

A plea for diversity in restorative justice

The
fundamental need
for freedom of choice
by victims and offenders

by **Slachtoffer in Beeld**



Introduction

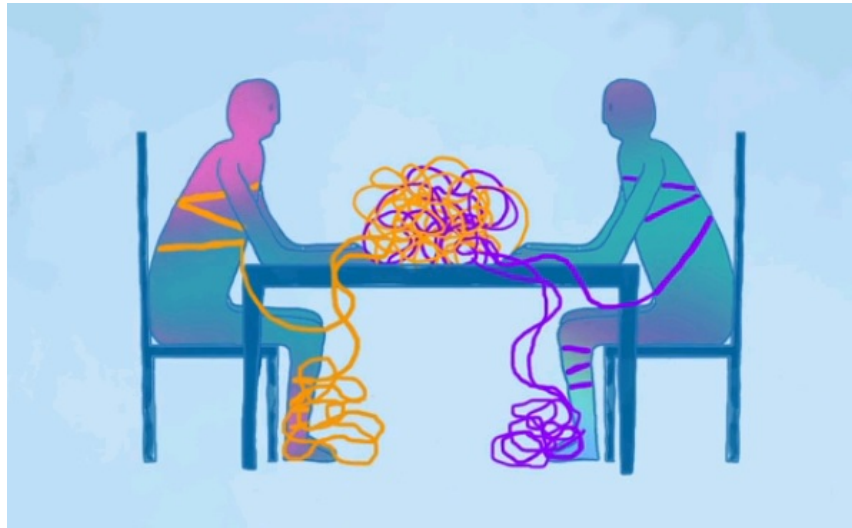
- Welcome
- Who are you?
- The Dutch context
- Slachtoffer in Beeld (SiB)
- What are your experiences?
- Discussion
- Some final conclusions

Who are you?



Victim Offender Contact

Voluntary contact between victim and offender of a crime, carefully prepared and facilitated by a professional and neutral mediator



The Dutch situation

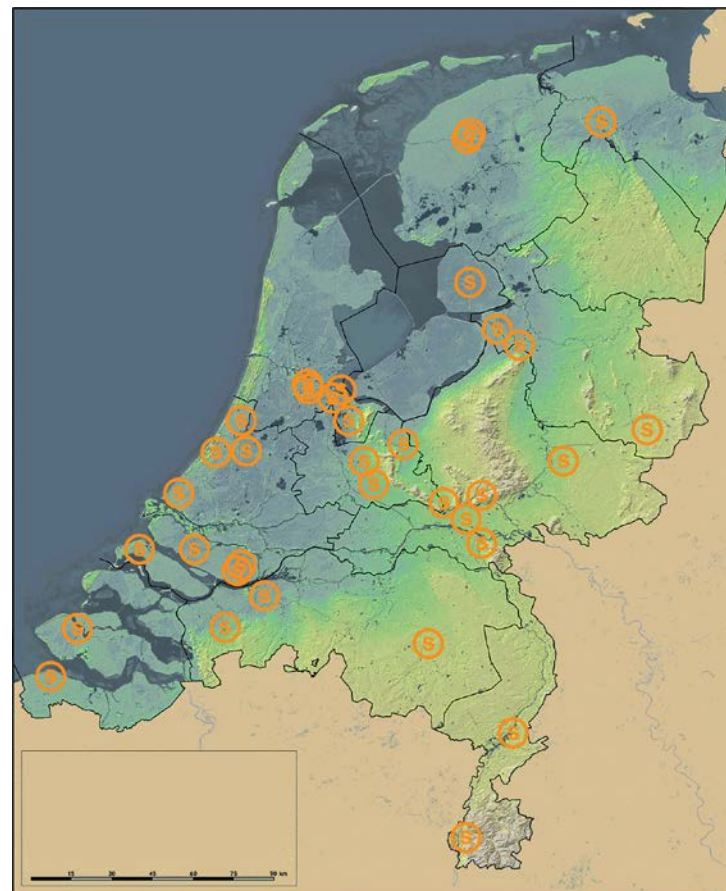
2007: Victim-offender contact - *independent* to criminal procedure

2012: Victim-offender mediation – *influencing* the criminal procedure

Slachtoffer in Beeld

Unique in the Netherlands:
Slachtoffer in Beeld:

- Victim-offender contact
- Victim-offender mediation
- 30 professional mediators



Financed by the Ministry of Security and Justice

Differences I

Victim Offender Contact	Victim Offender Mediation
Independent from criminal procedure	Embedded in the criminal procedure
Focus on restoring and healing	Focus on agreement and influencing cr. procedure
At any moment	Before the verdict
Victim or offender takes the initiative (or referral)	Prosecutor/judge takes the initiative

Differences II

Victim Offender Contact	Victim Offender Mediation
All types of crimes and traffic accidents	Practice shows: -Smaller offenses -Parties are often acquaintances
Conversation, letter exchange, shuttle, group conference	Most common: conversation
Oral agreement	Signed agreement, <i>if parties wish to do so</i>
	Agreement is shared with judicial authorities



When and for whom?

Victim Offender Contact in NL:

Contact between victim and offender at *any* moment and in case of *any* type of offense

For:

- Victims, offenders and other people directly involved in all types of offenses, happened recently or longer ago.
- Perpetrators, victims and other people directly involved in a traffic accident.

Referral & participation

Referred by:

- Victim Support Netherlands
- Public Prosecution / Judges
- Child Care & Protection Board
- Detention workers
- Probation Service
- Police

Referral & participation

- > 2000 referrals each year
- 1:3 = victim-offender mediation
- Offender is most often initiator (75%)
- *Willingness to participate:*
 - 50% of the victims
 - almost 60% of the offenders
- *Both parties are satisfied* with victim-offender contact (victims: > 90%, offenders >80%)

Basic principles & conditions

- Voluntary
- Confidential
- Independent and neutral mediator

- Carefully prepared
- Offender has acknowledged basic facts
- The needs of *both* parties are central and both benefit from mediation

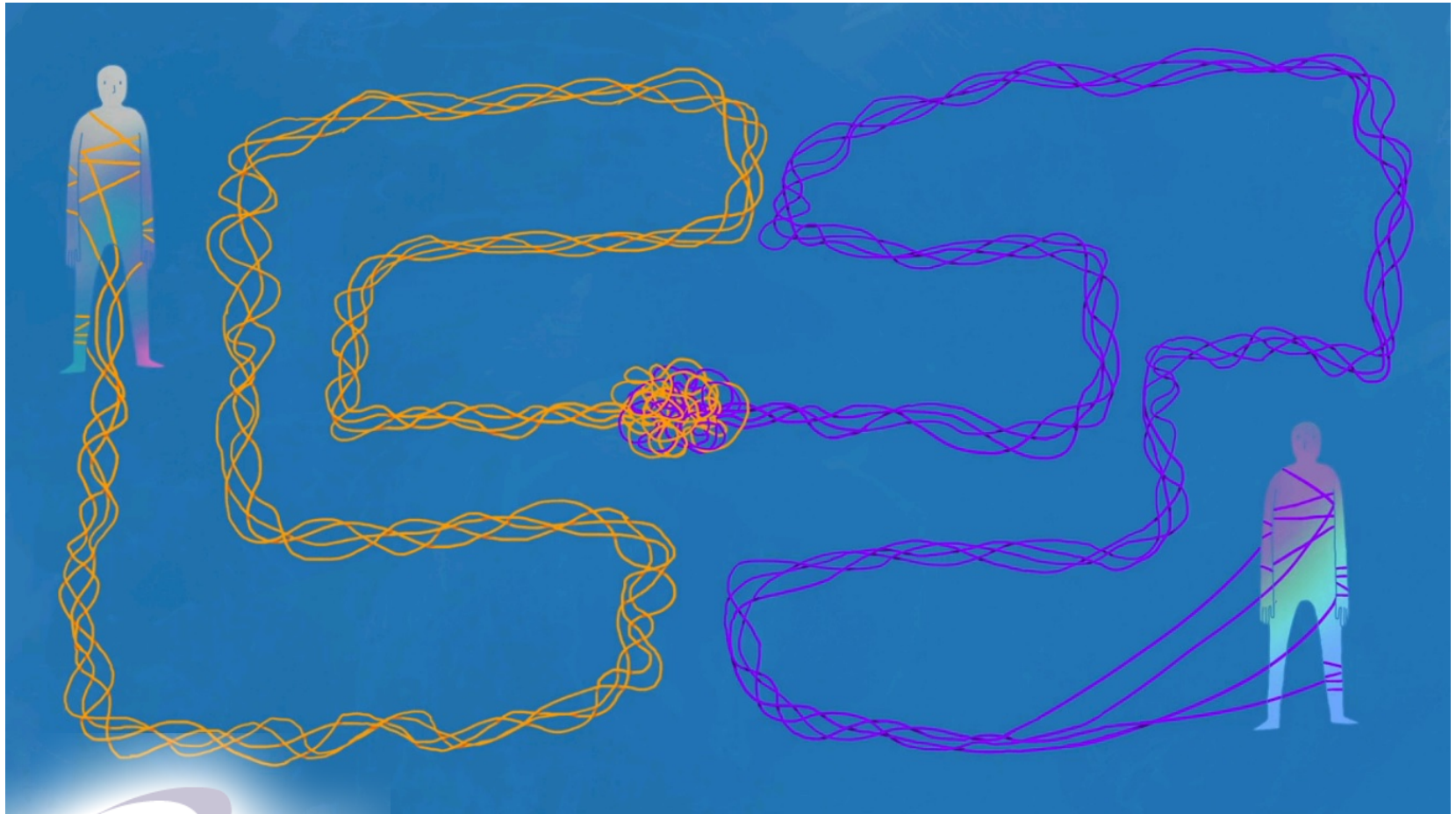
Developments NL

- Pilot VOM & research (Intervict)
- Decision on implementation

Research

- International research EFRJ
- Impact research VOC
- Research SiB: distinction VOC & VOM

What are your experiences?



Discussion 1

If there is pressure, more or less manifest, in order to participate in the victim offender mediation process, the case should be rejected and the mediation should not take place.

Discussion 2

If parties are informed properly (transparent, complete and correct) and more people say no to mediation (VOC/VOM), then this is a good development.

Recent research

Research Victim Support Netherlands:

Why do victims say no if asked to participate in mediation (VOC/VOM)?

- No added value
- Mood & timing

Discussion 3

The influence of mood I

A victim who says no because he/she is still too afraid/angry, should be convinced to participate. In order to recover and restore.

Discussion 3

The influence of mood II

An offender who downplays the effects of the crime he/she committed, should be motivated to participate in mediation, as it is a sign that the offender is struggling with remorse, feelings of guilt and shame

Some final conclusions

- **Important to inform about restorative justice:**
Transparant, complete & correct, without pressure
→ garantees voluntariness & freedom of choice
- **A no can also be part of the healing process:**
The offer, and/or decision to say no, empowers the victim |
The offender, by taking the initiative for mediation, shows he is willing to take responsibility

Thank you!

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