

## ADDRESSING THE PUBLIC

### GENERAL REMARKS

This section contains on the one hand a few general deliberations regarding the importance of the media while the majority of the presentations deal with concrete examples of working with the media or trying out new paths of addressing the public. Charles Pollard had set the stage by exercising the art of combining 'philosophy' with practical advice. Several presenters have worked as communication (Public Relations) experts for mediation services (Gro Jorgensen in Norway, Kristel Buntinx in Belgium; Rasim Gjoka fulfils this role as head of the AFRC in Albania, and so does in a similar way Gerd Delattre in Germany) We do find reports of specific strategies and projects to involve the wider public, e.g. from the Czech Republic and in the case of the training of 'multi-cultural agents' in Puglia, in Italy. John Bailie and Vidia Negra explicated communication strategies centred around the film 'Burning Bridges' and Anneke Van Hoek and Martine Bouman talked about the education-entertainment strategy of Radio La Benevolencija. One workshop gave examples of getting access to the wider public and the society by using school restorative justice approaches.

Plenary session: *Addressing the public*

Presented by: Sir Charles Pollard (U.K.)

Chair: Joao Lazaro

Addressing the Public is highly relevant to what we all want to see and to the AGIS programme - raising public awareness is critical if RJ is to become a daily part of life in Europe and if citizens are to be actively involved in better methods of delivering criminal justice and other conflicts.

The presentation covers:

- Where I 'come from on RJ' - restorative conferencing. How that has been very important in lobbying, media & PR work
- The innate nature of RJ - its disadvantages & advantages in trying to communicate it to the Government & politicians, opinion-formers, the public & the media
- What or who are the best 'communication tools' for getting understanding and buy-in of RJ?
- What are the key tactics to employ in presenting RJ to the public through the media?
- Conclusions - the Way Forward.

#### 1. 'Where I come from on RJ'

##### a. Thames Valley Police - where and what it is

Thames Valley Police is the largest non-Metropolitan Police Service in UK with some 7,000 staff - police and support staff - covering a population of 2.5m people. It covers the area just west & north of Heathrow - so, when you are flying in to Heathrow (in the knowledge of course that they will lose all your luggage), the good thing is that if the plane crashes, the likelihood is that it will occur in the area of Thames Valley, so you will have this very good police force looking after your interests! There are good things that come out of all disasters in life!

**b. Developing new ways of dealing with crime**

When I was Chief Constable of TVP in the 1990s, my senior colleagues and I were concerned that the CJS didn't meet the needs of our communities. Indeed, why would anyone then - or in fact now - consider that it did or does meet those needs, when in real terms the CJS excludes from its workings those very people who are harmed by crime, those who have a major interest in what happens and are therefore critical to its success ... victims of crime!

Of course in England/Wales lawyers say that the Justice system does involve victims ... but this is as witnesses - as givers of evidence - and it does nothing to recognize their intrinsic needs as people. No wonder less that one third of victims are satisfied with the CJS.

So in TVP we started experimenting with that area where we the police had jurisdiction - dealing with cases ourselves involving youngsters aged 17 or under, where the police could deal directly with some youth crime themselves without going to court. We started bringing offending youngsters and their crime victims together in meetings with their respective families and supporters.

And do you know, it worked! Everyone seemed to like it, to find it valuable - and as well as victims having VERY HIGH levels of satisfaction with it, there was clear evidence that it was helping youngsters back on the straight and narrow and reducing re-offending.

And then one of my officers started using it in a troubled local secondary school, which was in difficulty & classified as a 'failing school'. They had a brand new Head Teacher - recruited to get them out of 'special measures' - who was charismatic and innovative. And do you know, it worked again!

So not only did RJ work in the CJS, it had a big impact too on behaviour in schools ... tackling bad behaviour, bullying & truancy whilst at the same time reducing school exclusions.

And another key thing. When I saw & observed my first RJ conference - even one that was not brilliant - I understood *for the first time* what RJ is and why it works! Up until then I had seen lots of written material, read learned articles & books, spoken to practitioners etc ... but until I actually *witnessed* it, I realized I had not properly understood it (case of father of boy as key 'learner' - he needed to be a proper father!).

**c. Our RJ philosophy - RJ not mediation**

I need to be clear about what form of RJ we developed.

It is Restorative Conferencing that we developed meaning

- Face-to-face meetings (but occasionally this would include indirect contact if either party did not want to meet)
- Involving not just the primary victim and offender/perpetrator, but also family, neighbours & friends as secondary victims or supporters
- Focussing on the harm caused and holding the 'harmer' accountable personally to the victim
- Using a scripted process, but not mechanistically - following the principles
- Outcome agreement looking for reparation, restoration, closure and focussing on the future

We used a similar model in schools but of course using different terminology.

Let us be clear. For the purpose of selling RJ to my police officers and other staff colleagues - and for telling our stakeholders, the public and the media what we were doing - we were very definitely not carrying out 'mediation'. Had we as police officers told victims of crime that we wanted to hold a mediation meeting between them and their offender, we would have lost all credibility. So, they would say, you want me to meet my offender for a discussion, a discussion in which we come together as 'equals' to resolve a dispute between us!? You must be joking! There is no *dispute*! What happened

was that Billy stole *my* car, he *damaged* it, he has caused me *massive aggro* - and now you are saying I should sit down and discuss it with him!? You must be joking!

But using the term 'restorative justice' - explaining the benefits of meeting and being clear that it was the victims chance to express the harm & hurt & anger that they felt, and then to move on to see what could be done to put it right, in effect holding the offender to account - people in the community had no problem at all.

Not only that but explained in this way, only very rarely did we have a problem with the media. We were very open with the media, we encouraged them to learn about RJ and even to experience it if they could. In those days, the local media very rarely talked about RJ as a soft option. They were nearly always totally supportive of RJ.

The reason I am explaining this is that it goes to the very heart of communicating RJ to the public. And not just the public. If we are to engage people - citizens, politicians, opinion-formers, the media - *the way in which we communicate* what RJ is absolutely critical!

I appreciate here that every country & every language is different, and no doubt the terms 'mediation' and 'restorative justice' have slightly different connotations. But in UK, mediation is the term commonly used by everyone in relation to disputes - *civil... disputes...* between individuals or organizations - and highly respected in that context. But personally, I would never use it to describe a process for use in criminal justice involving an offender & a victim, indeed in any context where there is a 'harmer' and 'a person harmed'.

This - the difficulty of explaining and communicating RJ - leads me on to my next point.

## 2. The disadvantages & advantages of what RJ is, in trying to communicate it to the public

RJ is actually an extremely difficult concept to explain to people, either directly or on the media. It is not something that can be explained satisfactorily in a couple of minutes, which is what you often have in a television or radio soundbite. It is difficult enough communicating what it is to an audience in (say) half an hour or an hour - let alone in the media context!

The problems are

- Complexity - it is simply too complicated to describe easily & quickly!
- People's pre-conceived ideas about the criminal justice system - they think that if someone commits a crime, they normally go to court to be punished and most probably that means a fine or prison. Simple. Anything else sounds a bit eccentric!
- It is counter-intuitive. What people think works about crime & punishment is often the opposite of what the evidence shows actually works, particularly the evidence on RJ!
- It is about feelings and emotions! It is very difficult to communicate a theory or a practice based on feelings & emotions, as opposed to facts. Of course one can give the bald facts and evidence about RJ but it does not engage the listener!
- In UK we have a highly adversarial way of working in our democracy, in our Parliament, in our courts and particularly in our media. The red-tops (tabloid newspapers) are described often as the 'feral media' - like wild animals as opposed to domestic animals! Many other European countries have a more responsible media so the problems here are hopefully less.
- I am not a psychologist but we now know that vengeance in human beings is a VERY powerful emotion. Note the example of tests of people's reaction to pleasurable things (eg chocolate) and to vengeance - the same parts of the brain light up!

On the other hand RJ has some very good strengths too

- The public and media love crime stories - so if you are talking about RJ in the CJS, there should be a way in!

Report of the fifth conference of the European Forum for Restorative Justice, *Building restorative justice in Europe: cooperation between the public, policy makers, practitioners and researchers*, Verona, 17-19 April 2008

- The public and the media love real human interest stories - and almost every RJ case is a human interest story!
- Once people *do* understand it, RJ simply seems 'common sense'!

So, if we can maximise the advantages of RJ in the media and minimise the disadvantages, we can find some solutions! Here they are - at least, a set of suggestions which hopefully will help!

They represent the things I have learned (often from my mistakes!) through numerous appearances on radio & television (for me and for getting others on), including news items, chat shows & phone-ins; making full length TV/radio documentaries; contributing in the written media & on the internet; and in conversations and encounters with others, trying to 'sell' RJ at conferences, seminars, and at meetings (eg with Prime Ministers, Ministers, politicians, Judges, lawyers, citizens etc).

These suggestions below relate only to RJ in the CJS, but they are similar in principle to any area of RJ. Whether these suggestions work for you - in your country or in your area of work - is something you will all need to consider!

### 3. What or who are the best 'communication tools' for getting understanding and buy-in of RJ?

#### Principles [A]

Here is the hierarchy of experiences and communication tools that determine the best likelihood of a person understanding what RJ is and how it works. It applies particularly to lobbying - for example, trying to get Government Ministers and officials to understand the potential of RJ, with the object of getting funding for RJ or legislation brought in.

But the same principles apply to any presentation about RJ to an audience either directly or through the media.

- a) Sitting in directly on, and observing, a restorative conference
- b) Hearing a RJ Case Study - listening to those who have experienced a restorative conference, particularly the offender or victim, telling you about their RJ conference afterwards
- c) Ditto, but with either the offender or the victim telling their story following the conference without the other party.
- d) Watch a film of an actual RJ conference, or a play or film with an acted RJ conference
- e) Participate in a role-play of a RJ conference
- f) Read a book about RJ! This can be very effective but for the layman it needs to be a short, pithy book without lots of academic & theoretic background, such as "The Little Book of Restorative Justice" by Howard Zehr or "Why Restorative Justice?" by Roger Graef.

I am sure there are lots of other short books and leaflets equally effective, written by people in our audience here today ... in which case my sincere apologies for not mentioning you!

Of course this is a completely different genre of RJ books from the numerous textbooks and other excellent treatises on RJ on the market, which are excellent for students of RJ as opposed to the layman.

- g) Listen to someone telling you what RJ is and how it works.

Clearly the best way for anyone to learn about RJ is (a). By sitting in and observing a RJ Conference one really gets to understand what it is all about, as I found for myself in Thames Valley.

This principle was followed in London in 2002-2003, when in Government RJ Trials 400 RJ conferences were held with serious offenders involved in robbery, burglary & violent crime between plea & sentence. An observer programme was set up in conjunction with the researchers, Professor Larry Sherman & Heather Strang, and about 70 major opinion-formers - Ministers, Officials, Judges, CJS Professionals & Journalists - went through the programme. This had a major impact on Government policy in the short term through publication of a Government Strategy for RJ, but interest has reduced as time has

marched on and new uninformed people have taken the place of those who attended. The current Government position is that Ministers are awaiting the publication of the 4<sup>th</sup> report of the series of 4 reports on the results, before making any decisions. We are expecting news on this publication in the late Summer.

A second very impactful way of presenting RJ is by listening to participants talking about their experiences in case studies selected for the purpose. This can be them talking to an individual, or to an audience, or on radio or television.

In UK we have one particularly powerful case study at the present time, where a gangster, prolific offender and drug addict called Peter Woolf met two of his burglary victims in a RJ conference (in the London Trials [above]). It was a dramatic meeting as a result of which Peter Woolf was completely transformed by the experience. He 'did his time' and is now a totally transformed character. He and one of his victims, Will Riley, are now friends and they often speak on platforms, or appear in the media, together.

This is brilliant RJ marketing! Peter has now written an outstanding book *The Damage Done* about his life and the transformation of it through the RJ conference. It is due to be published on 13 May. He is also donating part of the proceeds of the book to set up a charity for victims of crime who have been through RJ - a campaigning group aimed at getting rights for all victims of crime to meet their offender in appropriate circumstances - chaired by Will Riley.

Driven by the UK's Restorative Justice Consortium under Chief Executive Harriet Bailey, it is hoped that this organization will become the focus for a large cadre of former crime victims who have been through RJ, who will not only join the new organization (called *Why Me?*) but also appear regularly on Britain's television & radio.

So ... all experience tells us that by far the best & most effective people to promote RJ in the media are those who have been through it. It is easy to argue with RJ professionals, but very difficult to argue with those who have done it! You cannot argue with feelings and emotions - displayed by people who have participated in RJ - in the way you can argue against the RJ establishment.

The next best means of communicating RJ is by showing a good DVD film made of a real RJ conference. Several films are out there in UK, including one made under the auspices of the Restorative Justice Consortium - and there is of course the Australian film *Facing the Demons* - but none of the CJ films seem to be ideal unless anybody here knows of one (in contrast to some Schools RA films). Hopefully this will change soon as the Restorative Justice Consortium has just commissioned a short 8 minute film to be made of the Peter Woolf & Will Riley case - not a filmed conference but the next best thing - due to be launched along with the book on 13 May. All details of the Launch, *The Damage Done*, *Why Me?*, and the 8 minute film will appear in due course on the RJC's website.

Of course many people here will be aware of the use that can be made of RJ role-plays for communicating RJ. Naturally these are widely used in training - but how often are they used simply for RJ awareness? Maybe there is scope here.

#### **4. What are the key tactics to employ in presenting RJ to the public through the media?**

The principles above at Principles [A] are designed to illustrate the best ways of getting RJ across to others, particularly opinion-formers and the media. But communicating through the media, particularly when doing so to a mass audience of people who may be very cynical about RJ, requires careful handling. Here are some suggestions for how to avoid the pitfalls, and get the best from, a media opportunity:

##### **Principles [B]**

- a) Choose only a narrow RJ area such as RJ in Criminal Justice, or in Schools, or in the Community. Don't try to group them altogether! Nor try to explain RJ as a concept unless it is to an academic or intellectual audience.
- b) Concentrate on face-to-face RJ. At least you can easily explain what a RJ meeting is, who comes and what they discuss, The listener can imagine what a meeting looks like, even if they will struggle to understand what a meeting feels like!

- c) Don't talk in 'RJ speak'! Consider how the audience understands crime issues and relate your words to that.
- d) Debunk the myths straight away. It is just as important to say what RJ is not, as much as what it is!
  - RJ is not a new-fangled liberal invention to keep people out of prison! In fact it is not particularly about prison ... it is about giving victims of crime a central place in 'the system', stopping people committing crime and helping local communities take more control over their lives.
  - RJ is tough! Facing directly and personally up to how you have harmed someone in a face-to-face meeting with them is often more challenging than sitting in court, not having to say anything and having a lawyer to do all your talking for you! Research shows that many offenders find restorative justice at least as 'tough' as going to court.
  - RJ - restorative conferencing - is very different from mediation, used in solving 'civil disputes' and with the civil law courts. It is about holding the offender accountable for the harm he has caused, so that he makes amends to his victim.
- e) Give examples & stories. As above, this is the most vital suggestion of all! They bring RJ alight! People get turned off by admin-speak, and official-ese and RJ-speak. But if asked, give the overwhelming evidence that supports RJ and the costs.
- f) Provide the hard evidence. RJ has been subjected to more rigorous research & testing than almost any other intervention in criminal justice. Not only more research, and more rigorous research, but the results are also better. RJ provides very high satisfaction to victims of crime and helps them get over what happened to them; and it reduces re-offending in many cases, particularly with personal crimes like assault, mugging and burglary.
- g) Make the financial case. Any new reform costs money. RJ is very cost-effective. It takes some money to introduce it - eg training staff - but this is an investment, not a cost. Evidence shows a 1-9 saving in criminal justice costs in some RJ trials.
- h) If faced with a RJ horror story where something has apparently gone wrong and the media want to interview RJ professionals about it, there are 2 rules:
  - Check this case was a genuine RJ case. You will probably find it has nothing at all to do with RJ! Then you need to go very high profile on the media to say so (eg case in UK about Domestic Violence, nothing whatsoever to do with RJ) !
  - Follow the maxim *Feed the Sharks!* The more RJ info and examples and case studies the media want, the more you give to them. That way they have less and less time to concentrate on what went wrong, particularly if you give them stunning examples of when RJ has worked well!  
If you don't feed the media, they will eat you!
- i) If planning to get a RJ story line accepted in to a popular TV 'soap' to gain publicity for RJ, beware! In UK's Coronation Street, the RJ conference was held without preparation and without a facilitator, and the victim and offender had a huge punch-up! The Coronation Street producers had previously pledged to present RJ accurately & fairly after a full briefing! Remember, soaps have only one interest - to create a story line to lead on the next episode!

## 5. Conclusions - the Way Forward

- RJ has a superb story to tell
- We now have much rigorous evidence showing the major contribution RJ can make to our respective country's Criminal Justice Systems - and in other areas like schools.
- RJ is all about involving and engaging citizens. Quite apart from engaging politicians & opinion-formers, we all need to be very pro-active in promoting RJ to our public through the media.

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- RJ should never be 'a secret garden' - it is in the public interest that RJ becomes much bigger and wider in its impact in Europe. All RJ Managers & Practitioners should regard themselves as 'RJ Missionaries' as well as (hopefully) being good at their day job!
- Observer Programmes are very good for showing politicians, judges and other opinion-formers what RJ is. They need to experience RJ first-hand through this, as well as receive the hard-edged written evidence that supports RJ. They also need to know that RJ is very cost-effective.
- For the media, we all need to ensure we have lots of case studies in which past participants in RJ, particularly former offenders or victims who have been through RJ, are ready & willing to tell their stories in the media.
- We need lots of this.

Lets all pledge ourselves to really go for it. Lets put RJ fully on the map of each of our countries, and on the map of Europe!

***Burning Bridges: Engaging communities and raising public awareness about restorative practices***

Presented by: John Bailie (USA) and Vidia Negra (Hungary)

Chair: Belinda Hopkins (UK)

This workshop was to explore innovative ways to actively engage affected community stakeholders in restorative practices while raising public awareness about the effectiveness and legitimacy of restorative options. This presentation included interactive discussion and a showing of the IIRP-produced documentary "Burning Bridges".

"Burning Bridges" is a documentary about the arson of Mood's Bridge, a historic covered bridge in Bucks County, Pennsylvania, USA, and the restorative conference held in its wake. The International Institute for Restorative Practices facilitated this emotional conference, which brought together the six young men who burned down the bridge with their families and members of the community. Using news footage, interviews and video of the actual conference, the documentary tells the story of a community moving through grief and anger to healing.

The presenters discussed how advocates for restorative practices can accomplish the dual aims of providing effective processes that meet the needs of a wider circle of stakeholders while effectively educating policy-makers and the general public. Both presenters bring a wealth of experience as practitioners, community organizers and as international advocates for restorative practices.

*John Bailie is a Training and Consulting Coordinator at the International Institute for Restorative Practices (IIRP). He provides restorative practices training and consulting in the United States and internationally - including schools, juvenile justice agencies and youth serving organizations. He is an experienced restorative conference facilitator in adult and juvenile cases, including those involving felony-level offences. He is also a counselor for troubled-youth and experienced community organizer.*

*Vidia Negra has been a teacher, clinical psychologist in a reformatory school and juvenile justice researcher. After a year learning about restorative practices while working with the IIRP in the USA, she founded CSF Hungary, a school for troubled youth, in Budapest. She is a trainer for the IIRP in Europe.*

**Workshop notes by Isabella Pirolo**

The presenters at first underlined the importance of watching a practical example of Restorative Practices as it is much more easier, in their view, to understand what we mean with restorative justice practices by seeing what they really look like. The workshop begins

with the projection of a film titled: "Burning Bridges". This film is also used by Vidia Negrea in Hungary to teach psychologists and pedagogues in Hungary on the content and meaning of Restorative Justice practices. The film is about a real event that happened in the US involving 6 young men aged between 20 and 21 years old; they burned down a bridge, the Moods Covered Bridge that was really important to the community where they live. It was an historical piece of the town, built around the XIX century and all the people were really attached to it. This crime, of course, was a real shock for the people living there. The film shows the first reactions of the community and how it was prepared a conference between the offenders and some representative members of the community, affected by the crime, to talk about what was happened. The imputation against the boys was of arson, for which the usual punishment is until 20 years of conviction.

The International Institute of Restorative Practices was called and they tried to make people understand what was happened and to link again the young guys to the community. The first step consisted in meeting the guys at their places to let them know what was going to happen on the day of the conference. At the same time the members of the association went to meet the members of the community to let them understand the importance of the meeting. On the day of the Conference there were all the 6 guys and several member of the community. The mediator asked the offenders some questions such as: 1) What happened?; 2) What were you thinking at the time?; 3) What did you think about since?; 4) Who do you think was affected by your action?. Then the mediator asked to the others participants to describe their reactions and feelings after the collapse of the bridge. All the participants underline their shock in discovering who the arsonists were and that it was a shame that 6 young guys had wasted their own lives. Thirdly it was the turn of the parents of the young guys to express what they were going through. The last step was to address everybody to think about which was the main issue rising from the whole situation. The 6 guys apologised for their action and that was the most relevant thing for the members of the community. After 6 months from this first conference, the International Institute of Restorative Practices held after a public forum in which came 200 members of the community, there was shown the video of the first encounter and the whole encounter lasted more or less 3 hours and a half.

The video was also shown at the trial to the judge. The judge, although he was under a lot of politically pressure, made a fair sentence in which the importance of compensating for the damage done was emphasised. The term of imprisonment was considerably reduced. Vidia Negrea observed that usually after the projection of the film, all the people use to say that it is too nice to be true, that an encounter as the one in the film is possible only in little and really strict community. She actually explained that while training psychologists and other professionals she sometimes stops the movie to ask to the spectators what they would feel in the same situation. After that, they understand that they would behave like in the same way. To conclude, the film is a tool to make people understand that it is possible to use Restorative Practices.

## Discussion

The participants of the workshop addressed several questions to the presenters:

1) Did the young men re-offend afterwards?

No, by now they didn't.

2) How did the International Institute of Restorative Justice Practices choose which members of the community had to participate at the first encounter?

John Bailie underlines that it is not easy to select which people are more affected by a crime, particularly in this kind of case. But in this particular situation they had some contacts within the town and they asked them who, in their opinion, were the ones that should be involved in the meeting, the ones that were more upset after the burning of the bridge. Then, the Institute itself wanted to make participate some specific categories of people and, for this reason, they involved also a fireman. One the most important thing is that there cannot be too many people at the beginning, in fact only later on was organised the public forum.

3) How did the International Institute of Restorative Practices select this particular crime? They selected this particular situation: first because it was suitable to utilize Restorative Practices, then because they know some lawyers involved in the case. This was a plus, as they did not make the lawyers participate in the conferences and as they knew them they agreed to let the Institute act freely.

4) It is underlined that the Institute had a great responsibility in this situation as it decided to show the video to the judge. It is said that in the film sometimes some behaviours of the 6 young boys at the conference could be misunderstood. It is then asked: which is the best way to present the video to the judge?

John Bailie answers that at the beginning he was sure that during the encounter some of the participants would have asked the boys if they were under drugs or alcohol. But actually, nobody asked it. The boys took a risk as they were filmed while they were talking also in the first part, while they were interviewed in their homes. Vidia Negrea also underlines that it is necessary to evaluate the positive feeling during the conference, it is surprising how is easy it is to express positive feeling.

5) Were the boys sincere during the conference?

John Bailie thinks that maybe they were not completely sincere in the exact moment of the conference but afterwards their attitude is changed thanks to the results obtained through the meetings.

To conclude the Chair remembers that during an encounter where she was participating, all the people involved were really touched and that is the most important thing because thanks to the encounter people can express feelings that they can't express anywhere else. This is the reason why these encounters are so important and they make grow the sense of community within the participants. John Bailie says that, as in this example, something horrible was happened and it was fundamental to try to obtain something constructive from the whole situation. This was possible thanks to Restorative Practices

**Communication for social change: the education-entertainment strategy in theory and practice**

**Presented by:** Anneke van Hoek and Martine Bouman (the Netherlands)

**Chair:** Ian MacDonough (UK)

Worldwide a number of groups have sought ways to incorporate social change messages into radio and television entertainment like popular drama- and soap serials. This so-called entertainment-education (EE) strategy is defined as "...the process of purposively designing and implementing a mediating communication form with the potential of entertaining and educating people, in order to enhance and facilitate different stages of pro-social (behaviour) change". An essential element in this definition is constituted by the words "purposively designing and implementing". There is a need to develop a wider variety of effective and efficient strategies to bridge the gap between cognitive and affective approaches in communication for social change. More affective and heuristic principles appealing to emotions and human interest need to be integrated in this communication strategy.

E-E is a field of scholarly analysis, but its professional practice is strongly linked to the entertainment industry. This 'marriage' between communication scholars and television professionals offers a challenge: How can both collaborate in entertainment projects without short-changing the other party?

In this workshop, the principal theoretical notions of the EE strategy will be discussed and given a practical perspective through the presentation of an EE-radio-project in Rwanda aimed at the prevention of ethnocentric violence, reconciliation and trauma healing. The workshop will close with a discussion about the question whether the EE-strategy can also be of help in informing the public about restorative justice.

*Martine Bouman is the founder and director of the Center for Media & Health and Associate Professor of the Faculty of Behavioural Sciences of the University of Twente in the Netherlands (see [www.enter-educate.nl](http://www.enter-educate.nl)). Bouman has been a pioneer in the field of the entertainment-education strategy (the use of popular entertainment media for prosocial change) since the late eighties. In 1999 she published her book called 'The Turtle and the Peacock'; the entertainment-education on television: collaboration for social change, which was nominated for the ICA dissertation award in 2000. She is author of several articles and publications about entertainment-education and member of honour of the Dutch Society for Health promotion and Prevention.*

*Anneke van Hoek is a criminologist and co-founder and manager of Radio La Benevolencija, an NGO who's mission it is to educate populations in (post) conflict areas on how (group) violence evolves, how it can be prevented and how trauma healing can be stimulated. La Benevolencija develops, produces and implements educational radio programs (soaps, journalistic magazines) and grassroots activities based on the academic work of a.o. genocide scholar prof. Ervin Staub and trauma-expert dr. Laurie Pearlman. In it's project Great Lakes Reconciliation Radio, which runs since 2003 in Rwanda, Burundi and Eastern Congo, it employs the EE-communication .*

**Workshop notes by Anniek Gielen**

A lot of people ask, how to bring RJ to the general public? The answer is the use of a communication strategy → The entertainment-education strategy! Presented by Martine Bouman (centre Media and Health).

The strategy is a way to combine policies with practice. The Social Change project is brought forward in three areas: policy, practice and science → the entertainment-education strategy is:

the process of purposively designing and implementing a mediating communication form with potential of entertaining and educating people, in order to enhance and facilitate different stages of pro-social (behaviour) change (Bouman 1999):

- Process: it is not a simple thing. It is a process of negotiation. You need to have a plan, for example role model theories. You need to take enough time to collaborate. There are stages of collaboration to be considered: pre-orientation, orientation, crystallization, production and implementation.
- Accent on entertainment combined with education is the main point of the strategy.

What about the RJ movement? We want people to change, but in order to change people have to Know, Want, Be Able and Be Allowed. Examples: In order to change people have to know the problem, the subject of RJ. And second example, they have to be able to change, regarding their environment.

The entertainment-education strategy is built on the psychology of how people make decisions and change their behaviour. Five steps are distinguished. The first step where people 'become aware of the idea' is a very important one. It is the step where the knowledge comes to the people. Followed by steps where the information is absorbed and processed: (2) get more facts, (3) evaluate the idea, (4) try it once and (5) adopt change.

Entertainment-education routes to persuasion (based on a scheme): Why use the technique? You start with a pro-social subject, such as RJ. Then you use what you want to use. Sometimes it is necessary to first do a campaign. Then you decide how you want to give the information. You can take a central route in this, or a more peripheral route. The two routes are combined. So try to find the right balance of how to bring the information: rational appeal, emotional appeal, heuristic cues. *The interface of these routes to persuasion is regarded as the playground of the entertainment-education strategy (Bouman 1999)*. Example:

In the health education it is the experience that people sometimes are not interested in the subject. So you can educate the heart by following a more peripheral route.

Refer to the triune brain: mammalian (example: you can cry and feel emotions during a movie), neocortex (example: stimulated during a debate), reptilian (fight brain, example: sports). Followed by the characteristics of entertainment-education television:

- Is designed according to behaviour change theories.
- Follows a time schedule that allows collaboration partners to mutually explore of each other's ideas and expertise; enough time to collaborate.
- Engages target audiences in the different stages of design and production.
- Is guided by extensive (formative) research.
- Is integrated into a larger communication campaign; sometimes a character is used in other campaigns.

There are four different entertainment-education partnership arrangements: inscript lobbying, inscript participation, co-production and independent production.

Further there is a difference between a drama line and the communication line. The communication line is how we used to think. It is one flat line. But real life actually is more like a drama line. Real life is not without ups and downs. For example, when you quit smoking it is not that simple. Sometimes it goes great, other times you crave for a cigarette. It is similar to a drama line → So it is good to look this way now.

Last, there are some ethical considerations.

Report of the fifth conference of the European Forum for Restorative Justice, *Building restorative justice in Europe: cooperation between the public, policy makers, practitioners and researchers*, Verona, 17-19 April 2008

This theoretical explanation was followed by a concrete example of the entertainment-education strategy → The story of Radio La Benevolencija! Presented by Anneke van Hoek.

It is a project since 2003 in Rwanda. The motivation was that radio was a powerful medium in Rwanda. There are three objectives of the project:

- Prevention of group violence; people are very keen on their identity. The violence was of a very personal nature, directed at members of specific groups.
- Trauma healing; if people are traumatised the chance of new offenders is bigger. (mass murder and genocide).
- Stimulate active bystandership; people don't see anything and don't do anything. Stimulate citizens to function as active bystanders when they are confronted with wrongdoing.

Methods used: target audiences that suffer from hate crime, use academically research methods, develop media campaigns, reach the elite and the general population.

The radio project is based on the theories of Staub and Pearlman. It was a big challenge to transfer these complex academic theories (lot of literature) to the people of Rwanda. It had to be reduced to a couple of simple messages. These messages were then spread over the whole storyline. → So it is a radio project that basically has an entertaining character, but peace building messages are added to educate the people of Rwanda. This, to achieve these three objectives = entertainment-education.

But, did they achieve their objectives? Surveys showed that the radio broadcasts have a definite effect on the knowledge and attitude of many listeners. So it looks like they made a difference. Radio listener groups help to improve the programmes. 13 groups of 40 members.

Materials used and handed out in the session

- Summary text of book: turtles and peacocks: collaboration in entertainment-education television, of Martine Bouman
- Handouts Anneke van Hoek
- Article: Prevention of ethnocentric violence in Africa. Entertainment education and the theory of Staub in practice, of Anneke van Hoek, Ervin Staub, Laurie Peralman, George Weiss.

### *Raising public awareness by training multicultural agents*

Presented by: Ilaria de Vanna (Italy)

Chair: Angelica Katsadima (Greece)

The main question about mediation often is "how can we spread mediation?". The existence and diffusion of a "mediation culture" is an important tool of peace building.

The idea of creating a multicultural group of people that has been trained for one year with the aim to go back to their work places or to start working in places where different cultures meet and encounter each other is the main pillar of a project which has been carried on in southern Italy in 2007.

People living in Puglia have gone through a one-year mediation training session. In this training session participated Italian people, and also people from Sudan, Afghanistan, Albania and so on, who worked together in a "human oriented" multicultural workshop.

Several months after the end of the training it was possible to collect the opinions of each of those people on how mediation and mediation tools have been used and applied according to the situations and the culture where they have worked. Each one of them has developed and applied different strategies and approaches to address the people they met.

Report of the fifth conference of the European Forum for Restorative Justice, *Building restorative justice in Europe: cooperation between the public, policy makers, practitioners and researchers*, Verona, 17-19 April 2008

A follow-up reflection about this experience has provided us with more than one answer to the initial question on "how to spread mediation" and different ways to address people in order to build knowledge on mediation.

*Ilaria De Vanna is a psychologist, a mediator in the Mediation Office in Bari since 1996, Mediation Trainer. Member of the Committee of MediaRes, the first Italian magazine on mediation. She cooperates with schools for several school mediation projects.*

*Transcription of the most important part of the DVD displayed in the workshop by Ilaria de Vanna. (This DVD where the following and other interviews had been recorded, have been the focus of the discussion during the café conference.)*

### **An Interview with Moteza**

**Can you tell us something about yourself?**

Hello, my name is Moteza, I am Iranian and have lived in Bari for just over 25 years. I came here to study, and graduated in Electronic Engineering, however I now do other work.

**Can you talk about your job?**

At the moment I work with foreigners, although defining exactly what I do is difficult, because I myself don't really know what it is I do because often the person who contacts me gives my job a different name, depending on what suits him. So, generally speaking I should be a cultural mediator, although I'm often asked to interpret subliminal thoughts, which I don't know how to understand or to translate. As long as the work regards translation (as an interpreter) I do it; for example I work with the juvenile court, at the court, at the police station, with the Centro Permanenza Temporanea (CPT), and with other organizations who contact me for translation work...or sometimes with hospitals who need an intercultural mediator, or for unaccompanied juveniles, who I work with as an intercultural mediator.

**Why did you decide to participate on a course to become an Intercultural Mediator?**

The thing that made me want to participate on the course was that I wished to acquire those qualifications that I was criticized for not having, but which when you possess them, are often ignored. However, I have tried to use these skills because doing this work for many years, I noticed that people often said to me, "You're not a mediator, because you are not qualified to do it", however I worked pretty well even though I wasn't qualified. Since I've had my qualifications, very few public bodies have contacted me.. Who knows why...

**Why is that?**

I would say that in order to work as a cultural mediator, those that work with you must also have a certain cultural background, it's not enough to just propose work connected to culture.. The institutions often want only to fulfil their bureaucratic obligations and say "ok, we've done our job". This is when they propose projects which are on their agenda, for example, I could talk about the subject of "the active member of the community." When we speak about the active member of the community who should be participating and aware of his rights, we meet with resistance from the authorities who don't want the mediator to talk about the lack of training and information available. They see you not as a resource, but as an obstacle to their bureaucratic procedures.

**Of the things you learnt during the course, which have been most useful to you in your work?**

I have to confess that before participating on the course I was very sceptical because I knew that training courses often don't have training as their objective, but rather the

objective of "using people in order to do a course". However the things that I learnt during the course have been surprisingly useful to me. The various training modules, for example those on conflict mediation, conflict management, welfare knowledge and the modification of Law 19 and its application by the various institutions, are tools which make up part of the programme of the current regional government. However these tools are hardly ever used effectively. Each time that I brought up the question of conflict resolution, which in my opinion should not be handled by an intercultural mediator but rather by the people who had taught us about this method (this method is most useful when working with juveniles where ethnic conflicts between Italians and foreigners first develop), I met with a hostile reaction from the authorities, and the very people who should in fact be involved in these questions regarding conflict management were not interested. The same thing goes for the application of the welfare reforms which are difficult to apply when a foreign citizen finds himself involved with the institutions. I too, had a lot of difficulty, when I tried to apply the things that the course had taught me.

**Can you tell us about your experience?**

Yes, I can tell you about an experience which was both positive and at the same time negative. It was about three months ago, when we received the news from the port that the border police had stopped four afghan juveniles who were asking for asylum in Italy. Naturally, the police refused to give this permission, and had already ordered that the boys be "sent back" to Greece. After a long period of mediation, which also involved a request for help from some members of Parliament, we were able to stop the boys being deported back to their own country, and we put them in children's home. This was a great success for us because with perseverance we were able to change the destiny of these 4 boys. Naturally, the country which had the responsibility of deciding their fate was Italy, as it was the first safe country, so these boys could not ask for asylum in another country. As I said, however, there was also a negative side to this experience. We immediately gave these boys the chance to learn Italian with an excellent language course for young people and above all, an excellent course for Afghan juveniles...and they began to learn Italian. However, the home where they lived had a theatre project and they needed "characters" for a play. It reminds me of a scene from Pirandello. These boys came from Afghanistan to tell us about their dramatic situation, and the people in charge of the children's home rather than listening to their dramatic story instead offered parody and a theatrical part as a character in a play which made fun of them. Their answer was "we didn't realise". At the end, in desperation, these boys ran away from Italy...there are also some negative aspects of a bureaucracy which refuses to understand the position that these young people find themselves in. To quote an Afghan saying "if we see our world as hostile and alien this serves to take away our freedom and make us more alone".

**Which methodologies and techniques used during the course could be used to safeguard minority rights?**

I believe that in a society where equality exists the concept of a minority ethnic group takes on another meaning, not a negative meaning, but it is instead a resource which enriches society. I'm speaking about a multicultural, multiracial society which has already existed. Just look at Argentina, with its large Italian community, who have contributed much to society, or Brazil, with its many ethnic groups and the benefits they have brought to the country. Unfortunately this phobia towards ethnic minorities, which in itself leads to fear, for no good reason, means that a richly diverse society cannot develop. So, the tools which I acquired during the course are: to have respect for others and the conviction that we are all equal, and to recognize that each individual and ethnic group is unique, and not the image portrayed in the film "Le vie del Signore sono infinite." in which there is a scene where Massimo Troisi uses a wheelchair in solidarity with his invalid friend, even though he himself has no need for it. The character's brother then gets over his depression because he has somebody that he can help. This is all well and good until later in the film there is another scene where the character played by Troisi tires of using the wheelchair and his brother becomes depressed once again....This is also true of the social services, who often

use the foreigner as "the person who needs help", like a handicapped person who needs help, and do not let him be autonomous and take control of his own life.

My name is Aimen and I work as an Intercultural mediator, or a cultural-linguistic mediator. I like my work above all because it reminds me that I too am an Immigrant. I believe that every immigrant has a specific and special role to play in society. Each one also has a gift to give to both Italians and to other immigrants, because when I look back to that first day, I was certainly not the person that I am today. Certain people have helped me along my way, they have encouraged me, accepted me and welcomed me, so that now I believe. I have believed in this for a long time. I began to work as a mediator as much as possible. I have a gift to give and I want to be able to give it. I also decided to be a mediator so I wouldn't have to sit behind a desk. I told the bosses and officials that I was willing to work on the streets so that I could be in contact with other immigrants. I cannot stay in an office because in this way I'm not able to have real contact with other immigrants. You need to do some kind of voluntary work in order to reach these people. I had imagined that I could become some type of "bridge" or a link which connects one part of a chain to another; because also at a human level we are all equal : globalization exists, but there is also human link which joins two points together to form a circle. In this circle we can all look each other in the face and talk together. In fact, if we stand in a line, one behind the other, we cannot see each other. Even if we are standing close together, we are not able to see each other.

**Of the things which you learnt during the course, which have been most useful to you?**

The thing that has been very useful to me has been the ability to understand other people's emotions, and as Mrs De Vanna has taught us, to be able to feel inside what the next person is feeling. So, the most useful thing of all is to try to understand other people in every way: welcoming them, listening to them, thanking them, and never taking sides. In the past I took sides working in favour of the Sudanese, above all the refugees. Since the course I now work for everybody and I accept everybody - this is the most beautiful thing of all.

**Can you tell us about your experience?**

I was contacted by a school, and I began the programme. The head teacher of the school told me that there was a Moroccan girl, who had been in a new class for a short time, who was very upset, and cried every day. I sat next to her and watched what happened. It was the first time that I had been in an Italian school. I was a little shocked to see how the teachers shouted at the pupils! This doesn't happen in our country. There is quiet in the class. The presence of the teacher means that you must not waste time because no one will repeat this information again. This was the first shock, the second was to see how the pupils behaved with the young Moroccan girl. The girl had just arrived in Italy. She knew how to write very well in Arabic, and was starting to learn how to write in Italian, but she did this writing in capital letters. Everybody laughed at her because of this. The girl, who was only 14 years old, became very upset about this and she said "They make fun of me. I'm not stupid. They should try and understand!". The next day I returned to the class and wrote the same maths exercises on the blackboard in Arabic. The girl did all the exercises perfectly. All the other pupils were surprised when I began to write the day, month and year the title of the lesson in Arabic and I began to teach the lesson in Arabic. The girl was the only one in the class who answered my questions. The pupils were silent and none of them had the courage to ask me what I was doing. I asked them if they understood. Nobody answered. I asked, "Bushara, Do you understand?" She told me that she did. I told her "Well done! Shall we give her a round of applause?" No one answered. So I told the pupils we should applaud her because she had done all the maths exercises correctly. I then told the pupils, "You don't understand why we have just made this little trip to Morocco. I did it for her, to make you understand what type of person you have in the class." Those 5 minutes I spent in the class were very useful for the young Moroccan girl, but also for the other pupils in the class. In fact she showed me her school diary. It was full of kind messages written to her from the other children, asking her for forgiveness and asking how they could help her. I had spoken to the children about the responsibilities that each

member of the community has. I told them, "It's true that you are only young, but you are members of the Italian community and you must accept people from other countries, not laugh at them, so start to accept the others in your class and to help them." Any member of the community may have an immigrant as a neighbour, but one day also as a teacher, bank manager or Member of Parliament, and there is nothing wrong in this. It was nice to go back to school after a week and find that some children had already learnt how to write their names in Arabic. Some of them even said, "I want to have a tattoo that will always remind me of our friend". It was wonderful to see that a really beautiful relationship had developed.

**Which methodologies learned during the course could be used to guarantee the respect of Immigrants' rights?**

Remembering the suffering of Nelson Mandela, or as Martin Luther King said, "We have learnt to fly the air like birds and swim the sea like fish, but we have not learnt the simple art of living together as brothers." This is the real problem. However, I believe that it is possible to create a world where each person has the same rights; a world which gives more importance to people than to the material things of today's modern world. Peace and respect for others can be the right tools with which to defend minority rights.

**Workshop notes by Martin McNeese**

Italy is a country undergoing many cultural changes. At one time Italy exported its citizens to places far away such as New York where Italian citizens had to interact and integrate with their "New World" or they risked deportation. Times have changed and today Italy imports workers and people looking for a better life, both legal and illegal immigrants, from poorer nations as far away as Afghanistan. Today, Italy faces the same problems that the United States faced at the turn of the 20<sup>th</sup> century. Although deportation is theoretically legally possible in Italy, it is politically difficult to carry through and even if you do deport the foreign citizens it is likely they will come back; therefore, Italy must find the means to properly integrate these immigrants to overcome conflicts that may arise between the "newcomers" and the "established locals". Ilaria De Vanna gave an example of how a Moroccan girl named Bashoura who cried every day due to the frustration she felt about attending an Italian school while being ridiculed by her fellow pupils for not understanding the lessons. The girl had been an excellent student in Morocco, and when a multicultural bridge builder came to the class and gave the lesson in Arabic, the Italian students all did not understand what was going on while the Moroccan girl did the exercises perfectly. Thereafter, the Italian students realized how frustrating it can have to learn a material in another language and they made great efforts to empathize with the Moroccan girl and to integrate her in their society.

Ilaria De Vanna also gave the example of an Afghani who refused to carry out an eye-for-an-eye vendetta against the man who had killed his father. The young man had no choice but to seek asylum in Europe since he would either be killed by his own family clan for not avenging his father's death or the murderer of his father would kill him since he would always be viewed as a potential threat. This case highlighted how in countries with an eye-for-an-eye culture there may be limited opportunities for introducing and implementing Restorative Justice mediation principles and it showed how in some cases people immigrate because they simply cannot stay in the country they called home because they may share values which are more similar to Western or European values. Therefore, the West does have a responsibility from a humanitarian point of view to give asylum and go the next step by integrating the asylum seeker. When you do not integrate immigrants, they become like a lead ball tied to your foot - you limit your own opportunities by refusing to integrate a part of your society.

***A new plan of the Czech Probation and Mediation Service (PMS) to improve and strengthen the delivery of RJ programmes***

**Presented by:** Ondrej Stantejski, Jitka Hruskova and Marketa Krillova Praskova (Czech Republic)

**Chair:** Aarne Kinnunen (Finland)

Representatives of the Czech Probation and Mediation Service presented on the "Actual situation in delivering and providing of restorative justice programs in the frame of the Czech justice and a new plan of PMS how to improve and strengthen delivering of RJ programs".

A part of the presentation was description of a new concept on how to develop RJ programs into effective structures in the framework of judicial bodies in cooperation with nongovernmental bodies (concept of a new certification system for NGOs in order to develop new RJ programs - VOM, FGC, probation panels, programs for victims).

Currently running projects ("Mentor" and "Specialized Comprehensive Counselling for the Victims of Crime") that are run by PMS in cooperation with NGOs and which are trying to implement RJ principles into practice were also introduced.

*Jitka Hruskova graduated in social work from Charles University, Prague. She is a probation and mediation officer and a head of the PMS unit in Benesov, Czech Republic. In her work she specializes in the work with young offenders and pre-sentence stage agenda of criminal trial proceedings.*

*Marketa Krillova Praskova graduated in cultural anthropology from Charles University in Prague. Now she works for the Probation and mediation service in the Czech Republic and is the head of the PMS unit in Nachod. She works especially with adult offenders and is also specialized on victim - offender mediation.*

*Ondrej Stantejsky graduated in Law from West Bohemian University in Pilsen. After a gap year in Ireland he is now working at Probation and Mediation Service HQ dealing with a legal and international agenda. He feels that being a relatively newcomer in Service is both challenging and highly rewarding.*

Workshop notes by Anniek Gielen

In the first part of the session, presented by Ondrej Stantejski, a rough sketch of the Probation and Mediation Service (PMS) of the Czech Republic was given. The service is still young (since 2001). There are 335 employees, which is still a low number. However, the position is very interesting because they are an 'independent part' of the ministry of justice.

Their general activities are both probation and mediation activities, during all stages of criminal procedures. The principles of RJ are considered to be important in probation activities (community sentence order, probation supervision, parole supervision and juveniles' justice). They want to involve victims and the community when possible. Also mediation and other RJ activities in pre-trial stages belong to their range of duties.

Then it was pointed out that further training and specialized education are valuable. Now there are probation officers who are experts on parole, mediation, juveniles, and therefore it's hard to focus on one activity. The future plan is to have a strong focus on specialization in mediation. The quantity now (of 1 year) is:

- 700 direct mediations, and 3000 indirect mediations. Considering the 30 000 cases, it's a low number. They don't like the fact that they can not do more, because the results are good → lack of persons/practitioners: no money for it → solutions: trying to get more budget and cooperation with NGO's. (although it can bring other problems)

Solving the personnel problem, natural advantages of NGO's (flexibility, volunteering, etc.) and involvement of citizens are three good reasons to cooperate with NGO's. BUT there should be one form of quality control. Also there are conditions needed for accreditation: are NGO's willing to cooperate, compliance with the standards of PMS.

So, in the end they hope to be able to gain an involvement of the NGO's. The basic idea is to learn more, to strengthen and develop the RJ programs and instruments. The aims of it are:

- more harmful acts diverted from standard criminal proceeding solutions
- increase of alternative sanction application
- better chances for offenders reintegration and decrease of re-offending
- more opportunities for victims and community involvement

The subject of the second part is about a pilot project ('06 -'08) in three towns. The project was presented by Jitka Hruskova, and dealt with a project of cooperation between citizen advice bureaus and the PMS units of those three towns (Beroun, Trebic and Brno). It is an example of cooperation with an NGO.

Two aims are at the core. All they knew was that there was a lack of professional aid. Victims and surroundings can feel very bad, and on top of that they miss information (about proceeding, applying). So the first aim is to empower and improve offer of services for crime victims and domestic violence victims. And the second aim is to motivate the workers to get in contact with the victims.

Thereby there are main activities of the project. Specialized advisory services to victims, meaning respect, confidentiality, and so on, together with training of advisers are two main activities. Then there are also 3 days during workshops given to people who come in contact with victims. And handouts & information are given to family, doctors, etc.

Where and how to announce criminal behaviour? What are the victim rights in criminal trial proceedings? How to apply for harm compensation? ... The project aims to help people with what they can do after a crime. Important contacts can be given.

The cooperation was successful. The results were satisfying. In the future they want to spread it to all citizen advice bureaus and PMS units.

Another example is that of the project 'Roma Mentor'. It's a project that started in 2004, and is about cooperation between the Association for Probation and Mediation in Justice (SPJ) and the PMS. This project was presented by Marketa Praskova.

A 'Roma Mentor' is a person from the community who works as a link between the organisation and the offender. It is an adult from the Romany community and has expressed an interest in helping others who have committed a crime and who are clients of the PMS. There are four qualification criteria for mentors:

- completion of the Mentor training course (started in 2004); the course is divided in 60 hours of theory and 40 hours of practice. When participants finish the course, they have to pass the exam. Until now 35 mentors were trained.
- 18 years of age.
- No criminal record for at least 5 years.
- Member of the Roman minority.

Clients are members of the Romany minority who have received an alternative sentence. (community service sentence, conditional sentence with supervision).

Nine most common mentors' tasks were explained. Here are three examples:

- House calls to clients
- Encouraging clients to fulfil obligations related to serving the alternative sentence, for example if one client doesn't want to do his 300 working hours, the mentor tries to help him and to motivate him.
- Assisting clients to communicate with the authorities.

→ statistics show that there are much more successful cases comparing to the rejected and failed cases.

## Discussion

What is the function of advice bureaus?

You can go there with every problem and they'll provide advice and information.

How does the process of getting victims in the mediation works?

We get cases from the police and then we contact them, but sometimes victims know about our existence and contact us.

How does the victim know?

Most of the time victims don't know of our existence. Usually the service contacts them. And also the police gets in contact with victims and give information about the possibility of mediation.

There seems to be a different approach in Austria and the Czech Republic. When victims are contacted in Austria, about 80% agree to cooperate. Why are these rates in some countries much lower? How is it possible to have such big differences?

Maybe it has something to do with history, for example communism.

Is it so that staff is not specialized? Do people do probation, mediation, etc.?

When we recruit new people, they are trained to know about all things. There are a lot of units who only have 3 or 4 officers. So, they have to be flexible.

Materials used and handed out

- handouts
- Leaflets:
  - o Community service order: guide for the PMS clients
  - o Victim/offender mediation
  - o Probation supervision
  - o The crime victim's guide
  - o Parole: conditional release with supervision
- Real-life stories

Are media a proper answer to the problem of non-participating actor (the community) in mediation/RJ?

Presented by: Martin De Loose and Bart Claes (Belgium)

Chair: Aarne Kinnunen (Finland)

### *Introduction*

One critique of victim-offender mediation is the fact that the broader community, who is certainly an important stakeholder is not involved, is not participating in the process like the victim and the offender and their relevant thirds, can't express their feelings, formulate their grieves and questions etc. We know all that the community has a need to express their feelings, has a lot of questions... (cf. Belgian cases like the murder of Joe Van Holsbeek where 80.000 people came on the street to express their sympathy, to say no against senseless violence...). Although you can give this critic also on the present criminal justice system where the prosecutor represents the community, we want to explore in the workshop the question of it's possible that the broader community participate in victim-offender mediation. Perhaps it can. Together with the media we can maybe involve the broader community in victim-offender mediation and make a communication between the offender, the victim and the broader community possible...

### *A. Restorative Justice and the necessary stakeholders*

For a lot of people means Restorative Justice clearly different things. According to Ezzat Fattah Restorative Justice is "*a leit-motiv for various policies and models which can be implemented in practice in many different ways and forms*"<sup>1</sup>. This makes it very difficult to discuss something when everybody has his own perception of Restorative Justice. For that reason, we find it important that we first answer the following question 'what is for us Restorative Justice and which place does the community have in our picture?', so you can follow our thoughts and the reason why we want to discuss and look for an answer to the problem of the community in the mediation.

For us Restorative Justice is like many of us (cf. Howard Zehr<sup>2</sup>, Nils Christie<sup>3</sup>, Ezzat Fattah<sup>4</sup> etc.) a different view of and reaction on the criminal act. The act is 'not only' an offence against society - read: the community -, or a conflict between the victim and the offender, but we see it as, as you can see in the figure, a conflict between three stakeholders: the victim, the offender and the community. The injury caused by crime/conflict is the property of all three stakeholders. Every stakeholder has then the choice to take his responsibility and do something with his property/crime/conflict. Every stakeholder can go in dialog, directly or indirectly, with the help of a mediator to look for a proper solution for the conflict or answer to the criminal act.

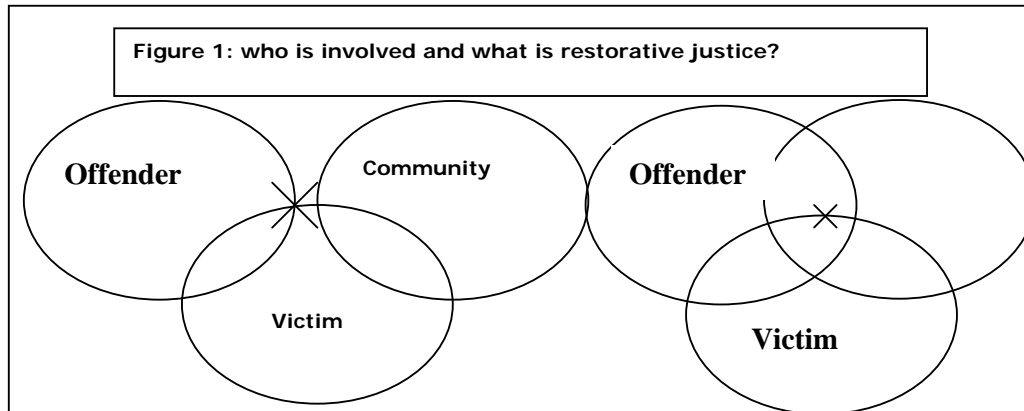
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<sup>1</sup> FATTAH, E., 'Some reflections on the paradigm of restorative justice and its viability for juvenile justice' in *Restorative justice for juveniles: potentialities, risks, and problems for research*, WALGRAVE, L., (ed.), Leuven, Leuven University Press, 1999, 393.

<sup>2</sup> ZEHR, H., *Changing Lenses. A new focus for crime and justice*, Scottdale, Herald Press, 1995, 280 p.

<sup>3</sup> CHRISTIE, N., 'Conflicts as property', *The British Journal of Criminology*, 1977, 1-15.

<sup>4</sup> FATTAH, E., *l.c.*, 293-294.



#### B. The participation of 'the Community'

We just said that every stakeholder is owner of the conflict and has to play a role in the process or dialog. The participation of the community can be provided through the use of community mediators (cf. victim-offender mediation (VOM)).<sup>5</sup> A lot of people find that unsatisfactory because VOM's are too individualized and private.<sup>6</sup> VOM's are the simple one-to-one diads of a victim-offender encounter.<sup>7</sup> Approaches like the Family Group Conferences and Sentencing Circles have changed that view.<sup>8</sup> They let us show that we can involve the stakeholder 'the community' much better through the participation of the 'micro community of care', which includes anyone who feels connected, either directly or indirectly, to the persons involved in the crime or the event itself (like the family of the victim and the offender etc).<sup>9</sup>

The question is 'don't we have to do better?'. Can't we involve a greater part of the community in the mediation? We know that we never can involve 'The (whole) Community' or 'the Society' (cf. figure), but there is a big part of the community, bigger than the 'micro community of care', who has a lot of questions, has a need to express their feelings AND is interested in a mediation (cf. Belgian cases like the murder of Joe Van Holsbeek where 80.000 people came on the street to express their sympathy, to say no against senseless violence...). That bigger part is called 'the macro-community of care' and it includes a lot more people.<sup>10</sup>

#### C. Is the media the answer?

Together with the media we can involve the broader community, the 'macro community of care', in the victim-offender mediation and make a communication between the offender, the victim and the broader community possible. Imagine that we use the web to collect every reaction, every question of the 'macro community of care' and that the offender can react...

*Bart Claes is a criminologist who works since two years for the Mediation Service Suggnomè in Belgium as a mediator between victims and offenders.*

*Martin De Loose is a criminologist who works since one year for the Mediation Service Suggnomè in Belgium as a mediator between victims and offenders.*

<sup>5</sup> ZEHR, H., o.c., 205.

<sup>6</sup> JOHNSTONE, G., *Restorative justice: ideas, values, debates*, Cullompton, Willan Publishing, 2002, 3.

<sup>7</sup> ZEHR, H., o.c., 256.

<sup>8</sup> JOHNSTONE, G., o.c., 3.

<sup>9</sup> MCCOLD, P, 'restorative justice and the role of the community', in B. GALOWAY, and J. HUDSON (eds.), *Restorative Justice: International perspectives*, Monsey, NY: Criminal Justice Press, 1996.

<sup>10</sup> *Ibid.*

#### Workshop notes by Anniek Gielen

On the first PowerPoint we see images of a big march in Belgium. 80 000 people came on the street a week after the murder of Joe Van Holsbeek. People have feelings, needs. They want to say no against senseless violence. This example leads directly to the essence of the workshop. They, Martin De Loose and Bart Claes, want to explore the question whether it is possible that the community participates in a victim-offender mediation.

It is important to define what RJ is and who is involved. This because of the reason that a conflict is not just about the society, but about three stakeholders. Victim, offender and community are involved in a conflict and all three have to play a role in the process or dialog. But what about this community?

On a scheme is pointed out that there are two levels of 'community':

- Micro level: community of care; also local community.
- Macro level: the big community

→ The belief is that the macro community has a place in mediation. It's not that because it's very hard to achieve, that we can not think about it! Don't we have to do better? Can we involve a bigger part of the community in mediation? → It's not possible to reach the whole macro community, but can we reach a bigger community than the 'community of care'?

That's where media comes in. The aim of the session is to reflect on the community and the media. So, a few questions were presented: do we need to involve the big 'macro' community? And is it possible, together with the media, to involve the broader community in the victim-offender mediation and make a communication possible between the offender, the victim and the broader community?

#### Discussion

The main reflections of the groups are:

- Sometimes media is a 'too' powerful tool. They want stories. It's risky to count on them because it's difficult to lead them into your presumed direction. You have to respect their rules. Therefore it's important to think good about how to contact and use the media. And information about how the media works is crucial.  
For example, in Spain they have one good informed journalist who writes a lot about RJ. But they are careful about involving television.
- Another way to inform the public is the old technique of 'mouth to mouth information'. Passing information on to friends and family. The idea is that the information will keep on flowing to others. But it is slower.
- Media often reflect the dominant attitudes of the community. They support the repressive thinking. Be aware that there is a small number of journalists that you can trust.
- Maybe we already failed to bring the broader community into the mediation process. Now, we have to influence the public opinion.
- Media is so broad that they fast miss the point. The solution can be to have separate experts. Experts on media and experts on RJ can work together. Of course to achieve this there is a lot of time and space necessary.  
An example can be to organize a national meeting for journalists. Informing and reporting about RJ will be the main task. But there is no practical example known.  
The idea is to feed them the information. But then we have to think about what the information is we want to offer them?

- A balance between media and RJ organisation can be to just give the outcomes of RJ processes to the media. So, the public will be informed on that way.
- Then, there is the problem of what is the 'society'? Who is in it? There are so many different societies. We can doubt the meaning of the society.
- What about protection? Protection is a fundamental right. What happens if we spread information or outcomes of cases into the community.
- If a lot of information is spread into the community, we give every individual of the complex community a 'voice'. There will be a lot of expectations → so it's not a good idea to involve the macro community.
- Then there was pointed out that Family Group Conferences have the potential to enlarge its participants, and so involve the community more. Reaction is:  
Maybe there is a good perspective in it. An individual is never alone. But we have to think about the question, who is a relevant third to involve more?

#### Mediation and the Press - Friends or Enemies?

Presented by: Kristel Buntinx (Belgium)

Chair: Martin Wright (U.K.)

#### On the agreements between the press and Suggnomè in relation to 'testimonies'

Every request of a journalist for cooperation in respect to testimonies is transferred to the central secretariat. After consultation with the mediator that received the request, it is discussed in the team meeting whether, and how, Suggnomè will react to the concrete request. In case a fast decision is needed, the coordinator should be consulted.

**1<sup>st</sup> step: First check:** Before details of witnesses are passed, Suggnomè checks whether it wants to cooperate with the medium that is formulating the request (*cooperation with the press has unmistakable consequences for the name of the organisation*).

*Check each request against pro's and contra's: Which channel/programme/newspaper/journalist? Which ethics are behind the request? What is the objective and vision behind the programme? Which is the place of the witnesses in this? What is there to be gained from the side of our organisation? How feasible is the request? Who has which interest? (Suggnomè, clients, journalist)?*

In case Suggnomè does not respond positively to a request, we have to be aware of the fact that the journalist may use other channels to find witnesses or may try to find witnesses by him/herself.

**2<sup>nd</sup> step: A mediator** can never be forced to cooperate in a press-dossier, not to actively participate him/herself, not to give information on witnesses.

#### **3<sup>rd</sup> step: Criteria in relation to specific target groups**

1. Victims of sexual crimes: art. 378bis criminal code states that testimonies of victims of sexual crimes may only be published/spread if they agree to this in a written way.
2. Minors: should always receive the consent of their parents. Children who are in contact with the juvenile justice system (who have committed an act defined as a crime or children in problematic pedagogical situations) have to be anonymous and have to be made unrecognizable when they are visualized.

3. Inmates:
  - For inmates the consent of the local direction of the prison is needed, as well as a positive advice of the Director General of the Ministry of Justice.
  - Inmates are only interviewed if they have given prior written consent.
4. Other target groups: inmates with mental disorders, psychiatric patients???

#### 4<sup>th</sup> step: Criteria in relation to the dossiers

We will look for dossiers/witnesses of which we think that they are able to bring their story, and of which we feel that their testimony is meaningful for themselves and for us.

1. In principle we only establish contact between journalists and victims and offenders of criminal cases in which a final judicial decision has been taken. This means that in principle we only establish contact in cases where the mediation is finalized.
2. Exceptionally, and when a number of extra guarantees are met, a reportage can be made of the parties *during* a mediation process. This can pertain to individual talks with victim or offender in each of the phases of the mediation process, and to the filming of a common talk.

In this case following rules have to be abided to:

- Extra guarantees can be: a protocol of cooperation with the Ministry of Justice, or existence of an external commission that can approve or disapprove each dossier (for example the deontological commission?).
- The broadcasting can only take place after the judgment has become final.
- Dependent on the approval of the court and of all parties involved, it would be possible to film during the court session in order to collect images that can be used afterwards during the editing of the film.
- The working principles may not be jeopardized at any moment. The mediation (on the request of a party) and the filming (on the request of a party or of the mediator) can be stopped at any moment.
- Next to a mediator, a coach will sit in on the common talk (as support figure and as guardian of the boundaries).
- On beforehand written negotiations should be made about the possibilities for the parties and the mediator to make suggestions about cutting pieces out of the film, and if possible to retain the veto right about the airing of the film.

#### 5<sup>th</sup> step: Procedure

Conditions and agreements should be carefully discussed on beforehand with the parties. With the witnesses themselves the possible pro's and contra's of a possible testimony should be discussed.

We always start from following principles:

- *equality* between and respect for both victim and suspect/offender: none of the parties may suffer a disadvantage - that can be established on beforehand - because of the cooperation with the press;
  - *confidentiality* of the mediation file: nobody may violate the confidential character of the mediation;
  - *professional secrecy*: a collaborator of the mediation service may in no way, at no moment, give details of a concrete dossier (name, personal data) to a journalist without the approval of the involved parties (individual and social importance of professional secrecy). A mediator may for this reason be interviewed about his/her own work, and only about an individual dossier with consent.
1. The secretariat coordinates all contacts with the press. The first contacts with the journalist are taken care off by the secretariat (possibly after referral by a local mediation service): the request is considered (see first check) and presented to the

team or coordinator. In case we agree to acknowledge the request, it is checked amongst the mediators who wants to and can deal with the request.

The concrete follow-up of the whole press dossier takes place in consultation with the mediator that was responsible for the file, either by the central secretariat, or by the mediator him/herself.

The first contacts with the witnesses are, in consultation with the mediator who was responsible for the mediation file, made either by the central secretariat, or by the mediator him/herself.

2. Approval: Before a concrete dossier is transmitted to the press, the express approval of all parties is requested, after having informed them correctly about the objective and nature of the medium before which they are asked to provide a testimony. The secretariat prepares a document on 'informed consent'. In case only one of the parties is being asked to testify, or in case only one of the parties is prepared to testify, the other party has to be asked for approval, even if the testimony would be anonymous.

The party that does not want to cooperate has following options: or he/she expresses a veto so that also the other party cannot testify (in that case we do not transfer the dossier); or he/she is not opposed to the other party testifying, with the restriction that he/she cannot testify about the facts (recognizable) and the story of the party that is not agreeing to take part; or he/she is not opposed to the other party testifying without any further restrictions.

3. Written agreements: Concrete agreements are made on beforehand between journalists, Suggnomè and witnesses, in which a veto right on the spreading of the reportage/emission can be obtained (cfr. document informed consent).
4. On the request of the parties, a mediator or collaborator of the secretariat may be present during an interview.
5. Witnesses decide themselves how they are depicted: anonymous or not. In case one of the parties decides for anonymity, both parties commit themselves to testifying in a non-recognizable way about the facts. Names of victim and offender are in principle not communicated in the media, except with the express, written consent (cfr. document informed consent).
6. Witnesses decide themselves whether they testify about the facts in a recognizable way. As soon as one of the parties decides for testifying in an unrecognizable way, the other party has to follow. In a case with multiple parties (who have not all been contacted), the principle of un-recognisability kicks in.
7. With the written press the parties, and the mediator, retain the right to read the article on beforehand, and to add or correct if needed. Only after explicit approval can it be published. As far as possible, also with TV the right for the interviewed persons and/or the mediation service to view the reportage on beforehand so that alterations can be made should be obtained. Witnesses are informed about this on beforehand in a correct way.

## 6<sup>th</sup> step

In case Suggnomè is approached to cooperate in a programme for which the journalist has already searched and found witnesses on beforehand, the same rules of care should be kept to nevertheless.

*Kristel Buntinx studied criminology and law and currently she is working since six years for the mediation service Suggnomè in Belgium as a mediator between victims and offenders in the stage of the execution of punishment. Besides the individual mediations Suggnomè also works on a structural level to implement mediation.*

#### Workshop notes by Brunilda Pali

Kristel Buntinx, who works in the organization Suggnomè in Belgium started her presentation by saying that she was going to focus in their relation with the media, all kinds of media. When she as a mediator was working in severe cases her relationship with the press was just as an initial relationship between a victim and offender would be: one of fear. In the beginning she said she was avoiding the press because they knew her cases and she didn't want to have anything to do with them. After a few years a victim saw a restorative justice program in USA and she explicitly said that she would be very happy if that was done in Belgium too. Yet another victim expressed her wish to do mediation after 8 years and regretted the fact that she didn't know it existed in Belgium before. The presenter said that this led them to think how important the impact of information through the media was, and they decided to change strategy. When that change started, Kristel Buntinx said that she was going everywhere and following the press, and after sometime they all got familiar with her and she got familiar with them too. During her work with the media she realized that some cooperation and working agreements should be made, and she thanked Jolien Willemsens for helping them translate these agreements into English. Nevertheless, she emphasized the fact that a lot more should be done in that direction.

The presenter went on by presenting some important points and steps of these agreements between Suggnomè and the press.

1. The first thing to consider is whom should we cooperate with because the cooperation with the press has unmistakable consequences for the name of the organisation. Some important questions they ask are: Which channel/programme/newspaper/ journalist? Which ethics are behind the request? What is the objective and vision behind the programme? Which is the place of the witnesses in this? What is there to be gained from the side of our organisation? How feasible is the request? Who has which interest? According to her, sensation-seeking press should be avoided. Sometimes it is better to cooperate with all press. In case Suggnomè does not respond positively to a request, we have to be aware of the fact that the journalist may use other channels to find witnesses or may try to find witnesses by him/herself and do more damage than it was predicted.
2. The second rule for setting this cooperation is that mediators on their side should agree to cooperate in a press-dossier and should never be forced to agree if they don't want to.
3. A third important point or step that Kristel Buntinx mentioned is that there are some rules to follow in relation to the specific target groups, e.g. While giving the news about the victims of sexual crimes, there should always be a written agreement on their side to publish and spread their data. Another important point is when minors are concerned, there should be a written consent given by their parents and they are always to be anonymous and not recognizable either by figure or by identity. A third important group are inmates. The advice of the General Director of the Ministry of Justice and the consent of the local direction of the prison should be taken when dealing with cases of offenders inside the prisons. Another special group to be considered carefully are the mental disordered and psychiatric patients.
4. One golden rule following this agreement is that mediators should never give the names of the parts to the journalists before contacting both victim and offender and take their consent on whether they wish to be contacted by the press. Therefore in principle Suggnomè establishes contact between the parties and the press only when mediation has been finalized. Only in a few cases, reportage during the mediation process can be made. There are several rules to follow when this is the case.
5. Finally in her presentation, Kristel Buntinx reminded us that one thing to keep in mind during this cooperation with the media is to respect all the time the precious principles of mediation, like equality, confidentiality, professional secrecy etc.

She closed the discussion by giving the participants some handouts of the agreements between Suggnomè and the press and asked them to suggest changes and work freely on the text in order to improve it.

### The beginning of a wonderful friendship? - Sports and RJ-Public Relations

Presented by: Gerd Delattre (Germany)

Chair: Martin Wright (U.K.)

Today, I am going to talk neither about a complete concept nor a successfully finished project. On the contrary, I am going to give an intermediate report of the development in my country. I do hope that it could be interesting or relevant for other countries, too. And I am going to present you my considerations about this topic and I would be happy to have the opportunity to discuss this topic with you later on. Last but not least, I am interested in any international networking and would appreciate any informal talks about this topic during the conference. Due to our limited time, I will try to deal with the topic as follows:

1. 1. How did the co-operation with the German Soccer Federation come about?
2. 2. What is meant with sports courts?
3. 3. What are the chances arising out of a co-operation? (an example)
4. 4. Which problems could arise?
5. 5. Will there be a wonderful friendship some time? (a furtive glance into the future).

#### 1. The Story

Trying to spread the idea of victim-offender mediation in Germany, we organised a symposium in Berlin in 2006. Our intention was to promote the dialogue with the public.

Common knowledge says that the media are more interested in such themes, if VIPs speak in favour of it. Therefore we used personal contacts with the German Soccer Federation and managed to get the president of the biggest association in Germany to confirm his participation.

I would like to introduce Mr. Theo Zwanziger (BILD), the powerful president of the German Soccer Federation (DFB). Everybody knows it and Mr. Zwanziger himself often points out, that he does not have the slightest idea of restorative justice and victim-offender mediation. However, he could get convinced of this idea during the symposium. In contrast to many experts participating in this event, he was asked to give lots of interviews - and he did it very well.

His statement on the panel ("The idea has to become popular") was combined with the suggestion to explore the possibilities of a further cooperation between victim-offender mediation and the German Football Association. You can imagine how happy we were. A joint public appearance with such a powerful and popular and, above all, rich partner suddenly came within reach. In our wildest dreams (BILD), we imagined ads in soccer stadiums dedicated to our vision. Was this the beginning of a wonderful friendship?

#### Back to reality?

In 2006, Germany was very busy - and above all the Soccer Federation itself - with organising the Soccer World Championship. This meant that we had to wait and be patient. After the championship, we had to remind Mr. Zwanziger of his suggestion. Our excitement had been replaced by simple pragmatism. From all the informal sources from the headquarters of the German Soccer Federation let us assume that they were not willing to

support a advertising campaign for restorative justice either ideally or financially. However, in April 2007 a second meeting took place. Soon it became quite obvious that the German Soccer Federation was under pressure to reduce violence and vandalism and to overhaul the structure of their internal legal system.

The DFB is under pressure to reduce violence during and after games. Each weekend 80,000 games take place approved by the DFB. 1.200 boast violence or vandalism. Up to date, the DFB does not have the capacity to respond adequately to such phenomena.

There is pressing need to restructure the antiquated legal system internal to the DFB (the so- called sports courts). Thus far, the DFB only sanctions offenders to fines or by bans. This means are insufficient at best and most often aid in further escalation. Rarely, do they contribute to a satisfying resolution of a dispute. The DFB functionaries I met said themselves: "We are lacking instruments to handle conflicts in a flexible and deescalating manner."

At last we agreed that there will be a concept for a model project in one city. Mediation within the sports courts should be tried out in practice. If implemented successfully, this project should become a role model for an implementation throughout the whole country. The Servicebureau for Victim-Offender Mediation and Conflict Settlement has been asked to develop such a concept until September 2008. After that, the concept is going to be implemented.

## 2. What are sports courts?

I would like to give you a short definition of sports courts: Every sports umbrella organisation, and the German Soccer Federation (DFB), too, appoints sports courts which have to deal with charges, offences and sport conflicts.

Sport courts sanction in cases concerning clubs or persons. For example, cautions for athletes, fines, bans for clubs and players, deprivation of goals and scores, transfer to other leagues, bans for club functionaries. Only the statutes and the applicable legal system of the relevant umbrella organisation are the legal basis. The basis for sanctions consists of the regulations, statutes and rules of the associations which every member club has to adhere to.

I don't think there are major differences throughout Europe.

## 3. Chances

Given the limited time, I won't be able to give you a whole list of all possible chances which may arise from a co-operation with sport associations. I am going to confine myself to one example which does not catch the eye right away, but which is - in my opinion - very important. In many countries, victim-offender mediation and restorative justice programmes were mainly introduced for juveniles. It was quite obvious, that legislation and the judiciary were more inclined to accept the supposedly milder sanctions for juveniles. The pioneer role of the criminal law relating to young offenders could always be used for introducing new ideas. This was true to our cause, too. I don't want to criticize that.

However, has this strict differentiation between juvenile and adults not led into a dead end? Will restorative justice be increasingly seen as a means of education, especially by the referring institutions?

At the same time, restorative justice is the unprecedented opportunity to help people, regardless of their age, to develop their talents and to enable them to solve their conflicts independently. As the internal legal system of sports does not distinguish between juveniles and adults, I can see the opportunity to create a framework which comes up to the essentials of restorative justice and renounces the different treatment of juveniles and adults.

#### 4. Problems

The legal internal system of the big soccer associations is oriented to governmental legal structures and of a more conservative nature. It would be naïve to assume that the implementation of restorative justice would be smooth and easy. In order to avoid the 20 year old question, which has never been answered, - "How to convince the prosecutor?" the internal legal system should open independent ways of access for the parties of a conflict.

If we see it as a future task to negotiate with soccer associations about the implementation and application of restorative justice within their internal legal system throughout the country, it won't be the small local services which can guarantee a professional handling, integrated in a specific administration body. This offer has to be made by bigger organisations - either a cooperative or another body.

Let's be honest about this. The government is not obliged to finance this offer. Therefore, we cannot assume that public funding will be available. Such a non-profit offer is situated in the so called third sector between public funding and the profit oriented economy. Every financing model should be geared at that fact, or in other words: Such a project cannot be realised without the confirmation of associations, sponsors or other financial supporters.

#### 5. Future

Sport is intrinsic to European culture. The motto Fair Play governs every event. Sport brings people together and creates enthusiasm. At the same time, sport is the source of many - sometimes violent - conflicts. An answer is yet to be found. At this point restorative justice comes into play. It can provide sports with adequate ways to settle conflicts and contribute to achieve social peace. I believe, sports can be the vessel to carry the ideas of restorative justice to the people and beyond the limitations of the justice system.

There are still miles to go before we can speak of a wonderful friendship between sports and restorative justice, but there is hope. We are beginning to combine our interests to arrive at a win-win situation. We can be optimistic we're just at the beginning of a wonderful friendship. Hard and uncomfortable chairs are worse than a boring speaker. I hope that sentence does not make you think: "When it rains, it pours." Thank you for your attention.

*Between 1985 and 1996 Gerd Delattre worked as a mediator (victim-offender mediation), and trainer of mediators, prosecutors and police officers. He also initiated the foundation of KOMED, a private agency for mediation and conflict settlement.*

*Since 1996 he is head of the Servicebuero for Victim-Offender Mediation and Conflict Settlement, based in Cologne, Germany. He has also been participating as a lecturer in several conferences and seminars in Germany and other European countries and is author of various articles related to victim-offender mediation.*

### Workshop notes by Brunilda Pali

Gerd Delattre introduced himself and said that he is going to talk neither about a complete concept nor a successfully finished project, but that he was going to deliver an intermediate report of the development of sports and restorative justice in Germany. He said furthermore that he was going to tackle the following questions during the presentation: 1. How did the co-operation with the German Soccer Federation (DFB) come about?; 2. What is meant with sports courts?; 3. What are the chances arising out of a co-operation? (an example); 4. Which problems could arise?; 5. Will there be a wonderful friendship some time? (a furtive glance into the future).

Gerd Delattre started by telling the story of how this relationship started. While trying to spread the idea of victim-offender mediation in Germany, they organised a symposium in Berlin in 2006, which aimed at promoting the dialogue with the public. Given that the media are more interested in such themes, if VIPs speak in favour of it, they used personal contacts with the DFB and managed to get the president of the biggest association in Germany to confirm his participation. This was Mr. Theo Zwanziger (BILD), the president of DF. Mr. Zwanziger who did not have the slightest idea of restorative justice and victim-offender mediation in the beginning, was convinced of this idea during the symposium, and in contrast to many experts participating in this event, he was asked to give lots of interviews, which he did very well. His statement on the panel ("The idea has to become popular") was combined with the suggestion to explore the possibilities of a further cooperation between VOM and the DFB. Was this the beginning of a wonderful friendship?

After introducing how the story began, Gerd Delattre went on by telling what happened afterwards. In 2006, Germany and especially the GSF were very busy with organising the Soccer World Championship. This meant that Servicebureau for Victim-Offender Mediation and Conflict Settlement had to wait and be patient. After the championship, they had to remind Mr. Zwanziger of his suggestion, but all the informal sources from the headquarters of the DFB made them understand that the DFB was not willing to support an advertising campaign for restorative justice neither ideally nor financially. However, in April 2007 a second meeting took place. Soon it became quite obvious that the DFB was under pressure to reduce violence and vandalism and to overhaul the structure of their internal legal system. Delattre went on elaborating that the sports courts of DFB are under pressure to reduce violence during and after the games. Each weekend 80,000 games take place approved and at least 1.200 boast violence or vandalism, and the DFB does not have the capacity to respond adequately to such phenomena. There is pressing need to restructure the antiquated the internal legal system internal of DFB, which only sanctions offenders through fines or bans. These means are insufficient and most often lead to further escalation, but they rarely contribute to a satisfying resolution of a dispute. Therefore they agreed that there will be a concept for a model project in one city. Mediation within the sports courts should be tried out in practice. If implemented successfully, this project should become a role model for an implementation throughout the whole country. The Servicebureau for Victim-Offender Mediation and Conflict Settlement has been asked to develop such a concept until September 2008. After that, the concept is going to be implemented.

Moreover he introduced the concept of the sports' courts, spaces and places where all conflicts related to the sports are handled. Sport courts sanction in cases concerning clubs or persons. For example, cautions for athletes, fines, bans for clubs and players, deprivation of goals and scores, transfer to other leagues, bans for club functionaries. Only the statutes and the applicable legal system of the relevant umbrella organisation are the legal basis. The basis for sanctions consists of the regulations, statutes and rules of the associations which every member club has to adhere to.

Then Gerd Delattre while emphasizing the importance of this cooperation, focused on one example which is in his opinion very important. In many countries, victim-offender mediation and restorative justice programmes were mainly introduced for juveniles. It was quite obvious, that legislation and the judiciary were more inclined to accept the supposedly milder sanctions for juveniles. The pioneer role of the criminal law relating to young offenders could always be used for introducing new ideas. However, Gerd Delattre posed the questions whether had this strict differentiation between juvenile and adults not led to a dead end, will restorative justice be increasingly seen as a means of education, especially by the referring institutions? At the same time, restorative justice is the unprecedented opportunity to help people, regardless of their age, to develop their talents and to enable them to solve their conflicts independently. As the internal legal system of sports does not distinguish between juveniles and adults, he can see the opportunity to create a framework which comes up to the essentials of restorative justice and renounces the different treatment of juveniles and adults.

Later on his presentation, Gerd Delattre focused on the problems of this cooperation. The legal internal system of the big soccer associations is oriented to governmental legal structures and of a more conservative nature. It would be naive to assume that the implementation of restorative justice would be smooth and easy. He said that if it will be set as a future task to negotiate with soccer associations about the implementation and application of restorative justice within their internal legal system throughout the country, it won't be the small local services which can guarantee a professional handling, integrated in a specific administration body, but the offer has to be made by bigger organisations - either a cooperative or another body. The presented highlighted the fact that the government is not obliged to finance this offer. Therefore, we cannot assume that public funding will be available. Such a non-profit offer is situated in the so called third sector between public funding and the profit oriented economy. Every financing model should be geared at that fact, or in other words: Such a project cannot be realised without the confirmation of associations, sponsors or other financial supporters.

In the end of his presentation Gerd Delattre emphasized the importance of sports because they are intrinsic to the European culture, bring people together, and create enthusiasm. At the same time, sports are the source of many - sometimes violent - conflicts, and that is where restorative justice can contribute by providing sports with adequate ways to settle conflicts and contribute to achieve social peace. He concluded by saying that sports need restorative justice and restorative justice needs sports and invited the audience to think about ways to foster this very young cooperation and to develop the concept.

In the discussion people gathered in three groups of five-six people and discussed and worked over the materials from both presentations. The main conclusions from these discussions were as follows:

1. Media should always inform the public about the existence of mediation, and we should consider it as instrumental for us to be able to educate and inform the public on the existence and advantages of restorative justice rather than as an enemy to be avoided.
2. Confidentiality is to remain a very serious principle throughout this cooperation. Some people on the other hand thought the principle of confidentiality can be sometimes a barrier to realize the cooperation.
3. The results can go to the media and used by it only once mediation is finished and not during it.
4. There should always be a responsible person to manage the relation with the media within each mediation service. Moreover, trainings in dealing with the media are crucial.
5. Sports can be used and should be used as well in order to attract attention of the public on restorative justice through the media, but there should be a balance between attracting attention for restorative justice in general and avoiding too much focus on the details of single cases.

6. Local sporting clubs should be used in order to have people; especially young people articulate themselves what is appropriate behaviour and what is not. We should also work with the informal structures of sports (like supporters groups, gangs, supporters' clubs) as well as with the formal ones.

**'Selling' restorative justice to the media-How far can we go?**

**Presented by:** Gro Jorgensen (Norway)

**Chair:** Per Andersen (Norway))

Media is our enemy!  
Media is always looking for scandals!  
Media wants to get us!  
Media always writes their own stories - and the journalists don't care about if they have the right information or not!  
The conclusion is: Media is like a nightmare.  
It is best to keep away from those horrible journalists. Keep our mouth shut!

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This is more or less an attitude I get from people who are not familiar with the media. And my answer to this is that - even if there are many stories about articles which do not tell the whole truth (and nothing but the truth) and articles which lead to misunderstandings and articles that have a critical view (too critical) - my answer is - that media can be useful to us, they may help us to reach our goal. Media might be more of a friend than an enemy!

And besides that: Do we have any choice? Isn't it our duty to tell about Restorative Justice? To inform people about what we do, what mediation is, to tell the stories - in short - to tell about RJ and have the focus on human versus legal consequences of crime. We really have something to sell to the media - and newspapers, radio and television are very interested in crime.

We can - rather than looking at the law that has been broken - have focus on the needs of the people who has been harmed. The need of both victims and offenders - and what results may be after mediation. Through media we get the information out to the public, the politicians and the authorities. In my opinion we need media. And I think it's possible to in a way - cooperate with the media - if we accept the way they work and we understand how they think.

It's very important to have knowledge about how the media work, in order to know - what is news for them, when and how they want it. (Because of that I may be a little immodest to think that it makes sense to hire a journalist to deal with information and media like The National Mediation Service in Norway have done by giving me this job. I have several years of experience as a journalist in newspapers, and from radio and television.)

Later in my presentation I will also say something about our strategic plan - which the Norwegian Ministry of Justice instructed The National Mediation service to work out during 2007. I led that work. This was about how to handle internal and external information - and - a great part of it deals with our communication to media. And - I can assure you - this last issue dominated our discussions before this strategic document passed.

Today - we - the National mediation Service pay a agency - which searches in all the medias web-sites - and send me - through e-mail - an overview two times a day of all the articles that are published on web-sides containing the word I have given them beforehand. Mediation and the National Mediation Service will of course be two of the words - and therefore I know how often and what the media writes about us. And how the media responds when we try to "sell" our message.

Report of the fifth conference of the European Forum for Restorative Justice, *Building restorative justice in Europe: cooperation between the public, policy makers, practitioners and researchers*, Verona, 17-19 April 2008

Besides information - it gives me the opportunity to correct if anything is wrong. Not details, but serious mistakes. And more important - I can respond for instant - to the newspaper who has published this article and give them a tip/a hint about more to write about. I never let a journalist "hang up the phone" without telling about at least one more project than they actually asked about. Next week - when they need an idea for a new article - perhaps my idea will turn up.

Those who know the media - know that journalist always are looking for something to write about. Every morning they try to focus on "What are people talking about to day? "or "What should they be talking about?" The most important is the news - but what are the criteria before you can call news - news? I think we divide this into different kinds of news. And to influence - it is important to know..

Let me give you a short summary:

1) First we have news that happens right now - and often this will be tragic occasions. Like a car-accident for instant.

2) Then we have "the next to come"-article. Most journalists will love to write the news - some minutes after it happened - but when the editor next day wants the journalist to follow up the stories? This it's not so funny. They have to think! If we have an idea for them - most of them will grab it.

- Call the journalists if you can connect RJ. Or if you have another opinion than the person who has been interviewed. Idea for them - most of them will grab it.  
Eg. If the newspapers writes about troublemakers....RJ

The worst thing that may happen is the answer NO. Or the journalist won't say no, he or she will listen, and say we will think about it and perhaps call you back. But even if you don't get your idea in print, perhaps the journalist will remember you next time he/she needs a commentary within our field.

If you have a message - it is always important that you get your name on the contact lists which journalists use. And what do you do if you get that no - you smile and call again - next time!

I am definitely on some of the contact-lists in the media in Norway - when they want to talk about mediation, threats through the cell-phone or violence. Sometimes they ask me question I don't know anything about, but that's ok. I am glad that our "offensive" contact whit the media now results in that they try to get in touch with me. And then I always have a couple of minutes to tell them about things we do in our mediation service.

3) Press release is anther way to inform the media

It is not that popular - people from the media often tells me that - but despite that we have often succeeded with press release.. Not the in national media - the big, national papers and the Norwegian broadcasting - but in smaller papers or in smaller radio stations - they often give us place and time.

It's important - when you send out a press release - which you inform in a way which prevents the Editor from throwing it into the trash. In the first sentence you need to tell what you focus on - and if you can do it more like a headline - that is good!

Report/statement to the media should not be full of details - but you have to write name, telephone number and e-mail address to those who is regarded as persons who can give further information. And it is forbidden that those people have important meetings that day. They have to be available.

4) Two times a year (June and January) - when we have our statistics ready - I send out a press release to the media in Norway. I write one for the national media with the entire figure for the whole country - (and then make one for all mediations centres for them to fill out with their local number and comments. Last time we got more than 100 articles and interviews based on what we mails about our statistics.

Let me also tell you that the number of cases mediated - isn't always the issue. I try to find new things to focus on every time - for instance as January this year - I focused on the increasing number of violence-cases sent to mediation.

5) A local version of the big national news is also common in the media and in these cases it is important that the journalists know who to get in touch with if they want to have a comment from a person in your area. So my advice is to send a name list to different media in your district and I wouldn't get shocked if you got a telephone call some time.

6) Besides all this we may call it news even if it happened long time ago... An example could be if someone found out that an economic crime happened some years ago - or as in my district in Norway: Someone found out that a company had buried some barrels of poisons material in the ground. That made big headlines of course.

7) Or it could make big headlines when richer newspaper - after letting 2-3 journalists for several weeks investigate "something" suspicious in a community, the political environment, or others - and they found something which critical.

One definition of news could be something which we haven't heard about before.

Why am I telling you this? Because if we make our own definition of what is what when it comes to news - I think we have a better chance to influence.

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So to our dilemma... I don't know how the media works in all countries of Europe, but I guess it's not that different from Norway. And in my country the media focus more and more of the persons - and I think most of us would agree that articles are more interesting when we meet the persons who have the experience. We get the news through them!

We meet the same attitude - the same question from the media- "Is it possible to get in touch with the parties? We like to hear their story from how they experienced that their case was solved in mediation." The media want to interview the parties and they want to know what happened inside the mediation room.

I am sure that these stories are our best way to sell Restorative Justice. We have good results and RJ have made a change for many people. But the question is: How far can we go in "selling" the good results of RJ? In Norway we are bound by professional secrecy in our mediator-role. But does this mean that we can't do anything? My statement is that most of the times we are more cautious than needed.

When working with this strategic plan we had quite a few discussions about this - and the conclusion is:

We want to play an active role towards media - and we want to be professional. This means we will inform them, answer their question, call back as soon as possible, write or speak to the media when we want to comment on an issue?? And so on. We are aware, on the restriction of what kind of information we are not allowed to give about the parties - but we may ask the parties if we can give their name to the media for an interview. We ask them to give their permission to us - to tell their names to the media. If the parties are young people - younger than 18 years old - we also ask the parents to give their permission.

In some few cases we have asked the parties if the media might be in the room during the mediation - and sometimes they said yes. This is important for the television - because they need picture/films. (Tell me and I will forget - show me and I will remember)

Other parts of our strategic plan are rules about graphic profile, what to do in crises, our ethnic guidelines - and plans for the next two years - Here are some examples:

- all those who works as head of office will have a seminar about media and will have a chance to practise how it feels to be interview on television
- produce an DVD about mediation
- continue with our magazine "Opp og avgjort" (settled and closed)
- further develop our web-site
- expand our statistics so we can "make" more news to focus on towards the media

**Conclusion:**

We need the media - and the media need us to tell about the real good stories in our society!

*Gro Jørgensen, educated as a journalist in 1984. She has worked in different newspapers and from 1991 for the Norwegian Broadcasting Corporation as a news reporter both in radio and television. Since April 2002 she has been working in the National Mediation Service as head of office in the district of Telemark - and has since November 2005 had the title Director of Information.*

**Media Support to the Development of Restorative Justice in Albania**

**Presented by:** Rasim Gjoka (Albania)

**Chair:** Per Andersen (Norway)

Media is the basic tool and the crucial means of a direct communication with the world. Every media, be it written or electronic has its own organized strategy to transmit the news, the other's culture, believes, ideas and so on and so forth. Getting access to the proper media is quite a challenge, but gaining its support is such an achievement.

In this presentation I will bring the modest experience of AFCR for the promotion of Restorative Justice (RJ) and Mediation Program in Albanian Society. My main focus will direct its attention toward the cooperation with the written and electronic media. Throughout this paper I will try to reveal this cooperation within two perspectives:

**Firstly:** I will describe the narrative aspect of the nature of activities that AFCR has used to introduce and promote through media the Victim-Offender Mediation and Restorative Justice Program for the wide public and the intended institutions, which deal with the Penal and Restorative Justice.

**Secondly:** I will tackle the problems, and opportunities faced in our work, especially to sensibillize the consciousness of media actors and other social factors to attract their attention to understand and help us in introducing and applying restorative justice and mediation alternative programs.

In the end I will lay the ground for some considerations, claiming that even in the most positive experience it is always some room for improvement.

The cooperation between AFCR and media dates some years ago, in the time when the concept of Restorative Justice and Mediation Program also started to be introduced in

Albanian Society. This cooperation continued effectively in the after-years and it involved a wide range of other social and institutional actors.

The introduction and the practice of Restorative Justice and Mediation Alternative in Albania have followed a similar road with that of the other countries, where these programs operate. There are organized many debates and discussions about the terminology of Restorative Justice, aiming to find the most appropriate nomination in the Albanian language. A specific observation of mine was that in the Albanian culture and tradition, although the restorative justice terminology was not mentioned or used before, the restoration practice has been part of resolving penal conflicts. When I remind this fact, I intend to mean the application of reconciliation, consensus and mediation used in our communities in ancient times to resolve conflicts of an extreme nature somehow. At a later life-span stage these applications were used to resolve penal conflicts within communities through Court offices that belonged to certain villages.

AFCR has been the first promoter to introduce, develop and work to further institutionalize RJ and Mediation alternative in the Albanian society. Despite of its implemented activities through the 9 Mediation Centres and the network of free mediators in some districts of the country, AFCR focused its awareness raising ability and capacity to introduce these peaceful alternatives for conflict resolution to the wide public through media support.

In the coming lines you will create a better view of our absorbing strategy for media support.

*Who were some of the social actors involved in this initiative to make use of the existed potentialities that electronic and written media host within (TV and Radio)?*

Among the main social actors which joint their energies in the introduction and promotion process of Restorative Justice during workshops, seminars, conferences and specifically those who contributed in the written media we recall and compliment:

- judges, experts and prosecutors, police officers for crime investigation;
- lecturers and students from the Magistrate School;
- coordinators and mediators from the Mediation Centers in Albania, and the networks of mediators of AFCR;
- representatives and specialists from the local governance;
- journalists of electronic media (Radio, TV);
- conflict parties (victims and offenders) that resolved their conflict through mediation and restorative justice programs;
- Teachers and other specialists in the field of education etc..

*Which were some of the media forms that were used in the benefit of introduction, promotion and institutional development of Restorative Justice in Albania?*

Some of the forms which are used to introduce RJ and Mediation in Albania are:

1. *Cooperation with the TV studios, local and international institutions in preparing two films on life stories about penal cases settled through mediation, and also presenting the peaceful ways to settle them. Broadcasting these films on the Albanian Tv channels is the main scope of this cooperation.*

During the last years we have prepared two television documentaries, for about 30-35 minutes each. The first one was in close cooperation between AFCR and the German Television Channel ARD (Face to Face), and the second documentary was cooperation between AFCR and the American Company IREX, specialized in the field of media (The End of Vendeta). The produced documentaries have been broadcasted for a wide audience in the Albanian National Public Television and some private TV channels, but also in foreign TVs, especially the German ones.

"The End of Vendeta" is broadcasted more than 40 times during 2002-06 in the Albanian Public National TV and the private TV channels, and has been followed from a considerable number of viewers.

The specificity of these professional documentaries was the presentation of true life stories engaged in penal conflicts; the participation of the real characters involved in penal conflicts such as victims, offenders and participants from the surrounding community etc.. During these broadcasted documentaries were prominently evident the psycho-cultural values of Albanians, oriented toward the conflict resolution through dialogue, negotiation, mediation and reconciliation alternatives.

Based in the conducted surveys with the viewers of these documentaries we observed that their attention was directed toward the identification and the usage of positive energy and potentialities existent within the community and its members, for the constructive management of problems raised from conflicts they were involved in their daily life.

*2. Preparation and broadcasting of a video program on TV about the goals and achievements of the implemented project on RJ and Mediation in Albania by AFCR,- in cooperation with partners involved in this program (Norway Mediation Service, Police, Prosecution Office, etc.)*

Due to cooperation between AFCR and the National Norwegian Mediation Service (NMS) and the support of this later one, there have been prepared two video programs during the three last years. These programs addressed the following issues: The concept and meaning of Restorative Justice and the space it occupies in the Penal Justice; the field of applying Restorative Justice Program; The European experience, especially the Norwegian one in the field of RJ and Mediation etc..

These video programs are broadcasted in the National Public TV of Albania and in the satellite and some other private TV channels. The presentation of RJ and Mediation programs in TV for a wider public was realized through the combination of the most advanced experiences in the field of mediation application. Also these experiences were combined with interviews taken with experts and specialists in the penal and criminology field, and interviews taken with practitioners of victim-offender mediation, RJ Program etc..

The involvement of a wide audience compounded from groups of students from the Faculty of Social Sciences and the Faculty of Law for the preparation of the video program created a very attractive debating environment for a deeper understanding of the concept and meaning of RJ and the positive values of mediation, as one of the alternatives of applying RJ. Mediators and practitioners of the Victim-Offender mediation and RJ brought in these programs concrete cases of penal conflicts and they demonstrated and argued about their settling through RJ and Mediation Programs.

*3. Debates and open discussions with specialists about legal spaces to apply RJ. Concrete penal conflict cases handled and settled through restorative justice practices and mediation. People invited in such discussions were jurists, experts, mediators, psychologists, etc.*

Television debates with invited guests in studio, organized in Albanian National Public TV and in private TV channels, have been another form of cooperation between AFCR and electronic media. In this way there have been presented and promoted for a wide audience of viewers problems that are related with the possibility of managing penal conflicts through Victim-Offender Mediation, and Restorative Justice Programs. The debate tackled a wide range of subjects, such as the legal base of applying mediation and restorative justice programs specifically for minors and juveniles and for other target groups in general; problems that we face in the legal aspect and especially in the concrete implementation of Restorative Justice

in Albania; the most advanced European experiences in the field of implementation of Restorative Justice; the space that occupies Restorative Justice in the Traditional Penal Justice; achieved results during the implementation of the Restorative Justice Program for juveniles of 14-21 age-group, supported by UNICEF and Norway Mediation Service; the opinion and perception of many actors involved in mediation and restorative justice programs, such as officers and specialists of criminal police, lawyers, parents, teachers etc., for the possibility of managing penal conflicts through mediation and restorative justice.

Certain debates with invited guests in studio, such as mediators, lawyers, sociologists, specialists of criminology, teachers etc., are presented in the central and local TV in many districts of the country. Only during 2007, and in the first three months of 2008 are organized and transmitted 12 television debates, occupying a television space of about 20-25 minutes for each program.

*4. Articles and announcements in the daily newspapers have been another source of informing the public about the restorative justice and mediation programs.*

Almost every month we have followed the practice of publishing 2-3 articles in the daily newspapers. Parallel to the publishing articles and television debates, the announcements in written and electronic media have accompanied the organized activities, such as the workshops, seminars, forums and conferences. The preliminary preparation of a press relies and the delivery of a material set have also been very effective to attract the attention of journalists to understand and publish news and articles, or preparing television chronicles about the positive value of restorative justice.

AFCR has worked with a predetermined strategy to prepare and publish scientific and practical manuals focused on Victim-Offender Mediation and Restorative Justice Program in general. From 2007 and on we have published the monthly newsletter "Mediation". In the same time are published the training manual for judges and prosecutors in the field of restorative justice; the set of recommendations from European Council in regard to the administration of Restorative Justice; The leaflet on Restorative Justice and Mediation in penal cases; the manual for enhancement of capacities and skills in the field of conflict and dispute resolution at a community level; the teaching manual "Conflict Mediation in the school age-groups"; "The Mediation" magazine no. 1, 2 etc.

**Some considerations we set through while working with media for the promotion of Restorative Justice in Albania**

- We have observed in a visible manner the high possibility that exists to use the resources within written media, in order to make known for the wide public the theory and practice of Restorative Justice and Mediation Programs in Albania.
- We have encountered primarily some difficulties from the part of journalists to understand the mediation practice.
- We have acknowledged the growing interest from the journalists of written media and moderators of television debates to do many questions and to ask prior clarifications about the mediation theory and practice.
- The readiness of written and electronic media to create the required space in disposition of the programs on Mediation and Restorative Justice.
- The increase of journalists interests, and especially of television media to organize programs where can be told true real conflicts, and where the conflictual parties can be invited in studio to tell their story.
- The increase of knowledge level about the alternative resolution of conflicts and restorative justice due to the role of media.

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#### Discussion (notes by Brunilda Pali)

The discussion was organized in three groups of five-six people. And the questions raised by the presenters were what are the challenges and ways of working with the media that we can think of? The points which came out from these discussions were as follows:

1. We should always be careful about the confidentiality when working with the media in our mediation practices.
2. Media should be used after mediation and not during it.
3. We should promote and emphasize values like forgiveness through the media.
4. There are different stages and issues to consider during our relationship with the media. Also different countries have different context.
5. Another important hint while considering the mediation process would be to tape it for training or knowledge anyway (people accept that), and then later on if we need to present it to the media we can tailor it accordingly and ask permission to the parts whether it can be delivered to the media. This is much easier to do at this point rather than from the beginning.

***Public support for RJ: Creating a restorative society by starting young Restorative practices in schools***

**Presented by:** Belinda Hopkins (U.K.) and Bruno Caldeira (Portugal)

**Chair:** Keith Simpson, Scotland

There is a tendency to associate the phrase 'restorative justice' with judicial systems (alternative or complementary) and with reactive processes when harm has been caused by offending behavior. However there is far more to restorative justice than this, and the phrase 'restorative approaches and practices' hints at the potential of what is, for some, a radically new way of conceptualizing community and conflict. One of the main goals, for those who work in this field, is to inform public perception of both community and conflict and to enhance people's confidence and competence in building community and addressing conflict. Therefore we believe the work with children in schools is a good road to follow. Implementing restorative approaches/practices in schools can be a way for children to learn and internalize new concepts of community and of justice, based on restorative principles. In that way we will have in the future adults who are familiar with restorative ideas and thus more emotionally literate, more committed to community and, in case harm and conflict arise, they would be more willing to explore restoration rather than retribution and revenge.

The work in schools will enable us to carry out long-term studies to understand the impact of the learning of restorative principles on the social development of those children who were involved, and also the impact in their micro society (family, peer groups). This creates a huge area for researchers to give their contribution.

In this workshop we will try to give an overview of the development of restorative approaches/practices in schools. We hope to present two/three case studies (England, Portugal and a possible third one from Southern Europe), at different levels of development. This will allow the discussion to be broadened in order to address the different needs in this area.

The three presentations will be very short (no more than 5-10 minutes each) and their focus will be on how the programs were developed, the challenges faced and how these are being overcome

After the presentations, the discussion will be focused on sharing experiences and in finding ways to cooperate and implement this kind of work, bearing in mind the specificity of each country.

*Belinda Hopkins - Director of Transforming Conflict, the National Centre for Restorative Justice in Youth Settings. Belinda has been pioneering restorative approaches in educational settings across the U.K. and beyond, for over 12 years. In the early 90's she founded Transforming Conflict which has become the U.K.'s leading provider of training and consultancy on restorative approaches in youth settings. In 2004 she published the first book on the topic - 'Just Schools', having previously developed the only restorative training course uniquely designed for educationalists in 2002. In 2007 she completed her doctoral research on the implementation of restorative approaches in schools. Having just published a training manual on peer mentoring and mediation Belinda is currently jointly authoring a book on restorative approaches in residential child care - 'Just Care' due out late 2008..*

*Bruno Caldeira is chairman of the Portuguese Mediators Association (AMC), mediator in Civil, Family and Penal matters, trainer in Mediation and scientific coordinator in Basic Mediation, Penal Mediation, School Mediation and Mediation for the Community.*

### Workshop notes by Brunilda Pali

The presenters were introduced by the chair, Keith Simpson. In their presentation, Belinda Hopkins, Bruno Caldeira and Maija Gellin emphasized the fact that their presentations would unfold as a single coherent one, and that their workshop would model the principles of restorative justice itself and would therefore be very interactive.

Belinda Hopkins started presenting the restorative approach in Transforming Conflict, UK, and focused on its five main themes:

1. Work together on the problem by sharing perspectives/experiences (Let everyone express how they personally experienced what has happened or is happening),
2. Express thoughts and feelings (invite people to express what they were/are thinking and how they were/are feeling as a result of these thoughts),
3. Harm and affect (invite each in turn to consider who has been or is being harmed/ affected by the situation/event and how, and encourage accountability and responsibility),
4. Needs (invite each in turn to consider what they need now to repair harm/solve the problem, to feel better and to move on),
5. Repair and reflections for the future (invite each in turn to consider how each of the needs expressed can be met, what support they might need to do this and how they will do things differently in the future.)

The presenter furthermore stressed out the difficulties related to the teaching of restorative approaches. The first difficulty has been through the paradigm shift from punitive towards restorative approaches. The second difficulty has been to move people from authoritarian attitudes where they tell others what to do, towards more participatory attitudes where they ask others what they think needs to be done.

She pointed out the issue of modelling restorative justice as one teaches it. The best way to highlight what Belinda Hopkins means can be shown with a saying of Helen Flanagan: 'If we are not modelling what we teach then we are teaching something else'

Bruno Caldeira started presenting his experience in Portugal by saying that teachers change frequently, and that makes it very difficult to introduce long-term restorative approaches. In Portugal, he said they use top-down approaches, which means that they start by training the schools' principles, then professors, parents, administrative staff and so on. One of the problem with which they as mediators are facing is the violence in schools. Media is expecting the problems to be solved through mediation but they have another time concept, while mediation is slow and does not show the results immediately, media wants them in one week, and that can be a problem for the reputation of mediation. He highlighted the fact that we all need to change the way of thinking and make more long-term investments for our societies. Bruno Caldeira furthermore said that since the restorative approach to life and to conflicts starts since young age, they are actually working with children from 3 years old to five years old.

### Discussion through the concept of World Café conversations

- you will be sitting in small groups (4-5 is best, but even in larger groups the key is 'intimate and relaxed!') and after some initial input you are going to embark on three rounds of conversations of about 20 minutes each.

#### Round One

- the Café Host will pose a thought provoking question which each person in the group will be invited to reflect on and discuss
- you are encouraged to **write, doodle or draw** ideas on your placemats as ideas emerge
- after about 20 minutes one of you will stay put (the 'Table Host') whilst the others all move to different tables, taking the ideas from your table to others

#### Round Two

- the Table Host welcomes the new people and invites very brief introductions before explaining the key ideas and themes of their first round of conversation. Everyone else shares what they have brought from their own table. remember to **link and connect** ideas from the previous conversations
- the Café Host then poses the next question and the shared discussion continues. Remember - **write, doodle or draw** ideas on the placemats and look for **emerging themes and patterns**.
- after about 20 minutes the 'table host' will stay put whilst the others all move to different tables, again taking the ideas from the table to others

#### **Round Three**

- The same process, facilitated by the Table Host, is repeated - brief introductions, an explanation of the emerging themes and patterns from the table then a sharing of what has emerged from each table the new people have come from. Expect lots of cross-pollination of new ideas

#### **Graphic Recording**

- Finally you will be invited to reflect on what has emerged and the collective knowledge and plans for action will be graphically recorded on a large image which will be electronically captured and shared with all participants

#### **Café Etiquette**

Focus on what matters - Contribute your thinking - Speak your mind and heart - Listen to understand - Link and connect ideas - Listen together for insights and deeper questions - Play, doodle and draw - Have fun!

How can a school using the peer mediation system, in cooperation with a local VOM-office and police, increase the understanding of restorative practices

Presented by: Maija Gellin (Finland)

Chair: Keith Simpson (Scotland)

This presentation described the use of the steps of mediation in the whole school community, which includes pupils, school staff, parents and in some cases also youth workers and police. As the first step the peer mediation method in a school can be used to encourage pupils solve the smaller disputes by themselves. As a second step the conflict can be mediated by the staff who works as supportive adults to school's peer mediation system. In this case parents also take part in mediation. If the case is more serious (including serious violence or questions of property compensation) it is possible to use as a third step help from voluntary mediators. All these cases can come directly from youth workers, police or parents, who have contacted the head of the school to inform on the situation. Follow-up of each case is organised, and if the parties can keep the agreement, the case can be closed instead of leading to further investigations or punishments.

According to our experience, when the peer mediation method is used in a school, the practice affects positively the whole community, which starts to understand mediation as a positive method to use in many kinds of conflicts. The good experiences of peer mediators, increase the understanding of why to use mediation instead of punishments. The knowledge of how peer mediators are working and how the mediation can help parties to remain normal pupils - not victims or bullies - increases also parents' trust as well as pupils', and the trust of the school staff in restorative practices. In every step conflicts can be solved before the problems become more serious. This supports not only the peaceful atmosphere in school but can be seen as a preventive measure among local youngsters. When getting more information about the mediation- e.g. in the trainings, parents evenings ect.- the attitudes to mediation improve. Mediation should be seen more as a learning process where the parties can learn to take responsibility of their own behaviour.

*Maija Gellin is the Director of the Peer Mediation Project in Finnish Forum for Mediation. The project is supported by the Ministry of Education and the Finland's Slot Machine Association (RAY). During the last seven years she and her team have trained over two hundreds of schools to use the peer mediation method. Maija Gellin has worked as a special need youth worker over 15 years for example for Finnish Red Cross as well as in her home municipality of Kirkkonummi. There she has also worked as a mediator and leaded and trained voluntary mediators to local VOM-office. She is a pedagogue in civic activities and youth work (Humanistic University of Applied Sciences in Finland).*

### Workshop notes by Brunilda Pali

Maija Gellin talked in her presentation about the peer mediation in Finland. The model they are using in the Finish Forum for Mediation is called peer mediation networking and it is a model to cooperate with schools. The method of peer mediation is developed to the use of pupils for the resolution of conflicts between pupils. Maija Gellin went on in her presentation by introducing a chart where a networking model was drawn. In the model, we could see in the middle a circle which represented any school using the peer mediation method. Around the circle were all the other partners or participants in the peer mediation, which are as following: ministry of education, teachers' training schools, parent and parent associations at a local and national level, police, VOM office, youth workers at school and youth clubs, social workers, media at the local and national level, parishes, and local companies which have societal responsibility and offer financial support.

She went on in her presentation to describe the step model for restorative practices in school community and among juveniles.

1. The first step would be the use of peer mediation method in schools when the conflict cases are as follows: physical cases like small fights, brawls and pushing; verbal cases like using curses, bad name, bad language, shouting, telling lies, and using e-mail or sms to harm somebody; taking something from the owner without permission, etc. In these method, pupils are mediating conflicts between other pupils. This step can be used after trainings of the whole staff and selected group of mediators and supportive adults. In the end information is spread to the whole school community. Adults are supporting systemically the peer mediators of the school in every day partice. These type of cases come from teachers, other staff, pupils and parents

2. The second step is when the school staff uses mediation beside their own traditional methods. This takes place with adults as mediators, or it can be in forms of conferencing with the principle, staff, pupils and parents. These cases include serious bullying, social difficulties, conflicts between a teacher and a pupil, unwillingness to be at school etc. The cases come from school staff, parents, the head, health care etc

3. The third step would be using mediation in a school in cooperation with the local VOM office and the principle, parents and pupils (and in some cases including police and social workers) in cases of serious action against the rules of a school, and when having serious behaviour problems. In more serious cases a school can contact local VOM-office. Cases come usually from parents or the head of the school

4. The fourth step would consist of a quickened process in juvenile cases in cooperation with a school, VOM office, local police and youth worker when cases of slight violence, vandalism, pilfering, etc occur during the school time. There are regular network meetings to regonice and to focus the need of support. After succesfull mediation the police can close the case

5. The last step would be when dealing with criminal cases, like violence, crimes against property, vandalism, embezzlements, slanders, etc. These cases involve in the mediation VOM office workers and voluntaries. Because of first four steps of this model, mediation is well known in the whole community as a method to manage conflicts and criminal cases. Mediation by VOM-office can be seen as an opportunity to solve serious conflicts instead starting a juridical process

Maija Gellin moreover introduced us with the format and content of a training module for peer mediation, and then left room for discussion.

The discussion was led by Belinda Hopkins who presented the concept of the World Café (see above)