



Thematic Overview

The objective of this paper is to give an introduction to the concepts of transitional justice and reconciliation and provide examples of Sida's experiences and opportunities for engagement. The overview provides guidance based on Swedish and international policy commitments and priorities, successful practical experiences as well as lessons learned in providing conflict-sensitive support.

In violent conflict affected individuals and communities are often subject to gross injustices, including violations of human rights, destruction of livelihoods and the loss of friends and family members. These grievances create deep feelings of mistrust and suspicion between communities and destroy the social fabric that holds societies together. The recreation of trust is fundamental both for sustained peace, and to create conditions for sustainable development. Justice for the victims of conflict is a precondition for increased trust, and in turn depends on a functioning rule-of-law.

Origins of violent conflicts are frequently related to contest over economic and natural resources or social, political and economic inequalities and exclusion. This means that to avoid recurrence of the violence transitional justice processes must go hand in hand with efforts to address root causes. It also means that socioeconomic development programs in post-conflict societies need to make sure discriminated groups and/or victims of the conflict are included.

Reconciliation and transitional justice are related to the building of trust in the context of inclusive peace building after violent conflicts or authoritarian regimes. Both seek to address the legacies of violence and human rights abuses to compensate for past wrongs and promote social healing. There is often a normative association made between reconciliation and transitional justice, but it is important to separate the two concepts. Even if they are integrally interlinked and interdependent they do not automatically lead to each other nor come hand in hand. The following sections will discuss this further.

Supporting transitional justice processes in conflict-affected countries constitutes a priority for Swedish development cooperation. According to the Policy Framework for Swedish development cooperation and humanitarian support "Sweden will work for transitional justice that incorporates the right to combat impunity, the right to know the truth, the right of victims to compensation, guarantees of non-repetition of human rights violations, and humanitarian law."¹

WHAT IS TRANSITIONAL JUSTICE?

Some of the measures associated with transitional justice, like war crimes tribunals, have a very long history.² However, the term itself is of recent origin. It was developed from the 1980s as a response to political dilemmas faced by countries with a legacy of gross human rights violations in their transition from authoritarian rule towards representative democracy. Later it was extended also to post-conflict situations. Transitional justice refers to initiatives taken by states and societies to re-establish the respect for human rights and the dignity of the victims of violations.

The UN commitment to transitional justice was first outlined by UN Secretary General Kofi Annan in 2004 and defined as "... the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals or a combination thereof."³

Since then, transitional justice has become a key component in the UN framework for the strengthening of Rule of Law during transition phases and in post-conflict countries.

Agreement on the format and responsibility for a transitional justice process is often negotiated and agreed upon in a peace agreement and normally implemented by the State as duty-bearer, with involvement of Civil Society to a larger or minor extent depending on the context. Donors

Criminal Justice restitution Reconciliation

**Shlomo Giora Shoham, Ori Beck, Martin
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Criminal Justice, Restitution, and Reconciliation Burt Galaway, Joe Hudson, 1990 Through the 1970s and 1980s interest in restitution has grown with the practice moving from a few special projects to much broader application as a part of pretrial diversion probation and mediation programs that operate as an alternative to criminal or juvenile justice processing of cases But as the papers in this volume reflect the interest in restitution has moved considerably beyond the idea of offenders repaying victims A theory of restorative justice is emerging

Crime and Reconciliation Mark Umbreit, 2022-09-26 Crime and Reconciliation describes the original setting in the United States where contemporary restorative justice practices first took root Having worked with the Indiana based Prisoner and Community Together program PACT which eventually advocated for healing dialogue between offending and victimized parties along with family and community members Mark Umbreit received firsthand experience which ten years later he wrote about in this early classic In the face of overcrowded jails and a nation with the highest per capita prison population in the world the author presents a viable alternative to the tough law and order approach Casework examples are plentiful in chapters which also conclude with study guide questions for discussion groups Written in 1985 students of the history of modern restorative justice will appreciate the wide vision held by the pioneering practitioners who laid the foundations for a peacemaking movement that is now worldwide This book also highlights how church communities played a key role through independent ministries of reconciliation in fostering the early growth of restorative work And yet the phrase restorative justice will not be found in this entire book as it still took a few more years for that term to be popularized

International Handbook of Penology and Criminal Justice Shlomo Giora Shoham, Ori Beck, Martin Kett, 2007-10-08 At the outset of the twenty first century more than 9 million people are held in custody in over 200 countries around the world from the essay Prisons and Jails by Ron King The first comparative study of this increasingly integral social subject International Handbook of Penology and Criminal Justice provides a comprehensive and balanced review

Restorative Justice on Trial H. Messmer, H.U. Otto, 2013-06-29 Victim offender mediation schemes have experienced significant growth in the last decade They are seen as an important and innovative alternative to the traditional sanctions of the criminal justice system After a critical look at mediation schemes in the United States and Canada most European countries have also increased their efforts to develop informal strategies to deal with deviant behavior In terms of their legal and organizational base it turns out that type extent and capacities for development are quite different in the individual countries resulting in a remarkable diversity of programs with different outcomes The contributions in this book are revised and edited versions of papers presented at the NATO Advanced Research Workshop Conflict Crime and Reconciliation The Organization of Welfare Intervention in the Field of Restitutive Justice in April 1991 at Il Ciocco Italy The chapters document the present stage of restorative justice in the individual countries critically assess legal constraints and public needs discuss the organizational requirements of implementation and also

evaluate outcomes in a broader context of crime and social policy In the long run this book should encourage further debates in the field of restorative justice and help build valid guidelines for an international evaluation research Federal Probation ,1991 *Psychology and Law in a Changing World* Lara Bagnoli,Giovanni B. Traverso,2013-01-11 Criminal psychology and its relationship to the practice of law has become a topic of major significance over the last three decades Psychologists play a key role in modern criminal investigation and are central to crime reduction measures such as offender profiling delinquency prevention and tackling fear of crime Contributors from North America Europe and Australia examine this link both adding to and drawing upon the pool of recent theory construction and empirical work in the following areas causes and prevention of offending studies of crime and offenders the victim s perspective witnesses and testimony studies of legal processes These issues are studied from a local perspective that recognises not only the need for cross national comparative research but also the generation of a corpus of scientific knowledge more representative of the complexity of criminal and legal investigation today Corrections and the Criminal Justice System Thomas F. Courtless,1998 This text integrates law with policies and practices seeking consistently to show that corrections is an integral part of American criminal justice Throughout the systematic impact of changes in law policies and practices is discussed with an emphasis on the law of corrections including issues such as sentencing procedures proportionality of sentences cruel and unusual punishments and prisoner s rights Changes in the law over time are presented and analyzed The author s on the job experience and extensive teaching experience have created an extremely well rounded text Psychosocial Interventions in the Criminal Justice System European Committee on Crime Problems,1995 University of Oxford United Kingdom Journal of Contemporary Criminal Justice ,2000 *Criminal Justice* Chris W. Eskridge,2004 This new edition offers cutting edge comprehensive coverage of the field of criminal justice Each of the 38 units begins with a chapter length introduction Short introductions preface each article putting material in context for the reader Discussion questions follow each unit

Changes in Society, Crime, and Criminal Justice in Europe: Crime and insecurity in the city ,1995 Changes in Society, Crime, and Criminal Justice in Europe: Crime and insecurity in the city Cyrille Fijnaut,1995 **The Handbook of Victim Offender Mediation** Mark S. Umbreit,2001 Step by step it clearly defines how the process works shows how to identify appropriate victim and offender participants and reveals what it takes to prepare both sides for the upcoming meeting which is facilitated through a humanistic dialogue driven form of mediation **Women and the Criminal Justice System** Katherine S. Van Wormer,Clemens Bartollas,2007 This text examines the various roles of women in the criminal justice system against a social context in which women are oppressed The text examines the following three roles of women in criminal justice Women as victims of crimes Women as criminals convicted and sentenced for crimes Women as workers in various agencies in the criminal justice system This text emphasizes content on gender and ethnic diversity and on the strengths of oppressed people especially women of color A wide range of issues are covered including the rate of early

childhood sexual abuse victimization in female inmates priest abuse of girls female inmate rape by male prison guard and obstacles for women lawyers achieving partnerships in their firms The authors provide a wealth of recent data drawn from both domestic and international human rights sources as well as from personal interviews The final portion of the text describes women's setbacks in entering the traditionally male dominated fields of policing the law and corrections if people are given half a chance they can draw on their own resources to heal from the past and build for the future This empowerment approach is already prominent in the social work field and widely used in victim treatment programs for working with female offenders

Restorative Justice Burt Galaway, Joe Hudson, 1996 This edited collection considers the theory research and practice of restorative justice in Australia New Zealand the US Canada England and Wales Japan and Germany There is also one section dedicated to restorative justice practice among Indigenous peoples

Correctional Assessment, Casework, and Counseling Anthony Walsh, 1997 This edition covers practical interviewing and counseling skills including how to adapt counseling theories to community or institutional corrections and how to supervise the alcoholic drug addict sex offender schizophrenic and mentally immature client Sample case materials such as presentence reports sentencing guidelines classification scales and risk and needs scales give readers an understanding of the actual assessment process An instructor's manual is available with the purchase of 10 or more books

Criminal Justice Review, 1994
Humanity & Society, 1998

International Journal of Comparative and Applied Criminal Justice, 1996

Restorative Juvenile Justice L. Walgrave, S. Gordon Bazemore, International Network for Research on Restorative Justice for Juveniles, 1999 Authors from Australia John Braithwaite Christine Parker Europe Lode Walgrave Klaus Sessar Elmar Weitekamp and North America Gordon Bazemore Ray Corrado Barry Feld Curt Taylor Griffiths Susan Guarino Ghezzi Russ Immerigeon Andrew Klein Maria Schiff Mark Umbreit Daniel van Ness discuss juvenile justice and the response the youth crime

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