

Foreword

Victim-offender mediation and other restorative justice practices presuppose participation by those immediately and concretely involved: the victim, the offender and other key persons. Participation can be seen as a means to reach a goal. However, participation can also be considered as an objective or a value on its own. This discussion reflects the existence of different views on what justice is, or at least, on different aspects of justice. Restorative justice is also about 'doing justice', and here the classic distinction between justice in its substantial meaning and justice in a procedural sense is useful. Moreover, the European landscape offers many nuances of 'justice' – and 'law' – as there are that many languages! Therefore, it should not surprise us that also restorative justice stands for different approaches in different countries and regions.

The principle of participation prevails not only in the practice of mediation, but also in the way restorative justice programmes are organised and developed continuously. Establishing partnerships is an important working principle for mediation services. Also in the functioning of the European Forum it is considered as a leading principle. To bring this endeavour into practice, however, is not easy. Many are convinced of the need of participation at the international level, of the importance of international exchange and co-operation. But at the same time, many of us are that much involved in daily activities, that this dimension can hardly be an integral part of the work.

We are, within the structures of the European Forum, not always supportive towards participatory opportunities. The work of the committees represents, to a certain degree, this principle. But it is true that at the management level too much activity is concentrated within the Board and in the Secretariat in Leuven. All this is done with very limited resources. I can imagine that some do expect the Forum to do much more. The action field and the potential are, indeed, enormous. But even with two full time staff members – that's our objective –, realisations will always be limited. Besides a good working and well-equipped secretariat, we need something additional, something different, in our co-operation. Would it be that unrealistic that small parts of the permanent tasks are taken up – in a co-ordinated way – by national umbrella organisations that are already member of the Forum, or by ministries of Justice? The observation that committees within the Forum are functioning better when a professional from a (national) organisation can co-ordinate the work, seems to support this approach.

Having said this, we should not forget that much is being done, also in 2003. In this report you can read about the work of the committees, the Newsletter Editorial Board, the Secretariat and the Board. You will be informed about co-operation with other European organisations, and about how our ongoing relations with institutions as the Council of Europe and the European Commission deliver very concrete results. Much more information can be found on our website and in our Newsletters, and also through the newsflashes. Finally, looking forward to what is coming, I would like to invite you cordially to participate in our bi-annual conference, which will take place in Budapest, from 14 to 16 October. See you there!

(Jolien, vooraan komen contact details + website neem ik aan)

Ivo Aertsen

Chair

1. Short information about the Forum

The European Forum for Victim-Offender Mediation and Restorative Justice v.z.w. 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.

2. The European Forum Board

The *Board* of the Forum, which was elected during the 2002 General Meeting, is composed of: Ivo Aertsen (Belgium) as Chair, Andrei Pascu (Romania) as Vice-chair, Robert Mackay (United Kingdom) as Treasurer, Martin Wright (United Kingdom) as Secretary, Christa Pelikan (Austria), Frauke Petzold (Germany), Jaime Martin (Spain), and João Lázaro (Portugal). In October 2003, Torunn Bolstad (Norway), the ninth Board member, resigned.

3. Membership

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.

In 2003, 29 new members were accepted: 18 full individual members, 5 associate individual members, 1 full local organisations, 1 associate local organisation, 3 full regional, national or international NGO's and 1 associate regional, national or international NGO.

Three members resigned in 2003: 2 full individual members and 1 full governmental organisation.

At the end of the year, 21 individuals/organisations who were members in 2002 had not yet renewed their membership. If their membership renewal for 2003 and 2004 did not reach the Secretariat early in 2004, they were regarded as resigning from membership.

This means that at the end of the year 2003, the Forum had 169 members.

4.

Overview of the activities

4.1. General Meeting

The 2003 General Meeting was organised in Lisbon, Portugal, on 13 September 2003, right after the conference of the 'DIKÊ project – Protection and Promotion of Victims' Rights under the Framework Decision regarding the Standing of Victims within Criminal Proceedings', organised by the Portuguese Association for Victim Support (APAV). It was attended by 28 members and 11 non-members. The minutes of the meeting can be found on the website (<http://www.euforumrj.org>), under the heading activities.

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

- The appointment of a Selection Committee. Each two years, one third of the Board must retire by rotation. The Selection Committee has the task to find candidates for election to the Board during the General Meeting of 2004.
- New projects. The AGIS projects (see further) were presented and progress in the COST-Action was reported on.

During the meeting, reports were presented of the activities of the Board, the Secretariat and the committees.

A general discussion on the functioning of the Forum and on further priorities was held.

4.2. Board meetings

In 2003 the Board met twice, once in Vienna (Austria) on 10-12 April, and once right before and after the 2003 General Meeting on September 12 and 15 in Lisbon (Portugal).

Important elements of discussion during these meetings were the conference, the financial state of affairs, and the work of the committees.

During the Board meetings, concrete projects were also discussed, for example the two European Commission co-funded AGIS projects (see further).

Strategies for actively involving the membership in the activities of the Forum were discussed as well as different ways to increase the membership benefits.

4.3. Committees

Five committees have been set up 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 develops research that informs and supports practice and policy developments. The *finance committee* focuses on fundraising.

Also this year it proved quite difficult to get active participation in the committees.

The *finance committee* did not function in reality this year. Its tasks were taken over by the Board Executive Committee.

The *information committee* (Chair: Frederico Marques, Portugal) collected papers on the state of affairs in restorative justice in some 17 European countries by using a common template. This comparative overview will be published by the European Forum in 2004. in the form of a book edited by David Miers.

In 2003 the *communication committee* (Chair: Siri Kemény, Norway) developed a leaflet about the Forum that will help in the promotion of the Forum's work and in recruiting new members. Two members of the committee (Christa Pelikan and Siri Kemény) collected the papers from the Oostende conference and compiled a conference publication. This publication is available on the website of the European Forum: <http://www.euforumrj.org>.

During 2003, the members of the *practice and training committee* (Chair: Ken Webster, UK) exchanged ideas via the discussion room on the Forum's website. However, no new activities were undertaken. The results of the questionnaire that was developed in 2002 to collect information on the qualification of victim-offender mediators in Europe were analysed. The results can be viewed on the Forum's website.

The chair of the *research committee* (Inge Vanfraechem, Belgium) regularly sent out information concerning conferences, research initiatives, etc. to the members of her committee. The committee functions as a network of interested persons.

4.4. Newsletter

At the end of the year 2002, Anne Lemonne (Belgium) has replaced Katrien Lauwaert (Belgium) as co-ordinator of the newsletter editorial board. New members were attracted to serve on the editorial board.

The newsletter appeared three times in 2003: March, June and December.

The main articles in 2003 covered developments in Luxemburg, the Netherlands and Ukraine. Reports of conferences were included, as well as information about European projects and developments within the Forum. The Bulletin Board, Newsflash and Readers' Corner were recurrent sections in the newsletter.

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. Three organisations are buying the newsletter for their library without being a member of the Forum. With other organisations the Forum has established an exchange of newsletters.

4.5. Conference

There was no conference in 2003 as it was decided to organise the conference on a bi-annual basis only. However, preparations started for the conference in 2004 which will take place in Budapest, Hungary from 14 till 16 of October.

4.6.

Information provision

The Secretariat and the Chair dealt with numerous requests for information. They pertained to information about the Forum, information about contact persons or institutions in other countries, information about training or educational programmes in restorative justice, and information about specific aspects of restorative justice.

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.

4.7. Website

Also in 2003 the Secretariat tried to keep the information on the website up-to-date. However, this proved to be a time-consuming job. Also, only a small amount of requests to put information on the website are being received. Updating the website and providing current information would be easier if the membership of the Forum contacted the Secretariat regularly with news about events, publications and developments. This information could then be made available on the website as well as be included in a newsflash.

The discussion room on our website is still not being used very often.

Work is still being done to improve the reading room on the website. Although the database is in need of updating, it can still be a valuable source of information with its + 1600 entries.

With the financial help of the AGIS-programme of the European Commission, a new "Projects" section could be added to the website. This section serves to report on all projects the Forum is running or is involved in.

4.8. Representation of the Forum

In 2003, the European Forum was – apart from the Dikê seminar, see below - represented at the following events by the Chair:

- Ier Congreso Internacional de Mediación, Las Palmas de Gran Canaria, 20-22 March, where a lecture was given on 'Penal mediation. Current trends';
- CEP Workshop, Prague, 15-16 May; workshop theme was 'Justice and Balance. Victim, Offender and Community Perspective'. A lecture was given on: 'Victim Oriented Work with Offenders Post-sentence: A Restorative Justice Perspective';
- 2nd International seminar on restorative justice and mediation from a comparative Francophone and Anglophone perspective, Sion, 26-27 September, Institut Universitaire Kurt Bösch and the European Master in Mediation programme.

4.9. Financial situation and funding applications

Possibilities for new funding applications were explored. At the end of the year, unfortunately, no new funding opportunities could be found. The Finish and Dutch

Ministries who had funded the activities in 2001 and 2002, renewed their support for the last time.

Some financial benefits were obtained from the European projects that were awarded to the Forum (see further).

The search for funding remains a continual concern.

4.10. Support to other organisations

The Forum was a partner in a GROTIUS-project, "DIKÊ project – Protection and Promotion of Victims' Rights under the Framework Decision regarding the Standing of Victims within Criminal Proceedings", that was introduced by the Portuguese Association for Victim Support. This project envisaged a joint reflection on victims' issues, in a comparative perspective of the several procedural systems, on the protection and the promotion of victims' rights, particularly in connection with legal aid, victim-offender mediation and witness protection. It aimed to help to put into practice the Council of the European Union Framework Decision of 15 March 2001. As was mentioned before, the General Meeting was organised in connection with the closing conference of the DIKÊ project

The European Forum also supported the organisation of the symposium "Victim-offender mediation and restorative justice", organised by the Institut Universitaire Kurt Bösch on September 26-27, 2003, in Sion, Switzerland. The Chair of the European Forum was a member of the scientific committee of the symposium, and the Secretariat helped in advertising the event.

4.11. Projects

In the course of the year 2003 the European Forum was awarded two AGIS projects. These projects are being co-financed by the European Commission.

AGIS 1: Working towards the creation of European training models for practitioners and legal practitioners in relation to restorative justice practices

This project, which started on the 1st of April 2003 and which ran until the end of February 2004, focused on two important areas: the training of restorative justice practitioners and the education of legal practitioners. The project included the organisation of four seminars. Two of these seminars dealt with the exchange of training models for mediation practitioners. It resulted in recommendations on the training of mediators in criminal matters. The other two seminars served to develop training modules for prosecutors and judges on restorative justice.

TOA-Servicebüro, in the person of Regina Delattre, was asked to run the project in co-operation with the Secretariat of the European Forum website <http://www.euforumrj.org>.

AGIS 2: Meeting the challenges of introducing victim-offender mediation in Central and Eastern Europe.

This project started only in December 2003 and will run until the end of November 2005. The general objective of the project is to realise, in two years,

an effective support to the development of VOM in Central and Eastern European countries. The specific objectives of the project are:

- 1) to study, at the conceptual and practical level, what the possibilities are for implementing VOM in Central and Eastern European countries given their specific political, economical, cultural and legal background.
- 2) to discuss how the experience in Western European countries can inform and support the development of VOM in Central and Eastern European countries.
- 3) to prepare strategies for promoting the development of an integrated policy concerning VOM in Central and Eastern European countries.
- 4) to actively work towards creating dynamics for exchange and co-operation (networking) between Central and Eastern European countries in this field.
- 5) to discuss what Western European countries can learn from the developments in criminal justice in Central and Eastern European countries.
- 6) to study what can be learned from the previous points in terms of policy development concerning VOM at the level of the European Union.

In the framework of this projects, 2 expert meetings and 2 seminars will be organised. One of the seminars will coincide with the next conference of the European Forum in October 2004 in Budapest.

The project will also allow the Forum to hire a second half-time staff member.

4.12. International initiatives

European Network

In 2002, the Belgian government took the initiative to adopt a Council Decision setting up a European Network of national contact points for restorative justice.¹ This network should support the effective implementation of restorative justice through national policies and by criminal justice agencies. This initiative has been taken in close co-operation with the European Forum, and the proposed network should be seen as complementary to, and supportive for the work of the Forum. The Belgian proposal has been dealt with by the European Parliament in April 2003 but still has to be finalised by the Council.²

Council of Europe – Implementing restorative justice: a vade-mecum

After several contacts between the Forum and the Council of Europe, the Integrated Projects 2 “Responses to violence in everyday life in a democratic society” of the Council of Europe offered the possibility to develop a practical guide to facilitate the effective implementation of restorative justice practices throughout Europe. The vade-mecum is intended to serve policy makers at all levels of government, judicial authorities and mediation services with their umbrella organisations.

In the year 2003 the vade-mecum was written by 4 members of the Board of the European Forum (Ivo Aertsen, Christa Pelikan, Robert McKay, Martin Wright) with the assistance of the Secretariat (Jolien Willemsens). It will be published in English and French in the year 2004.

¹ Official Journal: C 242/20, 8.10.2002.p.20

² European Parliament Legislative Resolution on the initiative by the Kingdom of Belgium with a view to the adoption of a Council Decision setting up a European network of national contact points for restorative justice (11621/2002-C5-0467/2002-2002/0821 (CNS)).

COST

A number of members of the European Forum are taking part in COST Action A21 "Restorative justice developments in Europe".

COST ('European Cooperation in the Field of Scientific and Technological Research') is an intergovernmental European framework for international co-operation between nationally funded research activities. COST is not financing research directly, but the exchange, analysis and co-ordination of research.

COST Action A21 aims at enhancing and deepening the knowledge on theoretical and practical aspects of restorative justice in Europe. In this respect, a network of researchers has agreed to work together during four years in order to exchange and discuss research needs, methods and results; co-ordinate research projects in the respective countries as far as possible and desirable; and stimulate and support further (common) research projects. More precisely, the action is focused on three domains around each of which a working group has been established:

- Evaluative research on RJ practices: the study of the process and the effects of VOM and conferencing, the study of national recording systems of data and the study of organisational features, job evaluation and satisfaction (the contact person for this working group is Kieran O'Dwyer: odwyerk@iol.ie);
- Policy oriented research: the comparative study of national legislation in relation to VOM, the study of the relation between criminal justice and RJ practices and agencies, the study of training models and training of legal professionals in the RJ area, and the study of new RJ models and applications (the contact person for this working group is Vania Patané: vpatane@lex.unicit.it);
- Theoretical research: the study of theoretical concepts, approaches and frameworks on RJ (the contact person for this working group is Robert Mackay: mackay@amicalis.fsnet.co.uk).

In the year 2003 the working groups met two times: once on 15-16 September 2003 in Lisbon, and once on the 6th of December 2003 in Freiburg.

More information about COST Action A21 can be found on the Forum's website since the European Forum is providing webspace for the Action.

4.13. Varia

Some of the members of the European Forum took part in a Grotius research project on victim-offender mediation for juveniles in different European countries, initiated and co-ordinated by Anna Mestitz, research director at the Research Institute on Judicial Systems IRSIG-CNR. It resulted in a seminar on 18-20 September 2003. The results of this project will be published in 2004.

5.

Financial report

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- Letter from the accountant (pg. 10)
- Short explanation from the bookkeeper Bruno De Prins

Attachment 1: Balance-sheet Forum 31/12/2003 (in Euro)

Attachment 2: Spreadsheet Costs-Incomes and Budget 2003 (in Euro)



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

Zaakvoerder: Ivan SWINNEN
Licentiaat in de toegepaste economische wetenschappen

Naamsevest 94
3000 LEUVEN
Tel. 016/23.72.19
Fax 016/20.70.06
swinnen@abs-accountant.be

To whom it may concern

Datum: 12 maart 2004

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 2003 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 2003 as it was closed on december 31, 2003.

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 controle 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.

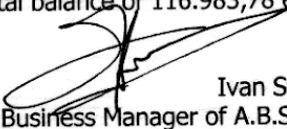
The situation 2003 is the faithful reflection of the costs incurred and incomes received in the year 2003. In our opinion the attached balance gives a faithful image of the capital and of the financial situation of the VZW on 31 december 2003, as well as of the results of its activities for the year 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 2003-2004".

The financial year was closed with a profit of 3.925,95 euro. This result was after a special extra-legal provision of 10.000,00 euro for personnel costs in the future.

This means that the VZW's own property was 4.997,48 euro on 31/12/03 (1.071,53 euro from 2002 + 3.925,95 euro from 2003).

The final balance on 31 december 2003 provides a total balance of 116.983,78 euro.


Ivan 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 could 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 all the money that was still available from the Grotius-fund was spent. No money was received from Belgium. There was unexpected income from the Council of Europe and from the European Commission (AGIS). The total of incomes was 53.548,14 Euro, where we expected the amount of 40.068,00 Euro.

On the costs-side, the provision personnel costs has been increased with another 10.000,00 Euro in order to pay the personnel when the incomes should drop dramatically. The fact that expenditure for several posts is much less than budgeted is largely due to a redistribution of costs in connection with the AGIS I project.

The cost-incomes results for 2003 will need to be approved at the 2004 Annual General Meeting, while the budget for 2004 was approved at the 2003 Annual General Meeting.

ATTACHMENT 1

Balance-sheet Forum 31/12/2003 (in Euro)
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Assets		Liabilities	
Fixed assets	1601,89	Profits 2001-2003	4997,48
Customers	530,00	Provision personnel	31100,00
Membership fees	1020,00	Suppliers	6827,79
Other receivables	3317,44	Vacation provision	3136,19
Bank account	110381,81	Deferred income	70922,32
Cash	125,14		
Deferred charges	7,50		
TOTAL	116983,78	TOTAL	116983,78

ATTACHMENT 2

COSTS-INCOMES and BUDGET 2002-2003 (in Euro)

COSTS	Budget '03	FORUM-acc	KUL-accou	FORUM+KUL	Budget '04
		ount	nt	Result	
		Result	Result	Result	
Postage	2.000,00	41,37	756,74	798,11	2.000,00
Copies	350,00	12,50	402,39	414,89	4000
Travel, accommodation	2.000,00	78,61	0,00	78,61	5.500,00
Office supplies	250,00	66,11	109,93	176,04	1.000,00
Documentation	300,00	0,00	0,00	0,00	300,00
Computer supplies	250,00	0,00	0,00	0,00	100,00
Other	250,00	422,50	0,00	422,50	250,00
Software	160,00	154,88	25,00	179,88	180,00
Website	200,00	1.020,41	0,00	1.020,41	800,00
Accountancy	1.100,00	363,00	665,50	1.028,50	1.100,00
Newsletter	2.000,00	423,07	423,07	846,14	1.500,00
Publications	1.000,00	0,00	524,94	524,94	2.000,00
Membership	75,00	74,37	0,00	74,37	75,00
Financial	350,00	397,73	0,00	397,73	900,00
Representation	250,00	0,00	0,00	0,00	250,00
Meetings	750,00	70,00	0,00	70,00	750,00
Conference	0,00	0,00	0,00	0,00	15.000,00
AGIS I staff costs	0,00	10.337,11	0,00	10.337,11	0,00
AGIS I travel and subsistence	0,00	2.366,00	0,00	2.366,00	0,00
AGIS I equipment	0,00	200,24	0,00	200,24	0,00
AGIS I conferences & seminars	0,00	4.842,78	0,00	4.842,78	0,00
AGIS I publications	0,00	20,63	0,00	20,63	0,00
AGIS I other direct costs	0,00	592,90	0,00	592,90	0,00
AGIS I overheads	0,00	753,02	0,00	753,02	0,00
Personnel	28.500,00	14.394,54	0,00	14.394,54	28.000,00
Vacation provision	100,00	82,85	0,00	82,85	100,00
Provision personnel	0,00	10.000,00	0,00	10.000,00	-17.000,00
Provision computer supplies	0,00	0,00	0,00	0,00	0,00
Overhead KUL	0,00	0,00	0,00	0,00	0,00
TOTALS	39.885,00	46.714,62	2.907,57	49.622,19	43.205,00
INCOMES	Budget '03	Result	Result	Result	Budget '04
KUL-Grotius	2.800,00	0,00	2.907,57	2.907,57	0,00
Finland	7.568,00	7.568,82	0,00	7.568,82	0,00
Netherlands	12.000,00	12.000,00	0,00	12.000,00	0,00
Belgium	10.000,00	0,00	0,00	0,00	0,00
Council of Europe	0,00	3.500,00	0,00	3.500,00	0,00
AGIS I	0,00	19.112,68	0,00	19.112,68	0,00
AGIS II	0,00	0,00	0,00	0,00	0,00
Conference	0,00	0,00	0,00	0,00	35.000,00
Membership	7.000,00	8.212,50	0,00	8.212,50	7.700,00
Books, newsletter	100,00	120,00	0,00	120,00	100,00
Financial	0,00	126,57	0,00	126,57	100,00
Other	600,00	0,00	0,00	0,00	200,00
TOTALS	40.068,00	50.640,57	2.907,57	53.548,14	43.100,00
REST	183,00	3.925,95	0,00	3.925,95	-105,00