *restorative justice practice* and does not wish to engage in the rich definitional debates that have occupied the literature (Gavrielides, 2008b).

RESTORATIVE JUSTICE

The EC defines it as "*any process* whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party" (European Parliament, 2012). The CoE defines it as "*any process* which enables those harmed by crime, and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party" (Council of Europe, 2018).

RESTORATIVE JUSTICE PRACTICE (DIRECT/ INDIRECT)

Direct restorative justice practice involves a face-to-face and/or online encounter between harmed and harming parties, including Victim-Offender Mediation (VOM), Family Group Conferencing (FGC), Restorative Justice Circles (RJC). Indirect restorative justice involves an indirect communication between harmed and harming parties including letter exchange, video or audio file exchange.

The key difference between the main restorastive justice practices lies in the number and nature of the parties involved.

- Victim-Offender mediation: Victim, offender and mediator only
- Family Group Conferences: Victim, offender, their family, friends, the facilitator and other professionals such as social workers, psychologists etc
- Circles: Victim, offender, circle keeper, family, friends, affected community members, professionals.

RESTORATIVE JUSTICE ETHOS

According to the literature, "restorative justice is *an ethos* with practical goals, among which is to repair harm by including affected parties in a (direct or indirect) encounter and a process of understanding through voluntary and honest dialogue. Restorative justice adopts a fresh approach to conflicts and their control, retaining at the same time certain rehabilitative goals" (Gavrielides, 2007b, 2020b). This ethos is differentiated from the restorative justice practice in the sense that it encompasses the values that underlie them. These are: power sharing, equality, dignity, respect, involvement in decision making and fairness (Braithwaite, 2002; Gavrielides, 2008b).

RESTORATIVE JUSTICE OUTCOME

"Restorative outcome means an agreement reached as a result of a restorative process. Restorative outcomes include responses and programmes such as reparation, restitution and community service, aimed at meeting the individual and collective needs and responsibilities of the parties and achieving the reintegration of the victim and the offender" (Council of Europe, 2002).

VICTIM - HARMED PARTY

The EC defines a victim as: "(i) a natural person who has suffered *harm*, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; (ii) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death" [1] (European Parliament, 2012). In restorative justice, emphasis if given on "harm" vs. "crime" and thus a more accurate term is "harmed party".

OFFENDER - HARMING PARTY

An offender is a natural person (or a group) who has harmed an individual (or a group), an institution or a community of people. The EC does not have a single definition for this term. The common denominator amongst its relevant statutes is that an offender is typically someone who has breached the law and may face legal consequences such as punishment, rehabilitation, or other forms of sanction. In restorative justice, emphasis is given on "harm" vs. "crime" and thus a more accurate term is "harming party".

COMMUNITY

In the restorative justice journey, community stands for "a complex system of human relationships, as the principal (social) place, to which citizens belong and wherein they interact" (Gavrielides, 2021b). The community is a key player not only in the restorative justice process itself, but also in justifying the restorative justice outcome (Gavrielides, 2005b, 2021b). According to Aristotle, community (or polis) is the sine qua non precondition of doing restorative justice and the foundation of the social liaison that binds harmed and harming parties (Gavrielides, 2013a, 2025a). This social liaison, broken by violence (including hate) is the focus of repair.

VIOLENCE

The World Health Organisation (WHO) defines violence as "The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation (World Health Organization, 2002: 5). The WHO (2002) accepts three broad categories of violence. These are based on the characteristics of those committing the violent act: (1) self-directed violence (2) interpersonal violence (3) collective or group violence.

COMPLEX RESTORATIVE JUSTICE CASES

Complex cases are defined as harms involving a power imbalance between the harming and harmed party, and where this imbalance may generate re-victimisation and risks for all parties involved[2].

RESTORATIVE JUSTICE PRACTITIONER & SENIOR RESTORATIVE JUSTICE PRACTITIONER

A restorative justice practitioner is an individual who has practised restorative justice unsupervised and had received appropriate training. The EC expects restorative justice practitioners "to receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful, and professional manner" (European Parliament, 2012). Therefore, "qualification" cannot be deemed as the result of any registration with a private or public body. A senior restorative justice practitioner is an individual who has practised unsupervised for at least several years (including managing complex cases) and has received appropriate training as described in the Victims' Directive.

RESTORATIVE JUSTICE SERVICE

Restorative justice service involves at least one senior restorative justice practitioner and one restorative

[1] Introductory paragraph no.19, extract: "A person should be considered to be a harmed party regardless of whether a harming party is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between them" (European Parliament, 2012).

[2] Examples of complex cases include sexual abuse, child sexual abuse, hate motivated incidents, gun crime, knife crime, organised crime. Cases considered as not complex include shoplifting, theft, physical or property violence, neighbourhood disputes.

justice practitioner.

HUMAN RIGHTS

"Human rights refer to the basic rights and freedoms to which all humans are entitled" (United Nations, 1948), or as Article 1 UNDHR states: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood" (United Nations, 1948). Human rights are minimum standards to which everyone is entitled simply because of their humanity. Although closely aligned, the concepts of citizenship and democracy are not prerequisites for someone's right to be human or the enjoyment of those standards that protect this qualification.

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is a non-profit, user-led international institute with expertise in preventing and addressing harm at the individual, community and inter-state levels. We are one of the world's leading experts in transferring complex criminological and social justice concepts into practice through real-life pilots and community projects.

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