

European Forum for Victim-Offender Mediation and Restorative Justice

Annual Report 2001

Editing: Jolien Willemsens and Ivo Aertsen Leuven, March 2002.

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Foreword

We are happy to present you the first annual report of the European Forum for Victim-Offender Mediation and Restorative Justice. Established formally in December 2000 after two years of preparatory work by a co-ordinating group of people from different European countries, the European Forum looks back at its main activities so far on the following pages.

The most important features of the Forum's work you will not find represented in this report, at least not in a visible way. Providing a forum for mediators, researchers, legal professionals and policy makers to meet, to exchange information, experiences and ideas and to learn from each other is something not always observable. Networking – facilitated by inviting mediators from different countries to participate in a conference or in the work of a committee, by bringing prosecutors into contact with each other, by gathering representatives of ministries of Justice, by including specific information in a newsletter, by disseminating literature or by providing information on request - is leading its own life, and cannot - and should not - be assessed all the time.

What this small report can offer you directly is information on the discussions at the General Meeting, the Board meetings and the work of the committees. Moreover, you will read about the newsletter, other Forum publications and the website. Co-operation with national and international organisations is highlighted too. You will also get an impression about the policy-oriented work at a supra-national level that was done during the first year. The latter was also important because we believe that work on restorative justice at the national level is in need of support at a level where criminal justice policies are determined increasingly nowadays. The European Council Framework Decision of 15 March 2001 on the standing of victims in criminal procedures is a clear example hereof: article 10 requests Member States to promote mediation in criminal cases and to adapt their legal frameworks by the year 2006. Finally, in this report you will also find information on the financial aspects of the Forum and on the ongoing efforts to make the daily work, the functioning of the committees and the international co-operation more in general feasible in a practical way.

This is the right place to sincerely thank our main sponsors for the years 2000, 2001 and 2002: the governments of Belgium, Finland, Germany, the Netherlands, Norway and the U.K. They made it possible – together with the contributions by our members - that the secretariat with a hard working administrator can function and that services can be provided. At the same time, as suggested by many of our members and also proposed explicitly by some governments, we started negotiations at the level of the European Union to find more structural resources.

For the year 2002, apart from the highly necessary action on structural funding, the other priorities of the Forum, as presented at the General Meeting in September, are: the promotion of membership, the involvement of legal practitioners in the work of the Forum,

the support of the functioning of the committees, the improvement of contacts with the field of mediation in particular countries, providing support for East-European countries and the affiliation with related international organisations. Exchange and dialogue between the different target groups of the Forum is a permanent point of attention. Restorative justice is to be developed in a dynamic and independent way in a close interaction of mediators, researchers, prosecutors, judges and lawyers, umbrella organisations and people at ministries with a responsibility in policy development. It is true – not only within the Forum but also often within the countries – that the group of legal professionals is not yet represented very well in the discussions and the implementation of restorative justice. That is an important reason why we have chosen the relationship of restorative justice to the criminal justice system as central theme for our bi-annual conference in Bucharest, 10-12 October 2002. For this conference, we are doing special efforts to serve the group of legal professionals.

Please do not hesitate to give your comments on this report, to forward your ideas and suggestions for further actions and to enter in contact with other people interested in restorative justice. I hope you will find the overview in this report useful and I'm looking forward to meeting you in Bucharest.

Ivo Aertsen Chair

1. Short information about the Forum

The European Forum for Victim-Offender Mediation and Restorative Justice is a non-governmental not-for-profit organisation established according to Belgian law. It was officially created during the first General Meeting, organised in Leuven (Belgium) on 8 and 9 December 2000. Its statutes were published in the Belgian Official Journal on 19 April 2001.

The *general aim* of the Forum is to help establish and develop victim-offender mediation and other restorative justice practices throughout Europe. To further this general aim, the Forum pursues, amongst others, following *objectives*: promoting international exchange of information; promoting the development of effective restorative justice policies, services and legislation; exploring and developing the theoretical basis of restorative justice; stimulating research; and, assisting the development of principles, ethics, training and good practice.

The Forum has a permanent *secretariat*, located within the Department of Criminal Law and Criminology of the Catholic University of Leuven, Hooverplein 10, 3000 Leuven, Belgium. It employs a half-time staff.

The Forum has a mixed *membership* structure. There are full (with voting rights) and associate (without voting rights) members. Both individuals and organisations (governmental and non-governmental) have the right to become a member. At the end of the year 2001, the Forum had 96 members.

2001 membership

Full members				
Individuals	64			
Local, regional and national non-governmental	26			
organisations				
Governmental organisations				
Associate members				
Individuals				
Governmental organisations				

The *Board* of the Forum, which was elected during the first General Meeting, is composed of: Ivo Aertsen (Belgium) as Chair, Andrei Pascu (Romania) as Vice-chair, Robert Mackay (United Kingdom) as Secretary, Tony Peters (Belgium) as Treasurer, Christa Pelikan (Austria), Juhani livari (Finland), Torunn Bolstad (Norway), Jesús Trujillo (Spain), and Martin Wright (United Kingdom).

2. Overview of the activities

2.1. General Meeting

The 2001 General Meeting was organised in Leuven, Belgium, on 20 September 2001. It was attended by 30 members and 8 observers. The meeting was organised following on the Fifth International Conference "Positioning Restorative Justice", organised by the International Network for Research on Restorative Justice for Juveniles, in order to limit travel costs.

Next to recurrent formal issues, like the approval of the report of the previous General Meeting, the approval of the annual accounts and budget and membership matters, following important issues were handled:

- The appointment of an auditor: Mr Bruno De Prins was accepted as bookkeeper. It was
 decided that after the finalisation of his report, Mr De Prins would submit his report for
 approval to an accountant.
- Approval of internal regulations: Internal regulations were accepted relating to application for membership, acceptance of a candidate for membership, suspension and termination of membership, waiver of subscription fee, pro-rata subscription rates, voting and membership of the committees. A proposal concerning membership of the Board was returned to the Board for further consideration after a vote from the General Meeting. The internal regulations that were accepted are being codified in a Code of Internal Regulations which can be obtained from the Secretariat. It can also be found on the Forum website: http://www.euforumrj.org.
- Appointment of a selection committee. This selection committee has to make nominations for the upcoming change on the Board.

During the meeting, reports were presented of the activities of the Board, the Secretariat and the committees. The committees also met and reported back their plans for the year 2002 to the General Meeting.

After a general discussion on the Forum, guiding principles and priorities for action were presented by the Chair.

At the meeting it was decided to endorse the communiqué of delegates at the Fifth International Conference of the International Network for Research on Restorative Justice for Juveniles concerning the September 11th terrorist attacks in the USA. A letter was written to our sister-organisation VOMA in name of the Forum to express our solidarity.

At the end of the General Meeting, David Miers presented some findings of his research project "International Review of Restorative Justice" and some four participants gave a short presentation on new developments in their country.

2.2. Board meetings

In 2001 the Board met twice, once in Castleton (U.K.) from 27 to 30 April, and once right before and after the 2001 General Meeting on September 19 and 21 in Leuven (Belgium).

The functioning of the committees and the financing of the Forum were the main topics for concern in the Board meetings. The Board drew up a proposal to reformulate the aims and objectives of the committees since it was thought that the plans of the committees were too general and ambitious. The financial situation of the Forum has led the Board to reduce the contract of the Secretariat from 75 to 50% and to set up strategies for active fundraising. Each Board member took it upon him/herself to look for funding possibilities in a number of countries.

The role and work of both the Board itself and the Secretariat were also discussed at Board meetings. At both meetings, proposals for internal regulations were worked out. International networking has been stressed as one of the points that need to be developed.

During the Board meetings, concrete projects were also discussed. As such there was a.o. discussion about the COST action, about the actions to be taken in Europe concerning the development of the UN Resolution on Restorative Justice, and about the initiative of the Belgian Ministry of Justice to create a European Network for Restorative Justice.

At each meeting, a large number of new members were accepted. Also, strategies for the active promotion of membership were worked out, and the work in this respect was divided.

2.3. Committees

Five committees are functioning within the Forum. The information committee gathers and processes information on restorative justice developments in the different countries. The communication committee provides the mechanisms of dissemination of information to the outside world and within the Forum. The newsletter editorial board is part of this committee. The practice and training committee identifies, promotes and supports principles of good practice. The research committee promotes and developes research which informs and supports practice and policy developments. The finance committee focuses on fund raising.

During the year 2001, committees were working towards more active participation by its members and involvement by others. It was reported that the initial enthusiasm of the committee members was not easily brought into practice. At the General Meeting in September decisions were taken to re-orient the action of the committees in a more practical and concrete direction. The information committee planned to collect national and regional information on the basis of a given template and to find national contact persons to update

this information. The practice and training committee decided to draw up a questionnaire for collecting information on the qualification of victim-offender mediators in Europe. This action received a large response from mediators and trainers in different countries. The answers on the questionnaire are being analysed and a seminar will be organised in June 2002 in Bonn in order to discuss the results. Also within the context of the practice and training committee a visit programme for mediators was established and realised a first time in one of the countries (Belgium). The communication committee - deprived of a chair during the largest part of the year - participated mainly in the development of the website and in the preparation of the programme of the Bucharest conference. The research committee tried to identify research topics, reports and needs by contacting researchers in European countries, using a mini-questionnaire, unfortunately without much response. Furthermore, the reseach committee provided information on special requests. A proposal for a COST-Action, elaborated with the help of the research committee, was rejected in the beginning of 2001. The finance committee drew a budget plan and contacted, or gave assistance in approaching governments, persons, institutions and organisations.

2.4. Newsletter

The newsletter appeared two times in 2001: in May and October. It is now starting to take on a more structured form. The Bulletin Board, Readers' Corner and Newsflash are recurrent sections through which short information is provided. The newsletter typically also contains two to three articles, which usually deal with new developments in European countries. These developments can relate to practice, but also to research, policy or legislation. Finally, there are some smaller sections in the newsletter which can contain information about the Forum, about a past event, or about international developments. In each newsletter, the editorial board tries to include information about the different parts of Europe. It also attempts to balance the interests of the different target groups of the Forum.

In 2001, the newsletter was sent to all the members as part of their member benefits. It was also presented at several restorative justice and related conferences as promotion material.

One organisation is buying the newsletter for its library without being a member. With other organisations the Forum has established an exchange of newsletters.

2.5. <u>Book</u>

The book "Victim-Offender Mediation in Europe. Making Restorative Justice Work" which was published following the Forum's 1999 conference can be said to have been a success. In 2001, 209 copies were sold. Reviews of the book appeared in CEP Bulletin, Panopticon,

Society and Welfare, the newsletter of the Restorative Justice Consortium, the newsletter of Mediation UK, VOMA Connections, the Bulletin of the Centre de Recherche sur la Médiation, and probably other publications. It is possible that the book will be translated in Spanish and Romanian.

2.6. Other publications

Short pieces about the Forum appeared in a.o. Mediation Magazine of Mediation UK and in the TOA-InfoDienst (Germany).

An extensive article about the Forum was published in the European Journal on Criminal Policy and Research: Aertsen, Ivo and Willemsens, Jolien, 'The European Forum for Victim-Offender Mediation and Restorative Justice', in *European Journal on Criminal Policy and Research*, Vol. 9, No. 3, Autumn 2001, 291-300.

2.7. <u>Information provision</u>

The Secretariat and the Chair dealt with numerous requests for information. These pertained to information about the Forum, information about contact persons or institutions in other countries, and information about specific aspects of restorative justice. Amongst the latter, we repeatedly registered questions on mediation in cases of domestic violence and on restorative justice in prisons.

As the Secretariat is hosted by the Catholic University of Leuven, information and literature is provided on a regular basis to students, not only from Leuven but also from abroad.

2.8. Website

In the summer of 2001, the Forum obtained funding from the British Home Office to develop a website. The deadline for this project is end of March 2002.

In the year 2001, the Secretariat developed the structure and contents for the website and a firm was hired for the development of the site.

The site is composed of five parts.

The first part, 'About the Forum', provides information about the European Forum. It deals with information on restorative justice as an international movement, the origins of the European Forum and its aims and objectives. Besides the text of the constitution and adopted internal regulations, details can be found about the structure of the Forum and membership, and the activities undertaken.

The second part of the site, 'News and events', features a calendar with upcoming events and short news. It is also the place where the Forum's newsletter is made available on-line.

Thirdly, there is the 'Reading room', where searches can be made in a database filled with documents about restorative justice and related issues.

The fourth part is the 'Discussion forum'. This is the most interactive part of the site. Here members of the Forum can post messages and documents and chat in real-time. Members with common interests can find each other here and can exchange their experiences. All members of the Forum will receive a login and password to enter this part of the site.

Last but not least there is the 'Links' page, with links to websites of related organisations.

2.9. Representation of the Forum

Board members and members were on several occasions asked to represent the Forum at conferences and meetings of other organisations. Some examples are:

- Ivo Aertsen represented the Forum at the National Conference "Restorative Justice: Challenges and Benefits for Irish Society", organised by the Irish Victim/Offender Mediation Service in Dublin on June 9th. He did the same at the restorative justice conference in Moscow, on May 22-24, 2001, organised by the Centre for Legal and Judicial Reforms.
- Christa Pelikan and Katrien Lauwaert contributed to a conference on restorative justice, organised by the European Law Academy (ERA) in Belfast on 25 and 26 July.
- Christa Pelikan participated in the Meeting of Experts on Restorative Justice, held in Ottawa on 29 October and 1 November to discuss the UN draft principles on the use of restorative justice programmes in criminal matters (see below).

2.10. Funding applications

In the year 2001 several letters were sent out and personal interventions were made with national governments requesting their financial support. Germany, Norway, Belgium and the United Kingdom reacted in a positive manner, and agreed to fund the Forum for one year. Norway's financial support was for the year 2001. The United Kingdom agreed to finance the development of the Forum's website. The details of the funding from Germany, which pertains to the year 2002, still have to be worked out.

Besides the support of these countries, it is important to mention that the Forum receives funding for three consecutive years from the governments of Finland and the Netherlands.

Also several organisations and trusts were approached for funding, without a positive result so far.

The Chair and the Secretariat have undertaken steps to get funding from the British Department for International Development for projects in different East-European countries. These steps were unsuccessful.

Finally, the Forum introduced a project under the COST funding-line of the European Commission. The COST funding-line refers to the co-ordination of scientific research in a given area. The objectives of this project were to collect and disseminate information on research and practice developments in restorative justice. Unfortunately, the 2001 proposal was not accepted, mainly for technical reasons.

2.11. Support to other organisations

Beginning of 2001 there was a request from The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI, Helsinki) to co-operate in a research project on victim-offender mediation in European countries. Comments were formulated on the research proposal. However, due to an internal reorganisation of the institute the project has been postponed.

The Portuguese Association for Victim Support asked the Forum to become a partner in their Thémis Project - Effectively Implementing Victim-Offender Mediation and other Restorative Justice Practices, which they introduced under the Grotius programme of the European Commission. The Forum assisted in determining the objectives of the project. Due to administrative reasons, the Thémis project was not considered for financing. The project will be reintroduced in 2002.

2.12. VOMA

Co-operation with our North American sister-organisation deserves a special mention. In the year 2001 the Forum and VOMA (Victim Offender Mediation Association) have been providing each other with information on a regular basis. Also, possibilities for common funding were identified and discussed. In November the Chair of the Forum paid a working visit to the VOMA administrators. At this meeting a number of practical and administrative arrangements were made between the two administrations.

The Forum's contact person within VOMA is Annie Roberts, who can be reached at: 1406 Palace Avenue, 55105 St. Paul, Minnesota, USA, Tel. +1 651 699 4532, Fax +1 651 699 5998, E-mail: annwarnerroberts@compuserve.com.

2.13. Belgian EU Presidency

Belgium presided the European Union in the second half of 2001. Taking into account the outspoken support of restorative justice by the Belgian Minister of Justice, Mr. M. Verwilghen, an active co-operation with his Cabinet was developed in the year 2001. The aim was to explore possibilities, and eventually to put the first steps, for a political initiative at the level of the European Union. To this end, a meeting with representatives from ten European governments, the European Commission and the Forum was organised in Leuven on October 26, 2001, and this on the initiative of the Belgian Minister of Justice. The creation of an official, European Network for Restorative Justice was discussed. After the meeting, the initial project was amended and re-formulated still several times. Finally, in December, on the occasion of the European Summit of Laeken, it became clear that three countries (Belgium, Portugal and Spain) agreed to introduce the project formally as a European Council Decision.

2.14. UN Basic Principles

On several occasions and in different ways the Forum made efforts to help in the different stages of the development of the United Nations draft resolution on basic principles on the use of restorative justice programmes in criminal matters.

A first step was to make as many people as possible aware of this initiative. This was done through several articles in the newsletter.

A second step was to contact members of the Forum in order to ask them to intervene with their government so that it would respond, within the official time period, to the UN request for comments on the resolution. This action was undertaken in the first months of 2001 and was co-ordinated by Katrien Lauwaert.

Thirdly, the European Forum supported the development of the resolution by expressing its support for this initiative in a formal way.

Next, we supported the Government of Canada, who was organising the Expert Meeting which was to revise the comments from the different governments. We helped in finding experts in the field of restorative justice from around Europe which they could invite to the Expert Meeting.

Finally, Christa Pelikan participated as Forum representative in the above-mentioned Expert Meeting, organised in Ottawa on 29 October and 1 November. Other Forum members were present as well in their individual capacity as expert.

The report of the expert meeting will soon be available on the website of the UN Office for Drug Control and Crime Prevention at following URL: http://www.odccp.org/crime_cicp_commission_session_11.html.

2.15. Varia

- The Secretariat provided the Crime and Justice Unit of the British Home Office with the addresses of all its members so that they could receive the report by David Miers on his research project "An International Review of Restorative Justice".
- In December 2001, the Secretariat organised, upon request, a seminar for German students on the topic of restorative justice in Leuven.
- The Forum was asked and agreed to collaborate in the organisation of a seminar on mediation in the framework of the International Victimology Journeys, organised by the Spanish La Rioja Government Victim Support Offices in Logroño on 10 and 11 January 2002.

3. Financial report

Contents:

- Letter from the accountant (pg. 14)
- Short explanation from the bookkeeper Bruno De Prins

Attachment 1: Balance-sheet Forum 31/12/2001 (in Euro)

Attachment 2: Spreadsheet Costs-Incomes and Budget 2001-2002 (in Euro)

ACCOUNTANTS- en BELASTINGCONSULENTENKANTOOR SWINNEN B.V.B.A.



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4 februari 2002

To whom it may concern

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Re: Auditors' report of the VZW European Forum for Victim-Offender Mediation and Restorative Justice, Hooverplein 10, 3000 Leuven (abbreviation: the Forum).

As auditor we have examined the balance of 31 December 2001 of the VZW European Forum for Victim-Offender Mediation and Restorative Justice, as well as the profit-and-loss account and explanations for the year 2001 as it was closed on December 31, 2001.

We are not part of the Board of this VZW.

Our examination has been performed according to the standards for control and consequently include the sample surveys and the control methods that were considered necessary in the given circumstances.

The bookkeeping-entries were controlled and were found to be consistent with the available pieces of evidence.

The situation 2001 is the faithful reflection of the costs incurred and incomes received in the year 2001. In our opinion the attached balance gives a faithful image of the capital and of the financial situation of the VZW on 31 December 2001, as well as of the results of its activities for the year that was closed on before-mentioned date, composed in accordance with the bookkeeping legislation and the commonly accepted Belgian bookkeeping principles which are being applied in an identical way. Besides the VZW, the Forum still can make use of left-over money from the Grotius-grant. This money is not included in the numbers of the VZW. We have received the data and we refer to the overview "Costs-Incomes and Budget 2001-2002(in Euro)".

The financial year was closed with a profit of 22,04 euro.

This means that the VZW's own property was 22,04 euro on 31/12/01.

The final balance on 31 December 2001 provides a total balance of 15.960,31 euro.

Tvan Swinnen

Business manager of A.B.S. BVBA Accountant I.A.B.

with number of legitimisation 21.433.4N 96

Short explanation from the bookkeeper Bruno De Prins

On the one hand there is the not-for-profit organisation 'European Forum' (see balance-sheet - attachment 1), and on the other hand there is the left-over money on the Catholic University of Leuven accounts (left-over from the Grotius-funds), that can still be used for certain working costs of the organisation. The consolidation of both these sources is presented in the spreadsheet in the column 'forum+kul' (see spreadsheet - attachment 2).

On the income-side we see that the money expected from Belgium was not yet officially granted on 31/12/2001 (although an e-mail was received mentioning that the money would be paid), meaning that the incomes are lower than expected. Also, the grant from Norway was lower than initially expected. All this means that the total of incomes comes to 39.423,51 Euro, where we expected the amount of 55.482 Euro.

On the costs-side the personnel costs were lower than budgeted, due to the fact that the secretary's contract was reduced from 75% to 50% starting from July. This meant that savings were possible, and it allowed to create a provision for vacation-money and for personnel costs for the year 2003.

The cost-incomes results for 2001 will need to be approved at the 2002 Annual General Meeting, while the budget for 2002 was approved at the 2001 Annual General Meeting.

ATTACHMENT 1

Balance-sheet Forum 31/12/2001 (in Euro)

Assets		Liabilities
Customers	870,00	Transferred profits 22,04
Prepaid suppliers	3357,74	Provision personnel 2003 1100,00
Bank account	11664,34	Invoices to be received 11947,91
Cash	6,23	Vacation provision 2880,00
Obtained revenues	62,00	Attributed costs 10,36
TOTAL	15960,31	TOTAL 15960,31

COSTS-INCOMES AND BUDGET 2001-2002 (IN EURO)

ATTACHMENT 2

		FORUM-account	KUL-account	FORUM+KUL]
COSTS	Budget 2001	Results jan-dec	Results jan-dec	Results jan-dec	Budget 2002
	1	· · · · · · · · · · · · · · · · · · ·	j	j	
Postage	744,00	138,81	1.693,63	1.832,44	1.850,00
Copies	744,00	10,17	246,03	256,20	350,00
Travel, accommodation	1.240,00	753,86	839,86	1.593,72	1.200,00
Office supplies	495,00	115,74	57,83	173,57	150,00
Documentation	744,00	18,96	694,13	713,09	400,00
Computer supplies	370,00	0,00	433,81	433,81	450,00
Other	990,00	0,00	371,84	371,84	0,00
Software	0,00	417,45	0,00	417,45	0,00
Website	0,00	0,00	0,00	0,00	9.800,00
Accountancy	0,00	0,00	539,90	593,90	1.000,00
Newsletter	5.330,00	0,00	1.213,93	1.213,93	2.500,00
Publications	0,00	430,44	0,00	430,44	100,00
Membership	0,00	68,17	0,00	68,17	75,00
Financial	0,00	250,82	0,00	250,82	250,00
Representation	0,00	175,26	116,51	291,77	250,00
Meetings	0,00	0,00	473,75	473,75	750,00
Meetings	0,00	0,00	473,75	473,75	750,00
Personnel	37.612,00	26.306,57	0,00	26.306,57	23.900,00
Vacation provision	0,00	2.880,00	0,00	2.880,00	100,00
Provision personnel 2003	0,00	1.100,00	0,00	1.100,00	3.550,00
Provision computer supplies	0,00	0,00	0,00	0,00	100,00
Overhead KUL	3.760,00	0,00	0,00	0,00	1.195,00
TOTALS	52.029,00	32.666,25	6.735,22	39.401,47	47.970,00
LINGONEO	D 1 10001	D 11 1	l		D 1 (0000
INCOMES	Budget 2001	Results jan-dec	Results jan-dec	Results jan-dec	Budget 2002
KUL-Grotius	13.294,00	0,00	6.240,92	6.240,92	5.850,00
		-,			51555,55
Finland	7.568,00	7.568,46	0,00	7.568,46	7.568,00
Netherlands	12.000,00	12.000,00	0,00	12.000,00	12.000,00
Belgium	10.060,00	0,00	0,00	0,00	7.436,00
Norway	10.060,00	6.257,82	0,00	6.257,82	0,00
British Home Office	0,00	0,00	0,00	0,00	9.800,00
Membership	2.500,00	6.058,28	0,00	6.058,28	5.300,00
Books, newsletter	0,00	627,73	208,23	835,96	60,00
Other	0,00	176,00	286,07	462,07	0,00
TOTAL 0	FF 100.0 0	00.000.00	0 =0= 55	00 100 = :	40.044.05
TOTALS	55.482,00	32.688,29	6.735,22	39.423,51	48.014,00
DECT	2 452 00	22.04	0.00	22.04	44.00
REST	3.453,00	22,04	0,00	22,04	44,00