



“Restorative Justice: An agenda for Europe”

Introduction to the AGIS
project



AGIS 2006

With financial support from the AGIS Programme
European Commission - Directorate-General Justice, Freedom and Security



What is "AGIS"?

- A framework programme adopted by the EU Council in 2002:
 - Period 2003-2007 (ended 2006).
 - Managed by EC Directorate-General Justice, Freedom and Security.
 - Replaced earlier programmes (Grotius, Hippokrates, Falcone, ...).

- For what?
 - Co-operation in criminal matters: to help police, the judiciary, governmental officials, victim services, governmental officials and other professionals from the EU member states and candidate countries.

- How?
 - Supporting transnational projects for these targeted groups to set up Europe-wide networks, and to exchange information and best practices.
 - Encouraging Member States to establish co-operation with the applicant countries and other third countries.

- Projects:
 - To be approved by EC within annual work programmes and after a call for proposal.
 - Maximum duration of project: 2 years.

- New framework programmes 2007-2013:
 - Security and Safeguarding Liberties
 - Fundamental Rights and Justice
 - Specific programme 'Criminal Justice'



European Forum: Previous AGIS projects

- AGIS I “Working towards the creation of European training models for practitioners and legal practitioners in relation to restorative justice”
 - 2003-2004
 - Recommendations on the training of mediators
 - Training course for prosecutors and judges on restorative justice.

- AGIS II “Meeting the challenges of introducing victim-offender mediation in Central and Eastern Europe”
 - December 2003 to November 2005
 - To realise an effective support to the development of RJ in these areas.



Why a third AGIS project ?

- Evolution of RJ in Europe: asymmetrical development.
- European Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings (art. 10 and art. 17). .7
- Positive impact of the AGIS II Project (Central and Eastern Europe). .2
- Very similar questions and needs within countries. Working in isolation.
- What is the role of the European Union? Need for a comparative analysis about whether the EU has to regulate any further in the field. .3
- But: field of competence of the EU? .8
- What should be regulated? By which instruments? Which basic principles?

- .2 The project in itself has led to the appearance of new experiences and projects and increase the dynamics of existing ones in these countries
.; 21/01/2007
- .3 Which cases are appropriate for mediation
What is the position of the RJ schemes in relation with the CJS?
How should the need for legal guards be met?
What are the criteria for training and supervision of mediators?
How to improve the cooperation between legal practitioners, RJ service providers, policy makers..
.; 20/01/2007
- .7 Art. 10 Penal mediation in the course of criminal proceedings:
1. Each Member State shall seek to promote mediation in criminal cases for offences which it considers appropriate for this sort of measure
2. Each Member State shall ensure that any agreement between the victim and the offender reached in the course of such mediation in criminal cases can be taken into account.
- Art. 17 Implementation
Each Member State shall bring into force laws, regulations and administrative provisions necessary to comply with this Framework Decision:
Regarding Article 10, 22 March 2006.
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- .8 Decide the place for the logo of the EC
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Intermezzo

“Restorative justice” in a European context:

- Broad notion: “a set of guiding principles in relation to crime, criminal justice and society”
- Prototypes of practices:
 - Victim-offender mediation
 - Conferencing
- Principles orient practices and policies in related fields



AGIS III: "Restorative Justice: an agenda for Europe"

General objectives:

- To realise an effective support to the development of RJ in the south of Europe.
 - "GOING SOUTH"

- To research what could be the potential role of the EU in the further development of RJ in the whole of the EU.
 - "EU POLICIES"



Southern Europe

Specific objectives

- Analysing, what the possibilities are for developing restorative justice in Southern European countries;
- Discussing how the experience in the rest of Europe (North, East and Central) can inform and support the development of restorative justice in Southern Europe;
- Discussing what countries in the rest of Europe can learn from the developments in Southern Europe;
- Preparing strategies for promoting the development of an integrated policy concerning restorative justice in Southern European countries;
- Creating dynamics for exchange and co-operation between Southern European countries.



EU policies

Specific objectives

- Analysing the existing legislation on the national level in all EU Member States;
- Making an overview of the existing international regulations;
- Exploring the main needs at national level which could have implications for EU policies;
- Studying whether these needs require specific regulation or other initiative at the level of the European Union;
- Studying whether there is a legal basis and whether it is opportune to actually regulate these issues at the level of the European Union;
- If so, discussing the concrete forms, instruments and the content of the EU policies that are required.



Beneficiaries

- Mediation services and others wanting to set up a mediation services;
- Policy makers (within the different ministries of Justice, Home Affairs and Welfare);
- The European Commission and other European institutions;
- Legal practitioners (judges, prosecutors, lawyers);
- Research institutes;
- Victims, offenders and the general public.



Instruments

- Group of Experts - Southern Europe
- Steering Group - EU Policies
- European Forum for Restorative Justice: the Board and the Committees.
- Staff members:
 - Jolien Willemsens (Project Coordinator & Researcher)
 - Leni Sannen (Project Assistant)
 - Clara Casado (Project Officer)
- Duration: 24 months from June 1st 2006 until May 30th 2008



Group of Experts Southern Europe

Belgium	■ Suggnomè
France	■ Citoyens et Justice
Greece	■ F. Kremmydas-Ph. Doris & Associates Law Firm
Italy	■ Don Calabria Institute ■ Juvenile Justice Department
Malta	■ Victim Support Malta
Portugal	■ Victim Support (APAV)
Spain	■ University of La Rioja ■ Centre for Legal Studies ■ Juvenile Justice Department (Catalan Government)
Turkey	■ Istanbul Bilgi University - Human Rights Law Research Centre



The role of the experts

“To contribute in an active way to the realisation of the objectives of the project”:

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- Preparing and attending to the meetings, seminars...
- Spread the information about the project and its findings to other people and organisations.
- Actively work to promote networking within their own country and between their own country and others.
- Co-organise the planned events with the Forum:

- .4 To orient and support the project through different actions
Function as a bridge to relevant agencies and authorities in their own country
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Steering Committee

EU policies

- Partners:
 - Catholic University of Leuven
 - Cardiff Law School
 - Max-Planck-Institute
 - ERA (European Law Academy)

- Role of the experts:
 - Devise the strategy and the methodology of the research
 - Support and evaluate the work of the researcher



1st step:
Biennial conference of the Forum
Barcelona June 2006

- Identify main needs regarding RJ in Europe.
- Explore the challenges faced by Southern European countries when implementing RJ.

2nd step A:
EU policies: First Steering Group meeting
Helsinki December 2006

- Start the research of the EU policies part of the project.



2nd step B:

Southern Europe: First Expert Group meeting Bordeaux, January 2007

- Overview of the state of affairs of RJ practices and the RJ concept in the respective countries.
- Discuss the main challenges and supportive factors in relation to the implementation of RJ practices.
- Explore and analyse at the conceptual and practical level what possibilities there are for implementing RJ practices in SE countries, given their specific political, social, cultural and legal background.
- What the North and the South can learn from each other



3th step:
Lisbon seminar
10-12 May, 2007

Southern Europe

- Present to policy makers and criminal and legal practitioners the findings so far;
- Discuss the challenges faced by the SE countries to implement RJ;
- Study with legal practitioners and policy makers how this challenges could be met;
- What can be learned from the West by the South and vice versa.

EU policies

- Discuss the current state of affairs of RJ legislation in all European Countries and its gaps.

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Analyse how the Northern European Countries can inform and support the implementation of RJ schemes in the Southern European countries

Discuss what can be learned by the Northern countries on the implementation experience and practices already in place for the SE countries

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4th step: Second meeting - Expert Group and Steering Group

Trier, 29-30 November, 1 December 2007

- Prepare strategies to develop an integrated policy concerning RJ.
- Create dynamics for exchange and networking South-North.
- Planning means of cooperation between Southern European countries.
- Build further on:
 - the main challenges to introduce RJ schemes in SE countries and
 - what Northern and Southern European countries can learn from each other.
- Discuss the main areas in which EU policy is required and possible.
- Prepare the Final Conference in Rome.



Final Conference

Rome, April 17 – 19, 2008

- Present the findings and conclusions of the project: challenges, needs, strategies
- Devise how to use these findings in a practical way, “the action plan”:
 - Planning new projects based on bi- and multi-lateral cooperation.
 - Defining recommendations for national and international policy developments.
- Recommendations on the role of the EU.



Expected outcomes

- Identification of the specific needs of SE countries when implementing RJ schemes.
- Tools will be provided to the partners to:
 - Help a better implementation of RJ in their countries
 - Improve their practice and provision of services.
- Design of strategies for further RJ policy development in SE.
- Clarification on what the legal possibilities are for regulating in this field at the level of the EU and whether it is opportune to do so, making concrete recommendations.
- Two final publications.



- Back to Lisbon ...