



RESTORATIVE JUSTICE UNIT

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NEWSLETTER

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The Charter of Victims Rights and Beyond

Helping victims to recover and regain their physical, psychological and emotional well-being

The Charter of Victims Rights protects and promotes the rights of victims of crime in New South Wales and sets the standards for their appropriate treatment by government and government-funded criminal justice agencies, including Corrective Services.

The Victims Register honours the above commitments within the limits of its legislated role. Through the Victims Register, victim's rights are served and important needs met in line with the Charter's intent. The Victims Register entitles people to access certain information and to have some input into the decision making process.

Another stated aspiration of the Charter is that it can also be instrumental in helping victims to recover and regain their physical, psychological and emotional well-being.

All good intentions aside, bureaucracy, formal systems and the traditional criminal justice system can never address some of the challenges which victims of crime face in the aftermath of an offence. The irony is that when an offence takes place the victim is caught in an

involuntary relationship with the person committing the offence. For some victims of crime, the offender is the only person who holds the key to the restoration of a certain peace of mind.

Restorative Justice has no formal legislated base in the context of the work of our unit. Victim of crime participants suggest that taking part in a victim-offender conference facilitated by the Restorative justice Unit has been instrumental in their recovery. The benefits of participating are often described as well beyond the limitations of participating in traditional justice processes.

Our Restorative Justice Unit initiatives operate at a post-sentence stage of the criminal justice system. Victim-offender conferences are conducted in respect to offences for which the offender is already either in custody or under the supervision of the Probation and Parole Service.

Under such circumstances there already exists an 'outcome' in the form of a 'sentence'. Yet, there is often much conflict left unresolved by the traditional operation of the criminal justice system. Whilst our program aims at facilitating a

consensus about how to reduce the harm caused by the offending, the primary aim of the process is to address unresolved issues and to provide a process for transforming negative emotions associated with conflict into positive emotions associated with co-operation.

One participant, whose daughter had been murdered, and then buried by the offender, required an answer to a question that continued to torment her daily: *“Are you sure that she had stopped breathing before you started to bury her?”* Through participation in a victim-offender conference, the offender was able to allay her concerns. The justice system and those of us who provide services to victims of crime could not have done this.

After meeting with the man who killed her daughter seven years earlier, another participant said: *“I will never stop grieving for my daughter. But when I heard (the offender) accept full responsibility for the crime, I stopped carrying the guilt around. A burden has been lifted from my shoulders.”* Through giving voice to the affects on her of losing her daughter and hearing the offender acknowledge responsibility, her burden of guilt lifted. The justice system and those of us who provide services to victims of crime could not have effectively brought about this resolution.

Much of the restorative justice literature identifies face to face meetings between victims and offenders as most appropriate for young offenders, at the pre-sentence stage and in relation to minor offences. Our experience however,

warrants examination of this assumption. Through a self-selection process by adult offenders and victims of their crimes, offences including death or a threat of harm are the ones where people choose to meet up or exchange information post-sentence. In 2007 for example, all Restorative Justice interventions have involved the secondary victims of crimes which have resulted in the death of a loved one. It appears that interpersonal violence generates a dynamic between offenders and victims conducive to a desire for further dialogue.

Debbie met with the man, who shot her brother 8 years earlier and says, “I can’t explain how come I feel so different than I did before (the conference). The only way I can explain it is I feel lighter. Please don’t think this is a miracle cure of anything, but for me in a way I got back my life, I got back me. Have I betrayed my family with the new me? I don’t think so. I truly believe, in my heart and soul that (my brother) is at peace and I know he would want his sister to be as well.”

As the primary departmental point of contact with victims of crime, the Restorative Justice Unit of the New South Wales Department of Corrective Services honours the legislated rights of victims of crime. Through the Victims Register important needs are met in line with the Charter of Victims Rights. Specialising in conflict and dispute resolution, we also share a vision of Restorative Justice compatible with the aspiration of helping victims to recover and regain their physical, psychological and emotional well-being.