Restorative Justice Dialogue: Key Ethical Standards

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May, 2003
Sources of Ethical Standards

- European Restorative Justice Consortium
- United Nations Basic Principles on Restorative Justice
- International Victim Offender Mediation Association
Voluntary Participation of All Parties

- Recognition that in the case of offenders, this may be more appropriately reframed as “non-coercive as possible,” allowing the offender to decline even though there likely exists some pressure.

- Assurance that participation by the victim is absolutely voluntary.
Confidentiality

• Discussions in restorative justice dialogue should be confidential and not be disclosed subsequently, except with agreement of the parties.
Preparation

• All cases should involve careful, direct, individual preparation of the parties.

• Explanations of what the process might involve should be given to all parties, allowing each to make an informed choice to participate.
Support People

• Facilitators should allow, but not require, victims and offenders to bring along appropriate persons at request to provide support, such as a family member or a neighbor.
Training

• Facilitators should receive initial training in restorative justice dialogue before taking on the duties of a facilitator.

• Facilitators should also receive in-service training.
Safe Place

• Facilitators should be responsible for providing a safe and appropriate environment for the dialogue to occur.

• Facilitators should be sensitive to any vulnerability of the parties.
Impartiality

- Facilitators and mediators should perform their duties in an impartial manner, based on the facts of the case and on the needs and wishes of the parties.
Access to Legal Advice

• Victims and offenders should be allowed access to legal advice at any stage in the restorative justice dialogue process.
Absence of Pressure

- Parties should not be pressured towards any specific agreement.