

Q : Is RJI applicable to all types of offenses in the Republic of China ?

A : Basically, cases of child abuse and victimless offenses are not included. In the initial stage, RJI is mainly applicable to minor offenses, which are sentenced up to a maximum of three-year imprisonment by court of second instance, such as offenses of larceny, causing injury, criminal conversion, fraudulent and extortion. Other cases can also be included if they are regarded as appropriate after evaluation. Details are available by contacting individual District Prosecutors Office.

Q : At which stages of the criminal justice process can RJI be applied ?

A : RJI is available at every stage of the criminal justice process, including investigation, sentencing, enforcement, probation and after-care.

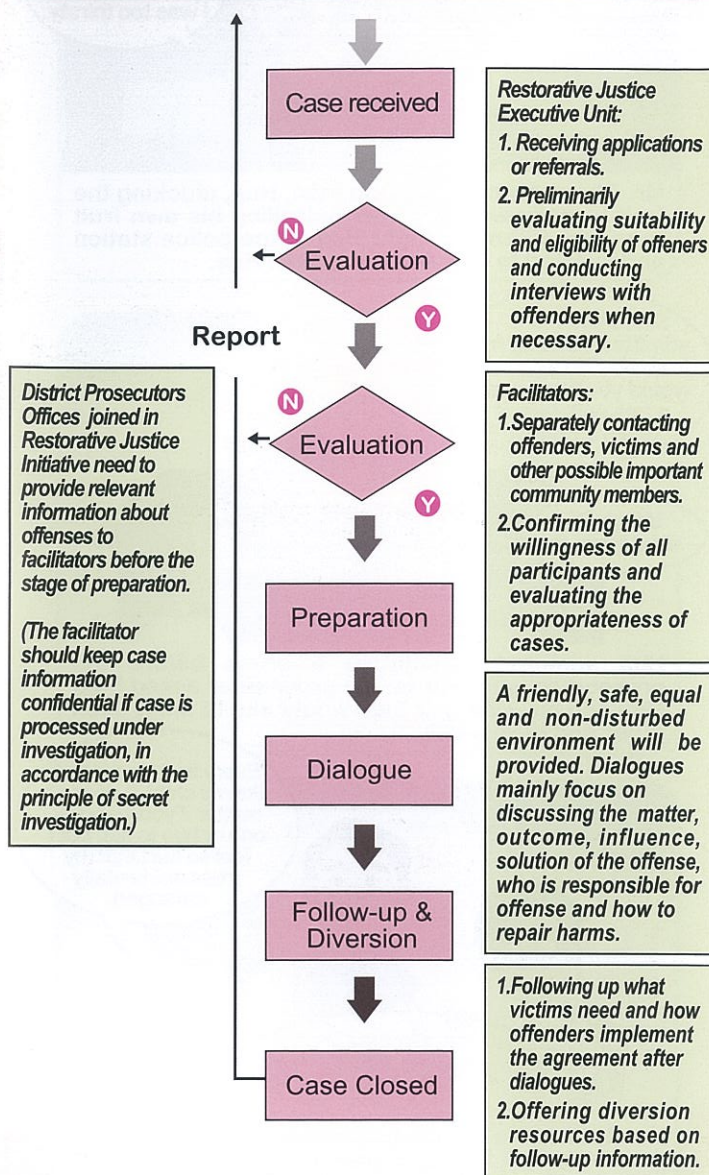
Q : Who will facilitate the Restorative Justice process ?

A : A neutral third party will facilitate the meetings. The facilitators usually have working experiences in law, psychology, counselling and social work and have been trained to run Restorative Justice meetings. Before the meetings, the facilitator will meet separately with the victim and the offender and prepare each party for the opportunity to meet each other. In a Restorative Justice meeting, the facilitator will be the convenor to help both parties feel comfortable to express themselves.



Operational Procedures of Restorative Justice Initiative -(Ministry of Justice)

Prosecutor	Prisons & Detention Centers	Probation Officers	After-Care Association	Association for Victim Support	Courts	Offenders or Victims
Refer						Apply



Restorative Justice

▶ looking at crime with a new lens

The processes and objectives of Restorative Justice

Helping victims get healed from their hurt

Promoting sincere communications between the involved parties

Facilitating the strength of restoring individual emotions

Collectively repairing the harm caused by crime

Assisting offenders to understand the harm caused by the offense, to admit their mistakes, to sincerely repent and to take responsibility, and hoping to reduce the risk of recidivism.



Ministry of Justice

Q : What is Restorative Justice ?

A : Briefly speaking, Restorative Justice is a process through which parties with a stake in a particular offense collectively resolve the consequences of the offense. It brings together all affected parties to talk about how they feel and discuss what can be done to repair the harm.

Q : What are the differences between Restorative Justice and the existing criminal justice system ?

A : The existing criminal justice system emphasizes punishment, paying much attention on offenders, application of laws and proportionate penalties. Though the state imposes sanctions on offenders, punishment in itself sometimes can not directly repair the harm done to victims, resulting in leaving victims frequently feeling that they have been treated unfairly by the criminal justice system. Moreover, offenders serving prison sentences often feel that they have been punished and need not to pay compensation to victims.

By contrast, Restorative Justice looks at crime with a new lens, focusing on restoring the harm caused by offenses. It aims to help affected parties repair the damage, restore balance and rebuild broken relationships. Justice is expected to be fulfilled in the pursuit of truth, respect, healing, responsibility and restoration.

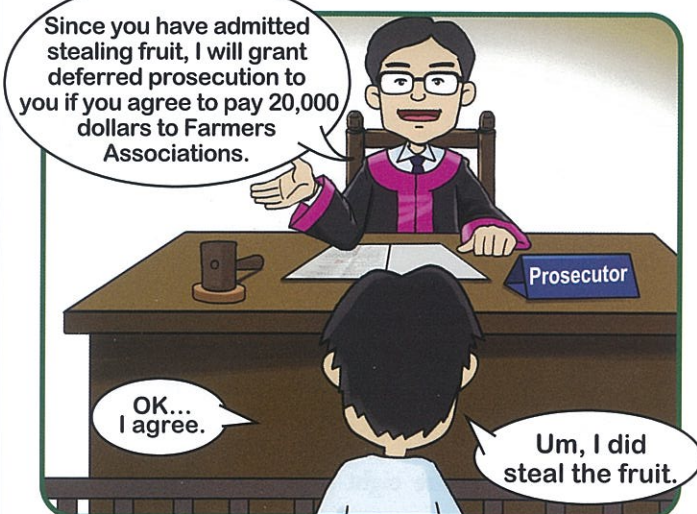
Q : What are the governmental institutions in the Republic of China implementing Restorative Justice Initiative(RJI) ?

A : Currently, there are all District Prosecutors Offices implementing RJI. including Pangjiao, Shilin, Alishan, Taichung, Tainan, Keelung, Tien and Penghu.

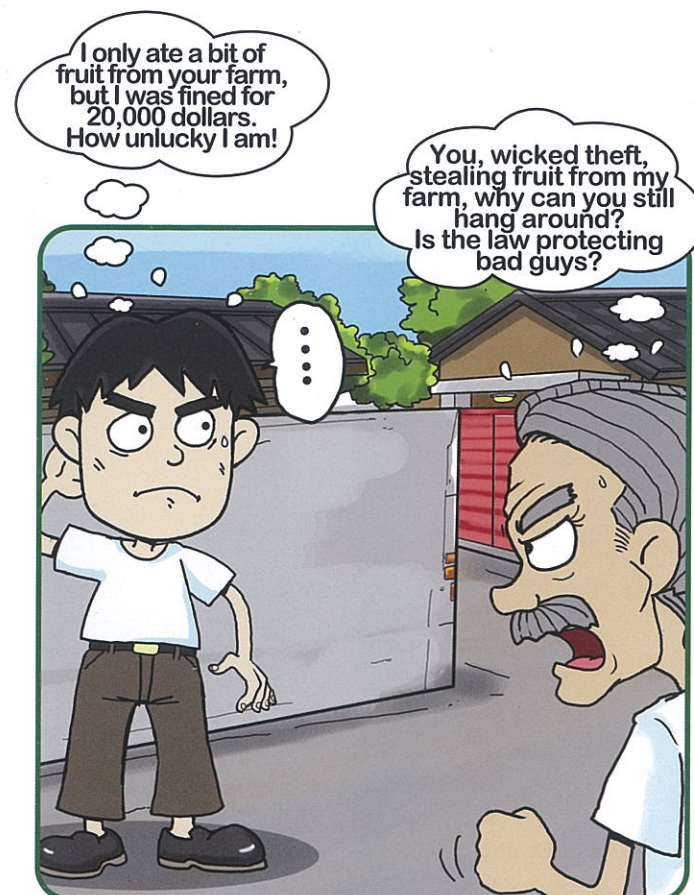
Offense of Larceny Under Conventional Criminal Investigation



Mr. Chang found the young man, Hua, plucking the fruit brutally when he was patrolling his own fruit farm. Mr. Chang brought Hua to the police station and insisted to file a case against Hua.



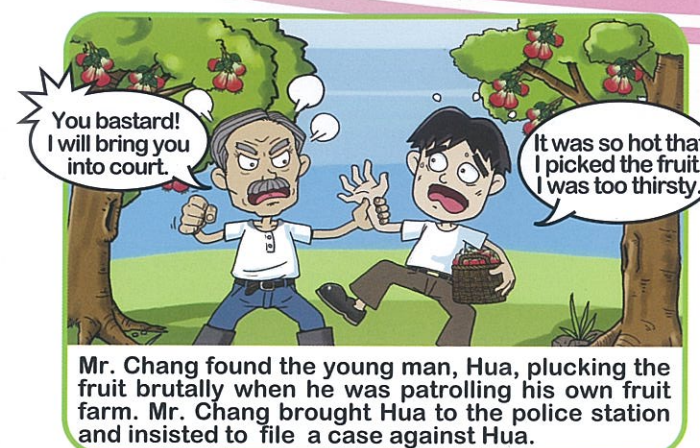
Hua admitted that he committed a crime in the police station. The prosecutor simply summoned Hua to check the facts. Afterwards, the prosecutor granted deferred prosecution to Hua under the condition that Hua has to pay 20,000 dollars to Farmers Associations.



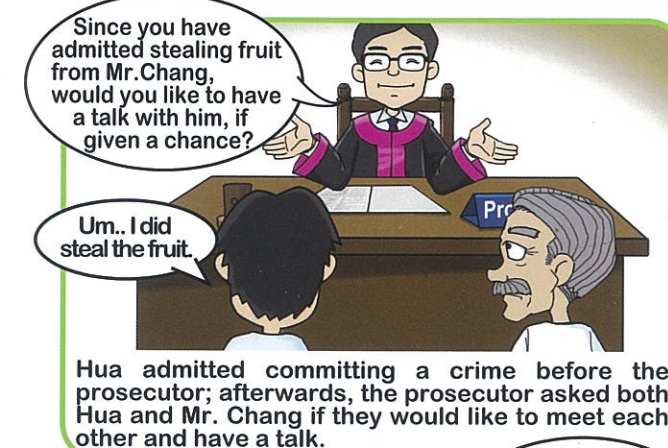
Mr. Chang had no idea about how the case was processed; but seeing Hua still hanging around in the community, Mr. Chang felt no justice at all.

The old law is used in a new way: A real three-way win

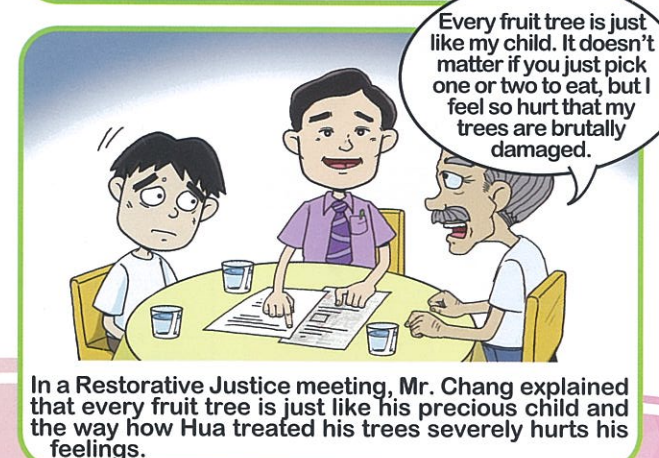
Offense of Larceny Through Restorative Justice



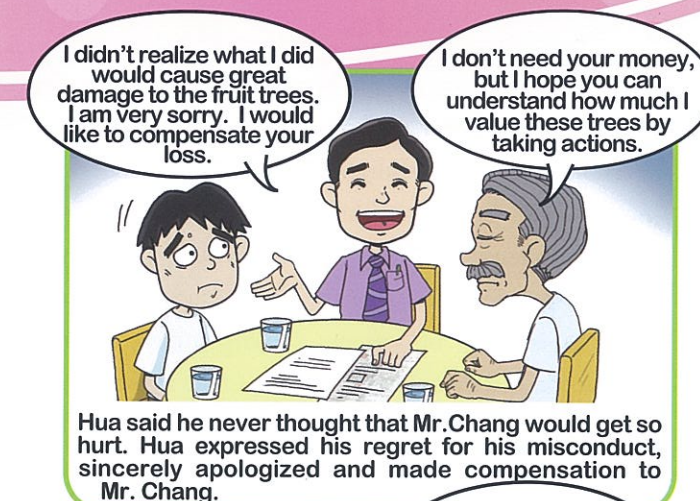
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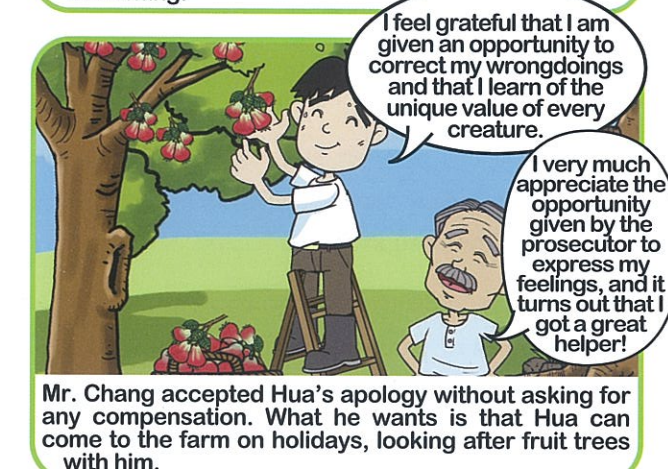
Hua admitted committing a crime before the prosecutor; afterwards, the prosecutor asked both Hua and Mr. Chang if they would like to meet each other and have a talk.



In a Restorative Justice meeting, Mr. Chang explained that every fruit tree is just like his precious child and the way how Hua treated his trees severely hurts his feelings.



Hua said he never thought that Mr. Chang would get so hurt. Hua expressed his regret for his misconduct, sincerely apologized and made compensation to Mr. Chang.



Mr. Chang accepted Hua's apology without asking for any compensation. What he wants is that Hua can come to the farm on holidays, looking after fruit trees with him.



Restorative Justice can restore the relationship between offenders and victims, and further build up a more harmonious society.