

EXPLANATORY DOCUMENT ON CONSTITUTIONAL CHANGES

1. Rationale for proposing constitutional changes

The changes in the constitution were started under a spirit of change in the framework of the Forum15. For example the preamble was added to reflect partly that spirit where the EFRJ aspires to the vision of a right to restorative justice. Nevertheless, although it might have been perceived from some of the members that this ‘new spirit’ has been infused throughout the constitution, not all the changes have to do with such major visionary propositions. Some of the reasons are more technical.

For example somethings in the constitution are outdated, and do not reflect the current state of affairs in the EFRJ or in the policy terminology, ex. victim-offender mediation remains too narrow to reflect the broadness of the field. Some items are not precise or correct anymore, ex. changes in laws. Some items need to be changed for legal and technical reasons, ex. details on the voting members and possibilities. Some items need to be changed because they do not reflect best practice, ex. length of being a board member. Some items have been reorganized or rephrased, ex. the general aims.

The constitution is not the place where everything that needs to be said or included can be so. Many items are more suitable to the procedural document. The constitution needs to be by definition fundamental, minimum, and not too wordy or explanatory.

We have realized that some fundamental misunderstanding remains as to what is at stake when talking about restorative justice. Some members have perceived some of the changes (ex. dropping of the wording restorative practices) have to do with excluding or narrowing the field. We would like to clarify that this is not the intention. For us restorative justice will remain the main reference word for the following reasons:

- This terminology encompasses everything we would like it to embrace: the main stakeholders (ex. victim, offender, community), the main practices (mediation, conferencing, circles), and approaches taking place in all the possible settings (prison, schools, community, CJS).
- The word ‘practice’ for us refers to the concrete practices (ex. mediation, circles), therefore it is not a relevant to include it in our main statements.
- The word ‘approaches’ does not embrace the importance of justice, and is a more technical word. Justice is not a monopoly of the CJS and we think this

appropriation of the word for all the settings (ex. schools, prisons, CJS, community) is something we need to embrace.

2. State of the art of the undertaken actions

The Constitutional changes were proposed during the AGM in 2016 in Leiden, but voting on them was not possible due to the fact that the required quorum of two-thirds of the full members were not present or represented on that General Meeting. Still, that AGM discussed the proposed changes. On 30 March 2017 the EFRJ sent an e-mail to the membership to look at the changes proposed and to comment them or add new ones. The following members replied and proposed new changes: Antonio Buonatesta, Inge Vanfraechem, Les Davey, John Bailie, Belinda Hopkins, Dobrinka Chankova, Catherine Jaccottet Tissot, John Boulton, Martin Wright, and Ivo Aertsen. The comments were discussed on the EFRJ Board meeting in Berlin 31 May and 1 June and were presented on the Annual General Meeting on 1 June 2017. As the proposal had new elements compared to Leiden, and the AGM had no the quorum required, voting was not possible again. As the regulation in Belgium allows for the same proposal to be voted on a second AGM following the one where the necessary quorum was not achieved, the present proposal will be voted on the AGM 2018, but it still needs two-third of the members present or represented to accept the changes.