

# Family Group Conferences restoration found in a dialogue

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# Family Group Conference (FGC)

- young offender
- victim
- family members (on both sides)
- other persons, e.g., social workers, police, schoolmates, neighbours
- facilitator

 group consensus on a „just“ outcome

# Restorative principles in FGC

- victim participation
- mediation of concerns
- assumption of responsibility



**reconciliation**  
**restitution**  
**rehabilitation**

# The Probation and Mediation Service of the Czech Republic

- Act No. 257/2000 Coll. establishes the Probation and Mediation Service
- objectives of the PMS activity:
  - offender integration
  - victim participation
  - community protection
- 77 PMS centres; directorate in Prague
- PMS workers:
  - probation officers
  - probation assistants

# FGC in the Czech Republic

- project 'On the Right Path'



programme 'Against Violence'

programme 'Family Group Conferences'

- 1. 6. 2012 – 30. 11. 2015
- support from the ESF (Operational Programme Human Resources and Employment)
- objectives:
  - effective instruments for solving juvenile delinquency
  - prevention of recidivism
  - social integration of young offenders

# FGC programme activities

- 1) monitoring
- 2) creation and realization
  - methodology
    - guidelines
    - examples
    - models of documents
  - training of PMS officers
- 3) evaluation

# Results summary

- 17 Probation and Mediation Service centres
- 30 trained professionals
- more than 50 performed FGC

- **follow-up project ‘On the Right Path II’**
- **1. 5. 2016 – 30. 4. 2020**
- **broadening the practice of FGC to the whole Czech Republic**

# Project „On the Right Path“ - EVALUATION

- satisfaction of participants
- recidivism impact



# Evaluation of research

**Motives of  
participation**

**Evaluation  
of  
conference**

**Conclusions  
of research**

# Victims - motives of participation

- **MAIN MOTIVES:**
  - to hear an apology (63 %)
  - to contribute to reform offender (58 %)
- **92 % - motivation to impose a fair sanction**
- **15 % - no motivation to come face to face**
- **18 % - no motivation to solve the case**
- **23 % - no motivation to get compensation**
- **13 % - motivation to avoid court summons**

# Offenders - motives of participation

- **MAIN MOTIVES:**
  - to apologize to victim (86 %)
  - to make an agreement (84 %)
- 11 % - no motivation to explain the circumstances of the case
- 5 % - no motivation to get more lenient sanction
- 91 % - motivation to comply with their parents request

# Evaluation of conference

	VICTIMS	OFFENDERS
Pleasant atmosphere	88 %	92 %
Apology	97 %	95 %
Worries, fear	9 %	29 %
Possibility to express opinion	97 %	98 %
Professional organization	97 %	100 %
Agreement	89 %	95 %

# Conclusions of research

**Importance of apology, possibility to express feelings and to participate in solving the case**

**Altruism of victims**

**Worries, fear, insecurity before conferences**

**Better feelings of victims after conferences**

**Pleasant atmosphere**

**Satisfaction with reached agreement**

# FGC in the Legal Context of Czech Criminal Law



# The recent situation: PARALLEL SYSTEMS

- **No legal link** btw. Code of Criminal Proceedings, Penal Code, Juvenile Justice Act and FGC
- **Procedural options:** Withdrawal from CP (JJA), Settlement (CCP), (Conditional Suspension of CP (CCP))
- **Substantial law options:** duty to provide damages

# Is this LEGAL FREE area worthy?: BENEFITS

- No legal boundaries to **DEVELOP** new programmes – good **START-UP** when promoting RJ into the system
- FGC might be used in **EVERY STAGE** of criminal proceedings – presentential, sentential, execution



# Is this LEGAL FREE area worthy?: DISADVANTAGES

- Risk of the **DOUBLE PUNISHMENT EFFECT**
- RJ and FGC play **MINOR ROLE**
- Risk on the **PROCEDURAL RIGHTS** (confidentiality, admission of guilt)
- Misunderstanding of the legal experts what **RESTORATIVE** means (**≠ ALTERNATIVE**)

# Restorative FUTURE of the Criminal Law?

- Restorative **PRINCIPLES and VALUES** shall be **incorporated into** to the relevant codes
- Restorative **OUTCOMES/final agreement** shall be **at least respected by the court**
- **RJ PROGRAMMES** shall be **governed by legal rules**

# DISCUSSION TOPICS

- **FGC in your legal system (incorporated or not/who is entitled to send the cases to FGC/confidentiality)**
- **Satisfaction with FGC in your country; impact to recidivism**
- **Knowledge and education required to become a facilitator**