Restorative Justice Practice in China?

—–Status Quo, Challenge and Future of Victim-Offender Reconciliation in China

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Abstract

The VOR accessory to the procedure of public prosecution (Xingshi Hejie), practiced by basic public security organs, procuratorates and courts since the advent of this century, is a new mode compared to other kinds of mediation and reconciliation within the legal system of China. Such mechanism combines the criminal justice with the people’s mediation or other kinds of mediations and reconciliation by the parties themselves. Thus, the non-official settlements can assist the criminal justice and influence the decisions of authoritative organs. It is beneficial to protect and restore the victims’ interests, urge the offenders to recognize the social norms and respect others’ rights, and restore the ruined human relationship. VOR practice has many similar features with restorative justice, so it could be regarded as a Chinese mode of global restorative justice movement. Although the VOR mechanism generally works well, it brings obvious challenges, lying basically in three aspects: (1) the legitimacy of the VOR; (2) the relationship to the basic concept of crime; and (3) effects to the social reality. In future, this mechanism should be implemented as much as possible without undermining the role of the criminal justice.

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