**Establishing guard rails for the restitution process**

A guard rail is: (i) a rail that prevents people from falling off or being hit by something; (ii) a strong fence at the side of a road or in the middle of an expressway, intended to reduce the risk of serious accidents.

Given our complex history and the mistakes, power dynamics, and how little we actually know each other across different races, we need to put things in place to protect the victims of injustice from having more harm heaped on them during a process that is supposed to be healing. Of course, there is risk, but if one listens to the victims and allows it to be driven by them, it is less likely to cause harm.

Guard rails should:

* enable people to participate in the conversation and not close the conversation down
* appreciate the fine balance between not pushing people away and not minimising the meaning of restitution
* follow a push-pull approach; people should be stretched but not stretched so far that it will close restitution conversations down
* acknowledge the fine balance between restitution and developmental work
* ensure that restitution is packaged in such a way that everybody wants to get involved because the outcome of restitution will benefit all
* ensure that the end goal of restitution is the healing and restoration of dignity and people moving out of poverty and becoming self-reliant
* ensure that restitution does not lead to entitlement
* ensure that skilled facilitators are equipped to “keep” people within the guard rails
* allow for flexibility and creativity
* ensure that restitution is something for everybody – different role players have different responsibilities in the restitution process
* define the intertwined nature between charity, developmental work and restitution as those boundaries can become very unclear.

***Restitution guard rails***

* Naming (precise defining) and acknowledgement of injustice
* Offender taking full responsibility for the unjust behaviour
* Offender getting to know the victims through honest listening to understand the impact of unjust actions
* Victim and offender truth telling about the abuse
* Offender’s sincere remorse for wrong behaviour
* Offender’s repentance for wrong behaviour
* Offender’s unconditional apology for wrong behaviour
* Offender’s commitment to transformed behaviour
* Acknowledgement that restitution is not charity; the offended party should lead the restitution process and determines what type of restitution should be rendered, that restitution includes the repair or replacement of unjust systemic structures.