

## Welcome

Welcome to the third conference of the European Forum for Victim-Offender Mediation and Restorative Justice.

In this conference booklet you will find the conference programme, details on the workshops and café conferences, a list of participants and some practical information.

Restorative justice is starting to make headway in several European countries. This is illustrated by the fact that restorative justice can increasingly be found on the political agenda. Also, there is increased discussion on how to make legal provision for the use of restorative justice practices. These developments make it necessary to consider where we are heading with restorative justice in Europe. How to ensure that the restorative justice ideals and values are not overruled by the established criminal justice system? Which strategies can be used to enable restorative justice to develop its transformative potential? Through the conference, we want to stimulate discussion about these issues between the different professional groups that are involved in restorative justice.

However, the situation in many Eastern European countries is different. There, initiatives are struggling to find a place for restorative justice, to make it known and understood by professionals and the public and to influence the criminal justice system. This conference is a good opportunity to stimulate exchange of experience and ideas between the East and the West. Through the AGIS programme of the European Commission, more than 40 people from Central and Eastern Europe could get financial support to attend this conference. From the encounter between the East and the West, we hope to be able to learn not only what the East can learn from the West, but also what innovative ideas are being developed in Central and Eastern European countries that can have a meaning for Western practice.

We are delighted that more than 200 people from 35 countries are attending this conference, which is more than was expected when we started to plan for the conference. And, although the group is a bit bigger than at the last conference, we continue with the same idea: a limited number of plenary sessions combined with plenty of opportunities for more informal exchange in workshops and café conferences. We are happy that many of you agreed already to take up an active role in the conference by acting as a presenter, chair, cafétier or reporter. We hope that also those who do not have an active role yet, will become active in the sessions.

It must be said that this conference could only be organised because of the input of a whole group of people: the programme committee, chaired by Siri Kemény, and the organisational committee, chaired by Maria Herczog in Budapest and Jolien Willemsens in Leuven. We are grateful to them. We also thank the Family, Child, Youth Priority Non-Profit Association, the Community Service Foundation of Hungary and the Hungarian National Institute of Criminology for their support in organising this conference.

The Board of the European Forum for Victim-Offender  
Mediation and Restorative Justice

## **Members of the Board of the European Forum for Victim-Offender Mediation and Restorative Justice**

**Ivo Aertsen, Chair**, professor at the Catholic University of Leuven, Belgium

**João Lázaro**, Secretary General of the Associação Portuguesa de Apoio à Vítima –APAV, Portugal

**Robert Mackay, Treasurer**, Youth Justice Coordinator at the Education and Children’s Services, Perth and Kinross Council, Scotland, U.K.

**Jaime Martin**, adviser at the Secretaria de Serveis Penitenciaris, Rehabilitació i Justícia Juvenil, Spain

**Andrei Pascu, Vice-Chair**, social worker at the Prison Hospital in Dej, Romania

**Christa Pelikan**, researcher at the Institut für Rechts- und Kriminalsoziologie, Austria

**Frauke Petzold**, mediator at WAAGE Hannover, Germany

**Martin Wright, Secretary**, visiting research fellow, School of Legal Studies, University of Sussex, U.K.

## **Secretariat of the European Forum for Victim-Offender Mediation and Restorative Justice**

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# Conference programme

Thursday, 14<sup>th</sup> of October 2004

- 08.00 Start conference registration
- 10.00-10.30 **Opening of the conference**  
Chair: Siri Kemény, Norway
- Address by Dr. Peter Barandy, Minister of Justice, Hungary
  - Address by Ivo Aertsen, Chair of the European Forum for Victim-Offender Mediation and Restorative Justice
  - Introduction to the conference programme by Siri Kemény, Norway
- 10.30-11.00 **Plenary session**  
Chair: Siri Kemény, Norway
- Mária Herczóg, Hungary: *Restorative justice in Central and Eastern Europe: Comparisons, achievements and challenges*
- 11.00-11.30 **Coffee break**
- 11.30-12.45 **Plenary session**  
Chair: Siri Kemény, Norway
- Gerd Delattre, Germany: *Dialogue with the public – a neglected element of restorative justice?*
  - Sturla Falck, Norway: *Restorative justice – a giant leap or just another tool for the criminal justice system?*
- 12.45-14.00 **Lunch break**
- 14.00-15.00 **Café conferences**
- The potential role of the public and the community**  
Location: New York I  
Cafétier: Frauke Petzold (Germany)  
Topics for discussion:
- How can the community refer cases?
  - How can local communities be involved in the RJ process?
- Difficult cases**  
Location: New York II  
Cafétier: Lutz Netzig (Germany)  
Topics for discussion: Bring your difficult cases for discussion!
- Video: Between victim and offender**  
Location: Moscow  
Cafétier: An Marchal (Belgium)  
The video originates from the Mediation Service Leuven (Belgium) and shows a mediation process between the victims and the offenders from an armed robbery of a newspaper agency. The video shows how the mediators proceed, starting from the initial telephone call till the face-to-face meeting with all the parties involved. It shows the general atmosphere of a mediation process and more

specific 'how the parties involved deal with the questions and emotions caused by the offence'. The video also shows the importance of a co-operation act between local partners. This local co-operation act is the essential foundation of the mediation service in Leuven (Belgium).

### **Developments in Central and Eastern Europe**

Location: Warsaw

Cafétiers: Sorin Hanganu (Moldova) and Vira Zemlyanska (Ukraine)

### **The danger of cooptation of the RJ idea and practices**

Location: Tokio

Cafétier: Bas van Stokkom (Netherlands)

Topics for discussion:

- RJ: Will it ever become more than an appendix to the criminal justice system?
- Keep away from the system!?
- Governmentalism and hidden control: far from the democratic potential of RJ?

### **RJ practice with parties of different ethnic background**

Location: Prague I

Cafétier: Hendrik Kaptein (Netherlands)

Topics for discussion:

- Special conditions to take into consideration?
- Is conferencing more suitable than victim-offender mediation?
- How to deal with language problems?

### **Going beyond RJ**

Location: Brussels

Cafétier: Martin Wright (UK)

Topics for discussion:

- Schools, neighbourhoods, workplaces: benefits from and for RJ.
- RJ partnerships.

15.00-15.30

**Break (Coffee in café conference rooms)**

15.30-17.00

**Workshops**

### **Volunteers as a form of community participation**

Location: New York I

Chair: Donald Dickie (UK)

Presenters:

- Betty Robinson, UK: *Volunteering for my community*
- Karen Paus, Norway: *Volunteer or professional mediators*

### **RJ in schools**

Location: New York II

Chair: Gro Rosslund (Norway)

Presenters:

- Anja Semper and Bernd-Uwe Güttling, Germany: *Mediation in schools "MeinS"*
- Livia Hadrházi, Hungary: *Application of the conflict management technique "Face to face" in the Zöld Kakas Liceum Secondary School*

### **Conferencing models**

Location: Moscow

Chair: Marian Liebmann (UK)

Presenters:

- Rick Sarre, Australia: *An adult RJ pilot project in South Australia*
- Rob van Pagée, Netherlands: *Conferencing is empowering citizens and should be in the mainstream*
- Monika Platek, Poland: *RJ conferences in Poland – the rise of the new legal practice*

### **Introducing RJ in Central and Eastern Europe, part 1**

Location: Warsaw

Chair: Dobrinka Chankova (Bulgaria)

Presenters:

- Zuzana Slezakova, Czech Republic: *Introduction of the AGIS project and first results*
- Sorin Hanganu, Moldova: *Ideologies in sentencing in Central and Eastern European countries*

### **RJ and the training of mediators and facilitators**

Location: Tokio

Chair: Terje Eimot (Norway)

Presenters:

- Niall Kearney, UK: *Introduction to and first results of the AGIS project on the training of mediators and facilitators*
- Ben Lyon, UK: *Training and accreditation; approaches to the development of best practice and regulation of practice*

### **RJ and legal practitioners**

Location: Prague I

Chair: Hans Klette (Sweden)

Presenters:

- Gordon Petterson, Norway: *How to enable prosecutors and judges to make use of RJ practice in their work. The results of the AGIS project on the training of legal practitioners in RJ*
- Elzbieta Czwartosz, Poland: *Awareness of RJ among lawyers in Poland*
- Simona Ghetti and Anna Mestitz, Italy: *What do Italian judges and prosecutors think about victim-offender mediation?*

### **COST Action A21: Theoretical developments**

Location: Brussels

Chair: Jacques Faget (France)

*Making sense of RJ – Messages from the COST Action Working Group on RJ theory*

Panel: Rob Mackay and Martin Wright, UK; John Blad and Bas van Stokkom, Netherlands; Christa Pelikan, Austria

17.00

**End of the first day of the conference**

17.30

**General Meeting of the European Forum**

Location: Budapest room

## Friday, 15<sup>th</sup> of October 2004

### 9.00-10.30 Workshops

#### **Applying RJ in intercultural settings**

Location: New York I

Chair: Hans Boserup (Denmark)

Presenters:

- Mary Jo McAllister: *Youth RJ in Northern Ireland – across all our communities and cultures*
- Uri Yanay, Israel: *Restoring justice. Could it work in the Middle East?*

#### **RJ, the police and punishment**

Location: New York II

Chair: Rick Sarre (Australia)

Presenters:

- Hendrik Kaptein, Netherlands: *RJ as punitive public law*
- Margaret Martin, USA: *Policing and RJ: Where are we headed?*

#### **The victim's position in the context of RJ**

Location: Moscow

Chair: Juhani Iivari (Finland)

Presenters:

- Niall Kearney, UK: *Issues of affecting 'victims' of severe violence in the context of RJ in Scotland*
- Antony Pemberton, Netherlands: *Abolitionist tendencies and victims' needs in RJ*
- Ilona Görgényi, Hungary: *The victim's position in relation to RJ in Hungary*

#### **Introducing RJ in Central and Eastern Europe, part 2**

Location: Warsaw

Chair: Szilvia Gyurko (Hungary)

Presenters:

- Rustem Maksudov, Russia, and Eamonn Keenan, UK: *Achievements, issues and problems of introducing RJ into Russia*
- Radek Gajdos and Marek Tkac, Czech Republic: *Czech justice and restorative practice*
- Rasim Gjoka, Albania: *Challenges and perspectives of mediation and RJ in Albania*

#### **RJ in prisons**

Location: Tokyo

Chair: Brian Williams (UK)

Presenters:

- Hilde Guffens, Belgium: *RJ in prison in Belgium: Where we started and where we are heading*
- Marian Liebmann, UK: *RJ in Bristol prison*
- Antonio Buonatesta, Belgium: *Victim-offender mediation in a penitentiary context. Outcome of an experiment carried out in several Belgian prisons*

**RJ, young persistent offenders and children as victims of crime**

Location: Prague I

Chair: Paul McCold (USA)

Presenters:

- William Nicol, UK: *Children (both as victims and offenders) and RJ*
- Vidia Negrea, Hungary: *Transforming labels: New practices to reintegrate troubled teens*
- Jasna Hrcic, Zivica Pavlovic and Slobodan Milosavljevic, Serbia and Montenegro: *Mediation in conflicts at the juvenile correctional institution in Krusevac*

**Particular approaches in RJ practice**

Location: Brussels

Chair: Zbigniew Czwartosz (Poland)

Presenters:

- Ilaria de Vanna, Italy: *Mediterranean mediation*
- Beni R. Jakob, Israel: *Breaking the chains of cross- and transgenerational crime*

10.30-11.00 **Break (Coffee in café conference rooms)**

11.00-12.00 **Café conferences**

**The potential role of the public and the community**

Location: New York I

Cafétier: Per Andersen (Norway)

Topics for discussion:

- How to work with the public opinion through the media?

**Difficult cases**

Location: New York II

Cafétiers: Gerd Delattre (Germany) and Bernd Gläser (Austria)

Topics for discussion: Bring your difficult cases!

**Video: Six conferences: A composite view of conferencing in programmes for troubled youth (75 minutes) STARTS AT 10.45!**

Location: Moscow

Cafétier: Vidia Negrea (Hungary)

By combining footage of actual Real Justice conferences for offences ranging from truancy and leaving school grounds to theft and bringing a knife onto a school bus, this video provides a realistic view of conferencing. Some conferences are emotional, others are not. Some conferences produce satisfying outcomes and occasionally one falls apart. But even an 'unsuccessful' conference, as the follow-up interviews show, can produce meaningful outcomes. All six conferences were videotaped, with the permission of the participants, at group homes or schools for delinquent and at-risk youth operated by the Community Service Foundation in southeastern Pennsylvania.

**Developments in Central and Eastern Europe**

Location: Warsaw

Caf tier: Szilvia Gyurk  (Hungary)

**The danger of cooptation of the RJ idea and practices**

Location: Tokio

Caf tier: Christa Pelikan (Austria)

Topics for discussion:

- Legislation: necessity or pitfall?
- Working with practice standards as safeguard against cooptation?

**The link between RJ and the criminal justice system**

Location: Prague I

Caf tier: Gordon Petterson (Norway)

Topics for discussion:

- How to make prosecutors and judges think restoratively?
- How to involve probation and prison?

**Going beyond RJ**

Location: Brussels

Caf tier: Zbigniew Czwartosz (Poland)

Topics for discussion:

- RJ for young persons: educational approach, just reparation or only justice?
- Both civil and criminal cases, or criminal cases only?

12.00-13.30

**Lunch break**

13.30-14.30

**Caf  conferences**

**The potential role of the public and the community**

Location: New York I

Caf tier: Keith Simpson (UK)

Topics for discussion:

- Reparation to the community: symbolic or real?

**Exchange of training materials for mediators**

Location: New York II

Caf tier: Terje Eimot (Norway)

Topics for discussion: Bring your training materials!

**Video: Facing the Demons**

Location: Moscow

Caf tier: Vidia Negrea (Hungary)

Facing the Demons is an hour-long documentary video about the journey of the family and friends of murdered victim Michael Marslew, confronting each other face-to-face in a conference with two of the offenders responsible for Michael's death.

Facing the Demons, produced by the Dee Cameron Company, originally aired on the ABC, Australia's public television network. It won an award for "best television documentary of 1999" in Australia. In 2000 it earned the United Nations Association Award for Best Television in its annual Media Peace Awards.



### **Developments in Central and Eastern Europe**

Location: Warsaw

Cafétier: Vira Zemlyanska (Ukraine) and Zuzana Slezakova (Czech Republic)

### **The danger of cooptation of the RJ idea and practices**

Location: Tokio

Cafétier: John Blad (Netherlands)

Topics for discussion:

- RJ practice: how “effective” should it be?”
- Coping with cooptation by sound organisation: how to keep autonomy?

### **Volunteers and professionals – are they mutually exclusive?**

Location: Prague I

Cafétier: Ivo Aertsen (Belgium)

Topics for discussion:

- Do volunteer mediators set the legal protection of the parties at risk?
- Does professionalism undermine the participatory potential?
- Professionals: their fears and resistances.

### **Going beyond RJ**

Location: Brussels

Cafétier:

Topics for discussion:

- Mass victimisation, international conflicts and RJ: can it work?

14.30-15.00 **Break (Coffee in café conference rooms)**

15.00-16.30 **Workshops**

### **Developing RJ policies**

Location: New York I

Chair: Christoph Koss (Austria)

Presenters:

- Liz Nelson, UK: *The development of a strategic approach to restorative justice – the issues for Government*
- Paul McCold, USA: *Dangers and opportunities of setting standards for RJ practices*

### **Implementing local RJ programmes**

Location: New York II

Chair: Ilaria de Vanna (Italy)

Presenters:

- Keith Hastie, UK: *Establishing and sustaining a RJ programme*
- Frederik Bullens, Belgium: *Selecting cases for mediation*

### **RJ policy development and legislation**

Location: Moscow

Chair: Vicky De Souter (Belgium)

Presenters:

- Brian Williams, UK: *Recent UK legislation on offenders and victims of crime: restorative justice or co-option*
- Leo Van Garsse, Belgium: *Legislation on mediation: The end of the beginning or the beginning of the end?*

### **Introducing RJ in Central and Eastern Europe, part 3**

Location: Warsaw

Chair: Vira Zemlyanska (Ukraine)

Presenters:

- Stefania Kregel, Bosnia and Herzegovina: *Introducing restorative justice for juveniles in Bosnia and Herzegovina: a pilot project on the implementation of alternative measures and mediation*
- Doina Balahur, Romania: *Romanian juvenile justice system towards its way to restorative practices*
- Roman Koval, Ukraine: *RJ implementation in Ukraine*

### **Applying RJ in cases of domestic and sexual violence**

Location: Tokio

Chair: Christa Pelikan (Austria)

Presenters:

- Bernd Gläser, Austria: *Victim-offender mediation in cases of domestic violence*
- Juhani Iivari, Finland: *Meeting domestic violence in mediation*
- Karin Sten Madsen and Hanne Andersson, Denmark: *The challenges of mediating rape*

### **Research on RJ in Europe**

Location: Prague I

Chair: Alenka Meznar (Slovenia)

Presenters:

- Anna Mestitz, Italy: *VOM with youth offenders in Europe – A Grotius project*
- Ivo Aertsen, Belgium; Dobrinka Chankova, Bulgaria; Rob MacKay, UK: *Introduction to COST Action A21: RJ developments in Europe*

### **Furthering RJ practices**

Location: Brussels

Chair: Debra Clothier (UK)

Presenters:

- Ted Wachtel, USA: *From RJ to restorative practices. Expanding the paradigm*
- Hans Boserup, Denmark: *Advanced techniques and dilemmas in mediation*

16.30 **End of the second conference day**

20.00 **Conference dinner**

## **Saturday, 16<sup>th</sup> of October 2004**

### **09.30-10.30 Plenary session**

Chairs: Martin Wright (UK) and Monika Platek (Poland)

Presentation of workshop reports

- Going East!, by Vira Zemlyanska (Ukraine)
- Restorative justice policies, by Christa Pelikan (Austria) and Martin Wright (UK)
- Local models and specific practices, by Leo Van Garsse (Belgium) and Marian Liebmann (UK)

### **10.30-11.00 Coffee break**

### **11.00-12.30 Plenary session**

Chair: Martin Wright (UK)

- Feedback from café conferences and debate, by Katrien Lauwaert (Belgium) and Rob MacKay (UK)
- Closing of the conference by Dr. Kinga Göncz, Minister of Equal Opportunities (Hungary)
- Closing statements by Siri Kemény (Norway) and Ivo Aertsen (Belgium)

### **12.30 End of the conference**



## **Fringe meetings**

### **Wednesday, 13<sup>th</sup> of October 2004**

#### **Meeting of the Board of the European Forum for Victim-Offender Mediation and Restorative Justice**

Time: 09.30-17.00

Location: Brussels room

#### **Meeting of the committees of the European Forum**

Time: 17.00-19.00

Location: Newsletter Editorial Board: New York I  
Communication Committee: New York II  
Information Committee: Prague III  
Practice and training Committee: Moscow  
Research Committee: Brussels

Anyone interested in the functioning of the Committees is welcome to attend one of these meetings. If you are unable to attend the meetings and if you would like more information about their activities, please do not hesitate to contact the chairs of the committees or someone from the Board of the European Forum during the conference.

### **Thursday, 14<sup>th</sup> of October 2004**

#### **Press conference**

Time: 11.00

Location: Prague I

#### **General Meeting of the European Forum for Victim-Offender Mediation and Restorative Justice**

Time: 17.30-20.00

Location: Budapest room

We hope to welcome many members at the meeting, but also non-members are welcome to attend (although they will not have voting rights). The draft agenda of the General Meeting can be found in your conference bag.

### **Friday, 15<sup>th</sup> of October 2004**

#### **AGIS 1 meeting: Exchange of training models for mediation practitioners and training of legal practitioners**

Time: 12.00-13.30

Location: Prague I

In this meeting, the people who participated in the AGIS1 project will come together to discuss the follow-up of the project. This meeting is open to anyone who is interested in the subject matter. Both parts of the project (training of mediators and training of legal practitioners) are topics of workshops on Thursday afternoon.

**AGIS 2 meeting: Meeting the challenges of introducing restorative justice in Central and Eastern Europe**

Time: 17.00-19.00

Location: Prague I

The purpose of this meeting is to plan the next steps in this project. Hence the meeting is only open for members of the core group of AGIS 2.

**Saturday, 16<sup>th</sup> of October 2004**

**Meeting of the Board of the European Forum for Victim-Offender Mediation and Restorative Justice**

Time: 15.00-20.00

Location: Prague I

## Abstracts of plenary presentations

### **Mária Herczóg, Hungary: *Restorative justice in Central and Eastern Europe: Comparisons, achievements and challenges***

The political-economical transition found the countries of the region in very different conditions depending on the former social and political situation in the given society. The region has never been homogenous not only because of the centuries of previous history but because of the history of the last 50 years as well. Therefore it is very interesting and useful in itself to explore the different approaches to the transition, the influence – and pressure sometimes – of the western world such as the international recommendations, agreements, requirements. There are several questions that can and should be raised concerning the current and desired situation in these countries not only in relation to RJ, but to the justice system as a whole just like the overall economical-political system.

Through the adaptation process of RJ we also have to face the challenges of discussing matters as co-operation, non-violent communication, partnership, equal opportunities, power shift etc. Countries have different answers and relations to these issues and the implementation of alternative ways of handling conflicts and crime.

*Maria Herczog Ph.D. sociologist, is working as a senior researcher at the National Institute of Criminology and in the national Institute for Family and Social Policy. She also teaches at the University ELTE and is the editor in chief of the only Hungarian professional child welfare, protection bymonthly journal Family, Child, Youth. She is a temporary expert of the Council of Europe, UNICEF, WHO and the author of several books and articles. Her main interest is in child welfare, child protection, mediation and restorative justice as a possible way of helping families in conflict resolution, offending children and young persons to get a chance to learn more about being accepted as a person and helped to become a responsible adult and a good parent.*

### **Gerd Delattre, Germany: *Dialogue with the public – a neglected element of restorative justice?***

At first glance, victim-offender mediation and the practice of RJ have been developed throughout Europe in different ways and with different success. At second glance, however, the situation in the countries has more things in common than we might assume and some misleading statistics might try to get us to believe: The efforts to persuade a traditionally reluctant justice system are a permanent challenge for the protagonists of RJ in almost all European countries.

The purpose of this presentation is to ask a critical question: Are the existing judicial systems actually capable on the long run of guaranteeing a referral practice which is satisfying with regard to both the number of referred cases and the quality of cases?

Furthermore, this presentation will outline ways how to achieve the main aim of a discernible increase in the application of RJ. In this context the “dialogue with the public” is an important instrument. Approaching the public is more important than ever before. Modern marketing concepts are needed as a matter of fact as well as the co-operation with multipliers and partners representing a citizen-orientated legal policy outside the penal law. This instrument, “the dialogue with the public”, has to be planned, organised and put into practice continuously.

*Gerd Delattre is the Head of the Servicebuero for Victim-Offender Mediation and Conflict Settlement, Germany. Between 1985 and 1996 he worked as a mediator (victim-offender mediation), and trainer of mediators, prosecutors and police officers. He also initiated the foundation of KOMED, a private agency for mediation and conflict settlement. Since 1996 he is head of the Servicebuero for Victim-Offender Mediation and Conflict Settlement, based in Cologne, Germany. He has also been participating as a lecturer in several conferences and seminars in Germany and other European countries and is author of various articles related to victim-offender mediation.*

**Sturla Falck, Norway: Restorative justice – a giant leap or just another tool for the criminal justice system?**

Restorative justice has for more than twenty years been a new way of understanding crime as conflicts that include the victim, the community and the offender. It is an alternative paradigm for conflict resolution with a different frame of reference that focuses more on the process than the solution to restore the societal equilibrium that has been disturbed. The traditional criminal justice system could be reduced, when restorative justice expands. Has restorative justice developed into a giant leap that has brought the society away from the traditional crime punishment system in ways of handling conflicts? Or has it been included as a harmless tool which does not threaten the crime justice system, but gives it a new legitimacy?

I am an outsider in the meaning that I have never been inside the movement, but as a sociologist and criminologist I have with interest looked at the community mediation centers since they were established as an alternative for conflict resolution in 1981 in Norway. They started inside the Child Welfare System, but were transferred to the Ministry of Justice in 1991. Is the ideology from Nils Christie's article "Conflict as property" (1977) still valid? He wanted to get rid off the professionals, the lawyers, and return conflicts back to the involved parts.

Restorative Justice includes far more than victim-offender mediation as I know it from the Norwegian mediation services. Family Group Conferences, restorative policing and even alternative conflict resolution inside the prison system have become part of the picture. The concept and ideas are still an alternative, but at the same time they have been absorbed into the traditional criminal justice system. Is this a way of changing the system from within? Has the concept been so diluted that it has been absorbed into the system it was meant to be an alternative to and has become just another tool for control and repression?

*Sturla Falck is sociologist, senior researcher, director for the strategic institute programme for development research at NOVA (Norwegian Social Research) and Research director (1997-2004). Previously he worked at the Department of Criminology, University of Oslo, at the Scandinavian Research Council for Criminology, in the Ministry of Social Affairs and the Norwegian Institute of Child Welfare Research. He published approximately 60 articles and books, in criminology and sociology. His main topics are juvenile delinquency, crime trends and child welfare.*



# Workshop abstracts

Friday, 14 October 2004, 15.30-17.00

## VOLUNTEERS AS A FORM OF COMMUNITY PARTICIPATION

### **Betty Robinson, UK: *Volunteering for my community***

The workshop will be designed to allow lively discussion regarding delegates' views on volunteering.

Topics for discussion include:

- Training, working and cost effective volunteers.  
What do volunteers expect in return for giving their time and skills without payment?  
Does volunteering reduce employment opportunities?
- Within the workshop, delegates will be able to give their views on positives and negatives of having members of the community work with victims/offenders in their own area.
- Views on how a volunteer would deal with a situation of meeting people they have worked with and what effect, if any, would there be on the victim/offender and the organisation.
- Would volunteering encourage better participation in the community?

*Betty Robinson is Team Leader of a Restorative Justice Service in Fife Scotland working with 11-16 years olds, and has been involved in victim-offender mediation since 1996. She is responsible for the recruitment, selection, training, and managing of volunteers. This training is delivered at six monthly intervals.*

### **Karen Paus, Norway: Volunteer or professional mediators**

Through her presentation, the presenter hopes to outline some issues for debate regarding the choice between using laymen or professionals as mediators between victim and offender. What are the benefits and strengths and what might be weaknesses i.e. regarding legal safeguards. By using the Norwegian model as a background for her presentation, focus will be towards laymen as mediators. Some questions she would like to raise are the following:

- Does present practice meet the main objectives for choosing laymen instead of professionals? Can the objectives stated in regulations for victim offender mediation in Norway be met by using laymen instead of professionals?
- What makes the mediator a "professional"? Is it purely the question of having this as an occupation? Or can several years of practice, training and education also make the layman a professional mediator?
- How does the knowledge of whether the mediator is a layman or a professional affect the parties roles in mediation? Does this knowledge make any difference?
- What are the limits regarding types of offences or situations in mediation that can be handled by laymen? A challenge in mediation is often differences of power in the mediation session. How can this be handled and dealt with by the mediator and the parties? Would these more

complex aspects of the mediation process be arguments for not using laymen as mediators?

*Karen Kristin Paus, criminologist, works as an adviser at "The Mediation Service in Oslo and Akershus". She has also been active as a volunteer mediator. Besides the ordinary work in the administration she is involved in collaboration with colleagues in Albania, through a solidarity project funded by Norwegian authorities.*

## **RJ IN SCHOOLS**

### **Anja Semper and Bernd-Uwe Güttling, Germany: *Mediation in schools "MeinS"***

The presenters will show how victim-offender mediation works in schools. They will discuss the training of school mediators and the rules for the mediation practice. They will show a video (11 minutes) developed with 13-year old children in a school in Oldenburg. This video shows the different steps of the development of conflicts in schools and how they can be solved by means of mediation.

*Anja Semper is an artist and set up the project 'Fairmittlung e.V. – Communication and mediation' within which the 'Mediation in Schools' (MeinS) project was created.*

*Bernd-Uwe Güttling is a pedagogist and mediator. He works in the field of mediation since 1991. He set up a project 'Conflict management in schools' which works together with 'Konfliktschlichtung e.V.'. He leads the 'Fairmittlung' project.*

### **Lívía Hadházi, Hungary: *Application of the conflict management technique "Face to face" in the Zöld Kakas Liceum Secondary School***

The presenter learned the restorative conflict management techniques through the Family-Child-Youth Foundation in the summer of 2001. The techniques were then introduced in the 9<sup>th</sup> grade of the school. During the year 2001-2002, several conferences were organised for the students in order to improve their conflict handling skills. In the year 2002-2003, students willing to become facilitators were trained. Since then they have been involved in the process of handling conflicts at school whether they originated in the school or elsewhere.

In her presentation, the presenter intends to summarise her experience and to share her ideas with the other participants. She will be assisted by Dávid Gerendás, a former student of the school who participated in the training and who has been very useful.

*Lívía Hadházi is working as a teacher in the Zöld Kakas Liceum Secondary School since September 1998. In this school, dropout students who have not succeeded in other schools are being taught.*

## **CONFERCING MODELS**

### **Rick Sarre, Netherlands: *An adult RJ pilot project in South Australia***

In March 2004, the Adelaide (South Australia) Magistrates Court began an adult restorative justice conferencing pilot project, initially for six months. The model is based on a restorative justice, victim-focused philosophy, already well entrenched in the South Australian juvenile justice system. This philosophy is borne out by the fact that there is no intention to include

recidivism rates in the evaluation of the pilot, but merely to focus, at this pilot stage, on varying aspects of victim satisfaction and perception of procedural justice.

This paper will report on the pilot and the interesting circumstances that led to the pilot. It will also review some data regarding the decade of juvenile conferencing that has been in place in South Australia since the Young Offenders Act 1993. What this data reveals is that hopes for reduction in recidivism appear not to have been realised.

*Dr Rick Sarre is Associate Professor of Law and Criminal Justice at the School of International Business, University of South Australia. He was, from 1992 to 1998, the Head of the School of Law and Legal Practice, University of SA. He currently lectures in criminal justice and criminology, policing, media law and commercial law with offshore programmes twinned with Hong Kong Baptist University. He is a former legal practitioner with a commercial law firm in Adelaide and spent time with Australian Lawyers for Refugees in Hong Kong in 1992 and lecturing at Graceland University, Iowa, USA. His qualifications include undergraduate studies in law (Adelaide University) and sociology (Graceland University, Iowa), and post-graduate degrees in criminology (University of Toronto, Canada) and law (University of Canberra). He has published over 140 scholarly pieces in the fields of law, criminology, socio-legal issues and restorative justice.*

### **Rob van Pagée, Netherlands: Conferencing is empowering citizens and should be in the mainstream**

The National Center for Restorative Practices in the Netherlands is advocating and supporting conferencing as models of empowering citizens. The New Zealand model of Family Group Conference and the Restorative Justice Conference model are implemented at the same time and give insight into the interrelation of these models. In both approaches, the success of the model depends on individuals, as opposed to professionals, taking responsibility for their own circumstances. Individuals derive support from a network of family, friends and acquaintances. Both models use similar open questions: 'What has happened?', 'Who has been affected?', 'Whom does it concern and in what manner?', 'Where can this child grow up safely?', 'How can the violence stop?', 'What are the available resources?'

Conferencing turns the system upside down and puts the needs of individuals first. Daily practice with conferencing demonstrates that groups of citizens many times are willing and able to take responsibility for their own lives with the problems they face and for repairing wrongdoing and its effects. Experience with these practices to date (only 500 conferences in four years) contradicts the limited expectations of governments, organisations and many times individual citizens, who read different stories in their newspapers.

Conferencing deserves much more attention since it is supporting and reinforcing the social structure of our society. Offering conferencing in cases of domestic violence, for instance, has learned that widening the circle of family and friends around this problem will stop the violence. Leaving the responsibility for the problem and decision about a plan for 'restoration' with the family group is very much empowering and is many times much more effective than single interventions made by outsiders to deal with that problem.

It is remarkable how well these models connect to the needs of citizens to repair situations that have gone wrong, using their own commitment and resources. Especially when compared to the way victims, offenders and clients of the traditional Child Welfare services rated their experiences with the

traditional responses of public agencies. Conferencing should be a practice in the mainstream of Welfare, Justice and Health.

*Robert van Pagée is a board member of Eigen-Kracht – Center for Restorative Practices in the Netherlands. The Center is implementing conference models with the aim to support and reinforce social structure in society. Next to the Netherlands, the Center has also been active in Belgium, Poland, Russia and Ukraine.*

### **Monika Platek, Poland: RJ conferences in Poland – the rise of the new legal practice**

Polish criminal law provides the space for mediation, but not for Restorative Justice Conferences. The idea of RJ has been brought by several academics and recently by a series of seminars and workshops lead by Jim Consedine, a RJ activist and co-ordinator from New Zealand. As a result, a group of people started to train themselves and in fact to run several conferences. The practice exceeds the law.

The presentation has two goals. The first is to share the experience we have in introducing the RJ idea into criminal law practice and into the curriculum for the training of lawyers and future lawyers. The second goal is to use the know-how of participants from other countries and to learn from them useful ways and methods to train the RJ facilitators. We would like to start with a short presentation and then use the time that is left for interactive work focused on building up the programme for the training of RJ legal facilitators. We hope that this could have a practical value and that we will be able to use it in our work back home in Poland.

*Monika Platek works at the law faculty of the University of Warsaw. She has a J.D. and Ph.D. in law and criminology of the law faculty of the University of Warsaw. She is also a chairwoman of the PSEP and the Polish Ombudsman representative for victims' rights. She started the Street Law Clinic at Warsaw University.*

## **INTRODUCING RJ IN CENTRAL AND EASTERN EUROPE, PART 1**

### **Zuzana Slezakova, Czech Republic: Introduction of the AGIS project and first results**

The European Forum for VOM and RJ launched in the beginning of this year an AGIS project called "Meeting the challenges of introducing victim-offender mediation in Central and Eastern Europe". Its main objective is to support developments of VOM in Central and Eastern Europe and to improve the exchange around VOM between the West and the East. The project is only possible thanks to the activity of the European Forum members and supporters and the financial support of the European Commission. It runs until November 2005; within its duration following activities are planned: 2 expert meetings and 2 seminars, and a final publication.

The first expert meeting took place in June of this year. It concentrated on the current situation in Central and Eastern Europe (CEE). The second expert meeting (planned for April /May 2005) will build on the first one and will look into what can concretely be done to give an impetus to the policy developments around VOM in CEE. The first seminar coincides with this Conference, and shall serve to bring the Western and the Eastern experts together. The second seminar, planned for September 2005, will present the results of the project and will be an opportunity to discuss how the conclusions and recommendations of the project can be used in a practical way. At the

end of the two years a final publication will be published, which will bring together all the information collected during the entire project, analyse the project and will include recommendations for the future of VOM in CEE.

As to the first expert meeting: it took place in Vienna, from 24 to 26 June 2004. 14 experts from Eastern and Western European countries and also representatives of the European Forum took part. During the meeting, the situation on VOM in the participating countries was presented. The particular impact was set to the typical factors (both negative and positive) in CEE countries in relation to the implementation of restorative justice. The main results will be presented.

*Zuzana Slezáková currently works for the Ministry of Interior of the Czech Republic. Her background is law and criminology. During her studies in Belgium, she was recruited by the European Forum for RJ and VOM to help to start up the AGIS project, and particularly to organise its first expert meeting in Vienna in June 2004.*

### **Sorin Hanganu, Moldova: *Ideologies in sentencing in Central and Eastern European countries***

This presentation aims to reveal the specific elements of the criminal sentencing policy in Central and Eastern European countries, resulting from the punishing ideology that lived in the former USSR. Among other issues, an overview of the criminal sanctions until the 90s will be given, as well as:

- the development of these over the years, namely stressing the influence of the Gulag mentality;
- the resocialisation of the offender by incarceration and the role of the prison;
- sentencing – an exclusive attribute of the state;
- the limited involvement/participation of the community in the criminal justice system;
- the (limited) participation of the victim.

Also actual trends in changing/reforming the criminal justice system will be dealt with:

- trends and efforts of introducing restorative practices and victim-offender mediation;
- introducing other community-based sanctions and measures and alternatives to imprisonment.

*Sorin Hanganu is a young researcher who graduated from Moldova State University and who has an LLM in Law. Since 2001 he is working at the Institute for Penal Reform, a Moldovan NGO active in the field of penal and penitentiary reform. Since 2003 he is the Head of the Community Service and Mediation Department.*

## **RJ AND THE TRAINING OF MEDIATORS AND FACILITATORS**

### **Niall Kearney, UK: *Introduction to and first results of the AGIS project on the training of mediators and facilitators***

In the year 2003, the European Forum for Victim-Offender Mediation and Restorative Justice succeeded in getting funding from the European Commission, under its AGIS Programme, to run a project entitled “Working towards the creation of European training models for practitioners and legal practitioners in relation to restorative justice practices”. Part of this project

consisted in trying to obtain more information concerning the state of affairs of the training of mediators in criminal matters. A group of experienced trainers coming from 11 different European countries had the opportunity to meet twice. They exchanged information on the training models that they used, and compared the models. They also discussed the desirability of developing European standards for training mediators. The meetings resulted in the drafting of recommendations for the training of mediators. Other initiatives to work together in the future were taken as well.

*Niall Kearney works for SACRO (Safeguarding Communities Reducing Offending), a Scottish NGO, in the role of service leader in a diversion from prosecution service and also as RJ development officer. Among other things, Niall is a trained mediator and qualified mediation assessor to Scottish Vocational Qualification standards.*

### **Ben Lyon, UK: Training and accreditation; approaches to the development of best practice and regulation of practice**

This presentation will explore the development of a common approach to best practice, training and accreditation in England and Wales. The Government's position expressed in the strategy document published last year and the work that has taken place since to develop an agreed approach to best practice, covering both mediation and conferencing approaches will be set out as well as the challenges that this has presented in terms of the different perspectives and traditions of the two approaches coming together. Then it will be discussed how these agreed best practice standards will be translated into national occupational standards and accredited awards open to practitioners in any professional or voluntary setting to achieve, and how the establishment of a new professional association for restorative practitioners could have an important role in future in licensing practitioners. Then the discussion will be opened up to ask people in other countries how they have taken forward regulation of the training and accreditation in other countries. In the UK we are likely to take quite a deregulated approach – i.e. that anyone in any professional field can become a practitioner, and that anyone can train practitioners, but they must then prove their competence on-the-job and get a recognised award to become members of the professional association. But we are aware that other countries have approached this very differently and it would be good to discuss those different approaches.

*Ben Lyon manages the Connect RJ Project in London, mediating adult criminal cases in partnership with Probation Service personnel, whilst training them towards independent practice. He has experience in providing restorative services in the youth justice field and in running a Home Office funded research project. He currently consults for the Home Office on proposed training and accreditation matters, and is a founder member of the Association of Restorative Practitioners (UK).*

## **RJ AND LEGAL PRACTITIONERS**

### **Gordon Petterson, Norway: How to enable prosecutors and judges to make use of RJ practice in their work. The results of the AGIS project on the training of legal practitioners in RJ**

In the last years, several important supranational recommendations and decisions have been brought in to promote the use of mediation in criminal matters:

- in 1999, the Recommendation N° R (99) 19 of the Council of Europe on Mediation in Penal Matters

- in 2000, the UN Basic principles on the use of restorative justice programmes in criminal matters
- in 2001, the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA).

Despite these important decisions and recommendations, and despite significant legislative reform and the growth of mediation programmes and services in many countries, mediation in criminal matters today is still only used in a small percentage of criminal matters. The gap between actual and potential use reflects the difference between legislative intentions and the limited understanding by many representatives of the criminal justice system of the role mediation can play.

It is clear that in practice the success of mediation programmes in most European countries depends entirely on the co-operation of legal practitioners. This co-operation is important for the selection and referral of suitable cases, for taking into account the results of mediation and for safeguarding the necessary legal rights of the parties

Is it possible to develop a short training programme for legal professionals, that could have impact on their knowledge, skills and attitudes ?

Is it possible that a short training programme could help prosecutor and judges start seeing mediation as an option and know how to integrate it into their daily work ?

*Gordon Petterson is Assistant Chief of Police at the Legal and Prosecution Department of Follo Policedistrict in Norway. In between 1997 and 2003 he was a prosecutor and before that he was a manager of the Mediation Board. He also practiced as a mediator in divorce cases.*

### **Elzbieta Czwartosz, Poland: Awareness of RJ among lawyers in Poland**

The aim of the study that will be presented was to diagnose the level of knowledge of RJ and mediation procedures among lawyers (including practitioners like judges, prosecutors and future lawyers-students). The subject of our interest was how the respondents assessed advantages, restrictions and dangers connected with implementing mediation into the criminal law system. The study consisted of three aspects:

- 1) The way of understanding the idea of RJ, i.e. presumptions concerning the model of RJ, knowledge of consequences of new law order, knowledge of law settlements concerning the application of mediation.
- 2) Attitudes towards the institution of mediation in the community of lawyers, beliefs concerning efficacy of mediation in penal conflicts and reasoning for its application in different phases of the trial process.
- 3) Preferred model of conducting mediation in court practice: expectations connected with the role and function of mediator, beliefs concerning the reasoning of mediation application in certain types of penal conflicts, views concerning criteria for the selection of cases for mediation.

*Elzbieta Czwartosz is assistant professor at the Faculty of Psychology of the University of Warsaw and at the Advanced School of Social Psychology where mediation courses are a compulsory part of the curriculum. She has been a consultant and trainer in the programme on the development and application of victim-offender mediation procedures in the Polish legal system since 1995.*

**Simona Ghatti and Anna Mestitz, Italy: *What do Italian judges and prosecutors think about victim-offender mediation?***

In recent years, victim-offender mediation (VOM) as a form of RJ has gained considerable attention. In Italy, VOM is being experimented with in the juvenile justice system, in which public prosecutors and judges may dispose for VOM as a part of the judicial process. Because the practice of VOM is still marginal in Italy (i.e. VOM is attempted in about 7-8% of the juvenile crimes reported to the authorities in the jurisdictions in which a VOM service exists), it is important to establish what criteria prosecutors and judges use to select cases for VOM, what goals they pursue when they provide for VOM, and how they perceive VOM efficacy to prevent re-offending in comparison to other practices, resulting from traditional justice models (i.e. retribution and rehabilitation models).

A survey was conducted with public prosecutors and judges employed in 9 juvenile jurisdictions. Results reveal that the type of crimes committed by the juvenile is the main criterion in the decision to attempt VOM (i.e. petty crimes or those against the person in the presence of a close relationship), and that both prosecutors and judges are significantly more likely to attempt VOM to make the offender responsible than to offer reparation to the victim, or prevent the judicial system to become clogged with petty crimes. Additional analyses involve the investigation of differences according to participants' professional role (judges vs. prosecutors), gender, and the participants' attitudes. Finally, both prosecutors and judges rate the restorative model as significantly more successful at preventing recidivism than the retributive model, but as successful as the rehabilitation model. Results will be discussed in relation to the characteristics of the Italian juvenile justice system and juvenile crime in Italy.

*Simona Ghatti (PhD, researcher) has conducted numerous studies on the psychological consequences for children of being involved in the legal system. Her work is published in national and international books and reviews. Her main interests concern the evaluation of children's eyewitness testimony and legal procedures and treatment for juvenile offenders.*

*Anna Mestitz (research director) heads the IRSIG research programme on juvenile justice. She is the author of articles and books concerned with the Italian juvenile justice system, and presented her work in various international contexts. She also has co-ordinated international research projects on VOM.*

**COST ACTION A21: THEORETICAL DEVELOPMENTS**

**Rob Mackay and Martin Wright, UK; John Blad and Bas van Stokkom, Netherlands; and Christa Pelikan, Austria: *Making sense of RJ – Messages from the COST Action Working Group on RJ theory***

The expansion of RJ in Europe has posed many questions about what this model means, how it relates to the criminal justice systems of Europe and to other parts of our legal and social worlds. We need to address what part theories play in providing justifications, rationales, principles, explanations and analyses of restorative practices.

The COST Action Working Group on Restorative Justice Theory has been meeting since 2003. The purpose of the group is to clarify the theoretical ground of RJ with the aim of stimulating further developments in the field. This panel will provide a sample of the group's developmental work. The speakers will give accounts of some of the controversial issues which they have been propounding as a ground-clearing for more systematic theoretical treatment.



The types of topic that will be addressed include: the scope of RJ; controversies between RJ and criminal law; the ethics of punishment; justifications of RJ; and, the theorisation of psychological, moral and legal themes (eg guilt, responsibility, shame, forgiveness and remorse).

*Dr. John R. Blad (1950) is Associate Professor in Criminal and Criminal Procedural Law at the Law School of Erasmus University Rotterdam. He is editor of the Dutch-Flemish Journal of Restorative Justice (Tijdschrift voor Herstelrecht) and his main academic interests are in penal theory and criminal justice philosophy. His dissertation of 1996 was a critique of criminal justice abolitionism ('Abolitionisme als Strafrechtstheorie, Gouda Quint, Deventer). In criticizing abolitionism he discovered the possibilities of restorative justice. Other topics on which he contributed substantially were decriminalisation of euthanasia and physician (and citizen) assisted suicide in the Netherlands and community dispute resolution. His most recent Dutch publications have been on the possibilities of 'restorative social policy' and on restorative detention.*

*Rob Mackay has written theoretical papers on the justification and principles of RJ. He currently works in the field of youth justice policy implementation, and serves as a community mediator.*

*Bas van Stokkom is sociologist and philosopher working at the Centre for Ethics, Radboud University Nijmegen, The Netherlands. Previously he was journalist, co-worker of the Dutch labour party research institute and chief editor of the monthly 'Justitiële verkenningen'. His main research domains are police ethics, punishment ethics, restorative justice and deliberative democracy.*

*Martin Wright has written extensively on RJ and contributes to national and international forums on RJ. He is a former librarian of the Cambridge Institute of Criminology and Director of the Howard League in England and Wales. He serves as a community mediator*

*Dr. Christa Pelikan is a researcher at the Institute for the Sociology of Law and Criminology in Vienna. She has been chairing the 'Committee of experts on mediation in penal matters' within the Council of Europe and has been a member of its Criminological Scientific Council from 1999-2003.*

**FRIDAY, 15 October 2004, 09.00-10.30**

**APPLYING RJ IN INTERCULTURAL SETTINGS**

**Mary Jo McAllister, UK: *Youth RJ in Northern Ireland – across all our communities and cultures***

The Justice (Northern Ireland) Act 2002 established the Youth Justice Agency, which consolidates criminal justice services for young people. Part of the new Agency is the Youth Conference Service, which works upon the principles of RJ. This significant development represents a commitment by the government to the principles of RJ within the youth justice system. The theoretical basis of Youth Conferencing in Northern Ireland is a 'Balanced Approach' model. This model examines the relationships between the victims of crime, young people who commit criminal offences, and the wider community. As the Youth Conference Service develops, it is involving a widening range of members of the community in supporting both victims and young people to meet their respective needs, and thus to contributing to a safer community.

This development takes place within the historical context of sectarian crime and crime against the state, and, increasingly, hate-based crime, particularly against the growing numbers of minority ethnic communities and cultures in Northern Ireland. The challenge for the Youth Conference Service is to implement RJ practices within communities which, whilst continuing to be divided along the traditional catholic/protestant lines, are increasingly diverse in terms of minority ethnic and gay communities.

The introduction, through legislation, of RJ to the criminal justice system in Northern Ireland is an exciting and challenging innovation, which flows from the Good Friday Agreement and can make a significant contribution to the building of the principles of equity, diversity and interdependence within all communities.

*Mary Jo McAllister has teaching and social work qualifications. She has worked in various Probation Services in the UK for many years, both as a practitioner and a manager. She has also worked in the trade union movement. Her interests include development and implementation of equal opportunities and anti-discrimination practice and policy.*

**Uri Yanay, Israel: *Restoring justice. Could it work in the Middle East?***

In recent years, many countries developed alternative means to deal with criminal justice related issues. Canada, New Zealand and Australia were first to do so. It was probably the tradition, legacy and formal respect for their indigenous 'first nations' population that helped acknowledge and introduce such alternatives.

Palestinian Arabs are Israel's indigenous population. However, the political stalemate in Israel hampers efforts made to restore relations and solve conflicts using RJ philosophy and process. Peacemaking is widely used among Israeli Arabs themselves, and so it is also used among some Jewish communities, but it is unlikely that any comprehensive, state based, formal alternative conflict resolution initiative would be adopted as long as the Israeli-Palestinian conflict exists.

The paper lists political, social and cultural constraints and barriers that thwart such initiative. It also highlights the potential benefits and opportunities in

restoring community relationships within a complicated, painful political conflict.

The overall feeling that everyone is victimised in this conflict may open a door to restoring relations.

The paper is based on observations made in the Middle East where different communities, audiences and interests are involved.

*Prof. Uri Yanay teaches social policy at the School of Social Work and Social Welfare at the Hebrew University of Jerusalem, Israel. In recent years his research focuses on services designed for victims of crime and terrorism. RJ is a way to make peace, reduce hostilities and empower victims. Parts of his research were conducted in Northern Ireland, the US, Germany, Canada, Australia and New Zealand. Prof. Yanay published a number of articles on this topic in international and national scientific journals.*

## **RJ, THE POLICE AND PUNISHMENT**

### **Hendrik Kaptein, Netherlands: *RJ as punitive public law***

Opposition to RJ is often motivated by its supposedly fatal lack of punitive and 'public' force. Apologies, reconciliation, atonement, payment of damages etc. are regarded as informal or civil law-like remedies at best, lacking the supposedly essentially punitive character of criminal law measures, just as reducing the 'resolution' of crime to relationships of victims and offenders is taken to come down to misguided privatisation, or wrong-headed exclusion from criminal procedure of the rest of citizenship.

Against such and other criticisms of RJ, basic ideas of 'civilised criminal law' may be developed. An attempt is made to base criminal procedure and punishment on principles of moral psychology transcending criminal law, concerning relationships between actorship, wrongful harm, resentment, apologies, retribution as reparation, and reconciliation. Reparation by offenders is regarded as essential for restoration of respect and self-respect.

Punishment as mere infliction of pain must be done away with, to be replaced by penal servitude, in the sense of: reparation of harm done by offenders' own efforts. Such penal servitude is taken to be the constructive core idea of retribution as integration of forfeit, punishment and restitution. Offenders' pain is no more than a probably not unwelcome by-product, then, in restoration of original positions for all concerned. In this way, RJ may still be punitive in a sensible way.

The essentially public nature of such civilised criminal law is expressed by the state's coercion of penal servitude, to be determined in public trial and in the name of the people, as an expression of moral resentment against offenders and compassion with victims. Crimes against general interests may be compensated for by penal servitude as well. Still, the possibilities of informal criminal conflict resolution ought not to go unheeded, if apposite.

Thus regarded, and apart from its much superior kinds of sanctions, civilised criminal law is not completely different from current criminal law, thus offering fruitful possibilities for piecemeal reform.

*Hendrik Kaptein is lecturer in jurisprudence at the University of Amsterdam. He teaches and writes on theory and practice of (legal) argumentation, on legal ethics and on RJ. With Marijke Malsch, he edited 'Crime, Victims and Justice: Essays on Principles and Practice' (Ashgate, 2004) (and also contributed an essay to it, on the idea of penal servitude and related notions).*

### **Margaret Martin, USA: *Policing and RJ: Where are we headed?***

This paper describes the theoretical, practice and value dimensions of RJ and examines these in relation to community policing ideology and practice. Although there may be congruence between the most idealistic visions of community policing and RJ, practical constraints in police organisations and community democratic mechanisms challenge policy implementation. The paper employs the Northern Ireland police reform experience as a case example, and explores the central dilemmas and paradoxes inherent in transforming police, especially in communities in conflict. It raises questions about the capacity of a police organisation to train and sustain within their personnel the skills and values necessary for community policing, yet the essential obligation to do just this. It similarly asks whether communities can assert the necessary democratic control necessary to insure that the state's interests are balanced with the local. The paper argues for a greater role for justice knowledge, skills and values to be incorporated into community policing practice if it is to be restorative.

*Dr. Martin is a professor of Social Work at Eastern Connecticut State University in the USA. Her research is focused on criminal justice policy related to domestic violence, policing, courts and corrections. She has highlighted some of the perverse consequences of progressive social policy reform. She has conducted evaluation research on community organisations' efforts to reform the Police Service in Northern Ireland. She has interviewed members of the force and community leaders and observed new democratic initiatives supporting community policing in Northern Ireland.*

### **THE VICTIM'S POSITION IN THE CONTEXT OF RJ**

#### **Niall Kearney, UK: *Issues of affecting 'victims' of severe violence in the context of RJ in Scotland***

This presentation will address some of the issues affecting 'victims' of severe violence in the context of RJ.

The presentation will be divided into two parts:

1. This part will highlight some issues arising from the experience of 'victims' of serious crime who request the RJ intervention provided by SACRO (Safeguarding Communities Reducing Offending), the Scottish NGO. These issues include: the timing of the intervention, the further 'victimisation' of 'victims' by statutory bodies and NGOs, compounded grief, trauma.
2. This part will draw attention to the psychological and therapeutic knowledge base required for those working with people affected by severe violence within a RJ framework with particular reference to 'victims'.

*Niall Kearney works for SACRO (Safeguarding Communities Reducing Offending), a Scottish NGO, in the role of service leader in a diversion from prosecution service and also as RJ development officer. Among other things, Niall is a trained mediator and qualified mediation assessor to Scottish Vocational Qualification standards.*

### **Antony Pemberton, Netherlands: *Abolitionist tendencies and victims' needs in RJ***

Three motives are central to RJ. First there is the abolitionist motive. RJ is seen by many as a possible replacement of the criminal justice system. Howard Zehr's paradigm shift and the differences between as he describes them vertical justice and new, horizontal justice is a prime example, as well as the redefinition of crime as a conflict between individuals in Christie's classic 'Conflicts as property'. Second there is the victimological motive, in the sense that RJ should focus on repairing the damage and the suffering the crime may have caused the victim. The third motive concerns the offender. RJ is proposed to have a crime prevention effect and to be a more humane way of dealing with crimes.

The three motives are mostly 'sold' as a package deal. Most RJ procedures and the restorative paradigm are defended on the grounds that they are better than criminal justice procedures (the abolitionist motive) in concern to meeting the needs of victims (the victimological motive) and offenders, and contribute to crime prevention (the offender/crime prevention motive). However, the necessity of this package of motives is not unproblematic. The European Forum for Victim Services and myself have argued elsewhere that the victimological motive and the offender focused motives may clash if proper safeguards are not implemented.

But the marriage of abolitionist perspective and the victimological motive within RJ is not without its problems either. This is the subject of the paper. The presenter proposes to address a number of issues that merit a more critical approach of the relationship between abolitionist tendencies and victims' needs in RJ, which in turn can influence the way RJ is implemented.

*Antony Pemberton studied political sciences at Nijmegen University in the Netherlands. He worked for a Dutch policy research institute, namely 'Research voor Beleid' in Leiden. In this capacity he undertook and oversaw over thirty research subjects in the fields of justice and home affairs. Topics included were stalking, the casino markets in the Netherlands, foster care and the introduction of iris scans. Since 2002 he is in the service of the head office of Victim Support in the Netherlands. In his capacity as staff member research and policy development he advises the chief executive of VS the Netherlands on subjects like repeat victimisation, crisis intervention and RJ and is also responsible for the research programme of VS the Netherlands. Furthermore he is project supervisor of the implementation of two RJ programmes in the Netherlands.*

### **Ilona Görgényi, Hungary: *The victim's position in relation to RJ in Hungary***

In this presentation the classification system of RJ, worked out by Paul McCold, will be followed. The starting point is that fully restorative justice in criminal matters does not exist in Hungary. That's why the presenter tries to show the mostly and partly restorative approaches at domestic level. By now the application of diversion, including RJ element, is known among criminal lawyers and the codification work of mediation in criminal cases and victims' protection is in progress. Attention will be paid to the victim's position, their situation and rights in the context of RJ. It is a hot issue, how is it possible to harmonize one hand the RJ solutions, and other hand the traditional principle of legality. For the future the aim is to increase opportunism. That can be viewed as the opposite of legality. RJ solutions have double advantages: taking victims' interests into consideration in the given criminal case, and devoting energy within the criminal justice system to the serious acts. One of

the most important objectives of RJ is: to attend fully to the victim's – material, financial, emotional and social – needs.

*Dr. Ilona Görgényi is the Head of Department of Criminal Law and Criminology at the University of Miskolc, Hungary and also a Board member of Section of Victimology of the Hungarian Society of Criminology. She studied and conduct research in Oxford, Freiburg and Helsinki. Dr Görgényi's has main scientific activies relate to the fields of victimology, restorative justice, environmental criminal law and corruption.*

## **INTRODUCING RJ IN CENTRAL AND EASTERN EUROPE, PART 2**

### **Rustem Maksudov, Russia and Eamonn Keenan, UK: *Achievements, issues and problems of introducing RJ into Russia***

The Moscow based Centre for Legal and Judicial Reform is the leading organisation on development of RJ across Russia. Since August 2002 they have been working with the Centre for Social Action and the Centre for Community and Criminal Justice at De Montfort University, England.

Funded by the British Government Department for International Development the organisations have been working to institutionalise RJ in Russia through a project.

The workshop will focus on practical examples of the situations that faced the management and staff of the joint project. The presenters will seek to share the lessons with reference to:

- The current position of young offenders in Russia
- The approaches developed in partnership working
- The activities of the programmes pilot projects
- Working with the key agencies, courts, offenders and victims
- Impacts to date
- Prospects for change and possibilities for the future

*Rustem Maksudov is General Manager for RJ in the Centre for Judicial and Legal Reform (Russia). He works to advance RJ in Russia and participates in a number of projects implemented in Russia together with Western specialists. His interests focus on problems of juvenile justice development in Russia, methods of work for mediators and building RJ into the Russian law system.*

*Eamonn Keenan qualified as a youth, community and social worker at the University of Ulster. He has worked as a practitioner, manager, trainer, evaluator and consultant. His work has had a focus on youth offending, conflict and reconciliation. He is based at the Centre for Social Action, De Montfort University, England and lives in Northern Ireland.*

### **Radek Gajdos and Marek Tkac, Czech Republic: *Czech justice and restorative practice***

Through its declared mission, the Probation and Mediation Service of the Czech Republic (PMS) is endeavouring to bring about the effective and socially beneficial resolution of conflicts arising out of criminal offending. At the same time, it is working to ensure the proper carrying-out of alternative sentences, placing an emphasis on the interests of victims, the protection of the community, and crime prevention. The Czech Probation and Mediation Service represents a new institution in the field of criminal justice policy and arises out of collaboration between two professions – *social work* and *law*.

Their linking-up has given rise to a new, multi-disciplinary profession within the system of criminal justice. The PMS has declared three basic objectives for its activities: the integration of offenders, victim support, and the protection of society.

The initial concept for the PMS was built on the assumption that the key area of operation must be pre-trial criminal proceedings. During this phase, the PMS provides services for both the victim and the accused directed at settling conflicts arising out of criminal offence. This involves, in particular, mediation between the victim and the accused (offender) and the drafting of pre-sentence reports. The co-operation of the victim and the accused with the PMS is entirely voluntary at this stage; the presumption of innocence applies to the accused, as of course it does to the victim. In practice, however, we generally attempt to apply the principle that it is more effective to motivate the accused to cooperate than to compel him merely on the basis of the powers entrusted to us by the law. The activities of the PMS can result, for example, in the discontinuance of criminal proceedings by means of diversion or the application of suitable alternative sentences.

During the post-sentence phase the PMS concept systematically follows on from activities during the pre-trial phase. The PMS is here responsible for organising, enforcing, and supervising alternative sentences. This principally involves activities relating to the application of probationary supervision, community work, and parole. The objective is to follow on from the work of the service during the pre-trial proceedings; the decisions of courts to issue community sentences are based on documentation prepared by the service during the pre-trial phase. This interconnectedness should enable an improved and more widespread application of new, more effective sentences.

*Radek Gajdos did his Masters in musicology and law at the Masaryk University in Brno, Czech Republic. Currently he is the head and legal advisor of the Probation and Mediation Service in Uherské Hradiště. As a probation officer he has had experiences in victim-offender mediation for several years. He has been also involved in working out methodological standards of community service in the Czech Republic and in law amendments proposals and analyses.*

*Mgr. Marek Tkac studied Social Work at the faculty of Philosophy of the Charles University. He has been a probation officer of the PMS Centre in Frýdek-Místek from 1 February 2001 onwards. Since May 2002 he is the Head of the PMS Centre in Frýdek-Místek.*

### **Rasim Gjoka, Albania: *Challenges and perspectives of mediation and RJ in Albania***

Restorative Justice (RJ) is a new notion in the Albanian society and there is lack of initiatives or special programmes considering this issue. On the other hand the mediation and reconciliation tradition in criminal cases has been known and applied in many conflict cases in the stage before the judicial proceedings. However, it is easier for the specialists of the justice system, lawyers, prosecutors, etc., to accept and apply mediation in the criminal cases foreseen in the law, but it is somehow difficult to make a connection between RJ and victim-offender mediation.

The Albanian legislative system has created the necessary grounds as regards the application of mediation in criminal cases. Albanian legislation created greater application chances for the mediation alternative through the law "On Mediation and Reconciliation of Disputes" adopted by the Albanian Parliament in March 1999, and followed up by the law No. 9090, dated 26.06.2003, "On Mediation in Dispute Resolution".

The Albanian Foundation “Conflict Resolution and Reconciliation of Disputes” (AFCR) is the main institution, which applies victim-offender mediation in Albania. AFCR is a consolidated institution licensed by the Ministry of Justice. It carries out its professional activity in the field of conflict resolution through the mediation alternative.

RJ is in its beginnings in Albania. It is yet far from being part of the justice system. The initiatives of VOM, as an aspect of RJ, are mainly applied by actors of civil society. Through the training programmes with judges and prosecutors we aim at making RJ practices known and applicable in practice.

*Rasim Gjoka is, since 1995, the Executive Director of the Foundation “Conflict Resolution & Reconciliation of Disputes”. He is also lecturer (part time) at the University of Tirana, Faculty of Social Sciences where he teaches Sociology of Education, Sociology of Religion and The Management of Conflict.*

## **RJ IN PRISONS**

### **Hilde Guffens, Belgium: *RJ in prison in Belgium: Where we started and where we are heading***

The presentation will consist of:

1. Short introduction about policy option towards RJ in prison and main goals of RJ counselors in the prisons.
2. Short explanation on the basic concept and relation to the RJ-paradigm.
3. Main conclusions about practice and developments until now, concerning:
  - structural and cultural process of change within the organisation
  - participation of members of the penitentiary staff
  - development of RJ instruments (apart from mediation)
  - participation of society as party involved in the RJ-programme
4. Main goals towards the future.

We would like to pose some clear questions concerning the evolution of RJ-practices within the prison context to enable the participants to exchange experiences, evaluations and conclusions and look upon similarities as well as differences in the different countries.

*Hilde Guffens works as the co-ordinator of the RJ counselors in the prisons on the Flemish side of the country. She has worked as a counselor herself for more than three years in a prison for long-sentenced offenders, often of serious crime. Before that she has been working for more than eight years in the local centre for victim support and in that context she also guided a self-support group of parents of murdered children.*

### **Marian Liebmann, UK: *RJ in Bristol prison***

This workshop will give an account of a RJ project in Bristol prison, April 2003-March 2004, with its achievements and difficulties. The project included introducing principles of RJ to a high security prison, involving prison staff, running victim awareness groups, targeting prolific and street crime offenders, working in partnership with Victim Support and the Victim Liaison Unit to develop victim-centred protocols, and finally facilitating victim-offender groups and one individual victim-offender meeting.

The workshop will then open discussion to consider the following questions:

1. Should and RJ project be located in a prison or outside?
2. How can RJ in a prison be victim-centred?



### 3. Should the RJ process be part of sentence planning or independent?

*Marian Liebmann has worked in the criminal justice field for over 20 years. She was director of Mediation UK for 4 years and projects adviser for 3 years, working on RJ issues. Since 1998 she has worked as an independent consultant and trainer in RJ, in the UK and in several African and East European countries. She has written/edited eight books. From 2001-2004 she was involved with an RJ initiative in Bristol prison.*

#### **Antonio Buonatesta, Belgium: *Victim-offender mediation in a penitentiary context. Outcome of an experiment carried out in several Belgian prisons***

The purpose of this presentation is to bring out what we consider to be specifically at stake in a mediation process at the stage of the execution of punishment. The analysis stems from a three-year experiment carried out in several French-speaking Belgian prisons by a non-profit organisation called "MEDIANTE".

As other experiments in a similar context, our first conclusion was that mediation in cases of serious violence including murder, must aim essentially at providing a process of dialogue between the parties rather than reaching directly a reparation settlement. Expressing and hearing painful feelings, giving and getting answers to fundamental questions are the usual benefits of this type of dialogue. But beyond that, we came especially to point out that such a dialogue between a detainee and a victim is not just a private exchange without any impact on the penal procedure. In most cases, mediation at this stage proves to have a very positive though unexpected impact on the conditional release procedure. We consider this issue very important in the present Belgian judiciary context. In the last decade there has been a growing willingness to improve the legal status of the victim in the penal procedure and in the parole release procedure particularly. The provisions made to this end, although referring to a restorative model, allow the victims to express their expectations at a victim support service without any information about the position of or the intention of the detainee. In most cases, this procedure gives rise to additional resentment and frustration for both parties. The presentation will highlight this paradoxical effect and how mediation at that stage proves to be a very effective tool in order to reach more satisfying and appeasing solutions related to release conditions.

*Antonio Buonatesta has, for twenty years, been the director of an NGO (G.A.C.E.P.), which carries out community service and victim-offender mediation programmes for juveniles in the judicial district of Charleroi (Belgium). Since 1998 he runs another NGO (MEDIANTE), entrusted with promoting and implementing victim-offender mediation programmes for adults in the French-speaking part of Belgium.*

#### **RJ, YOUNG PERSISTENT OFFENDERS AND CHILDREN AS VICTIMS OF CRIME**

##### **William Nicol, UK: *Children (both as victims and offenders) and RJ***

In many cases referred to SACRO Youth Justice Services in Scotland, there is a clear adult victim (personal or business), and a young person or group of young people who are responsible for offending. However, there are a significant amount of these young people who have been 'victims' themselves. Some of these children are arguably victims of poverty, abuse, neglect or lack of community resources to name but a few. Others are 'victims' of assault, or bullying, and may be exposed to violence and arguments in the home. To

complicate matters more, there are also children who are vicariously referred to SACRO Youth Justice Services as victims, who do not offend and perhaps never will.

SACRO are currently collecting data to analyse the impact of 'victimisation' on 'offending' in the sample of young people we work with. Further to this we are looking at the effectiveness of RJ in dealing with the complex issues around the 'victimisation experience'. The challenge whilst working toward developing services and 'best-practice' in these areas is also maintaining focus in the 'transformative' potential of RJ and SACRO's Mission of reducing offending and safeguarding our communities. Also it is important to remember when practicing or conducting vital research that the paramount principle of the UN Convention on the rights of the child must be adhered to.

The presentation will disseminate the findings so far and discuss practice and service development implications for RJ.

*Bill Nicol is Youth Justice Advisor for SACRO, Scotland's largest provider of RJ services. He has worked in RJ services with young people and with adults in Aberdeen since 1998.*

### **Vidia Negrea, Hungary: *Transforming labels: New practices to reintegrate troubled teens***

The aim of the newly founded restorative practices day treatment centre in Budapest is to empower students, parents and professionals to share responsibility for managing conflicts and problems by focusing upon repairing harm, strengthening relationships and building community. This presentation will focus on the use of restorative strategies and techniques that help troubled, delinquent and at-risk students, labeled as wrongdoers, to restore relations within their family, school and community. Topics will include the use of circles, affective questions and other processes from the 'restorative practices continuum', that build social norms and create a sense of community. A summary of the impact of implementation and practice on Hungarian education and probation policy will also be presented.

*Vidia Negrea holds a university degree in philosophy and psychology (Cluj,Romania) and is currently pursuing a doctorate at the Semmelweis University of Medicine (Budapest, Hungary). She has worked for more than ten years as a clinical psychologist with an interest in research about juvenile delinquency in Hungary. She spent a school year working and learning restorative practices in a Community Service Foundation school in Bethlehem, Pa (USA). Vidia is presently the director of the newly founded Community Service Foundation of Hungary, which runs a restorative day treatment program for troubled, delinquent and at-risk youth in Budapest.*

### **Jasna Hrcic, Zivica Pavlovic and Slobodan Milosavljevic, Serbia and Montenegro: *Mediation in conflicts at the juvenile correctional institution in Krusevac***

The mediation service at the Juvenile correctional institution in Krusevac (JCIK) has been established in October 2003 as a result of a partnership between JCIK, UNICEF, the Ministry of Justice of the Republic of Serbia and the Swedish International Development Agency (Sida). The objective of the mediation service is to facilitate and encourage positive resolution of conflicts between inmates where another person's rights were violated, through systematic application of mediation processes in which an impartial third party helps parties in conflict to communicate, directly or indirectly.

The aims of mediation at JCIK include:

- To improve the quality of life of juveniles at JCIK through opening opportunities: for the offender to be redirected from restrictive measures and rehabilitate him through reparation; for the victim to support his recovery; and for the whole JCIK to prevent further escalation of the conflicts.
- To improve pro-social capacities of juveniles at JCIK through development of their communication and problem-solving skills.
- To decrease anti-social behaviour of juveniles at JCIK through encouraging them to understand the consequences of offensive behaviour, taking over the responsibility for it, and promoting reparation of harm done.

The service is composed of 20 volunteers – staff members of JCIK and of the Center for Social Work in Krusevac, trained in victim-offender mediation by Marian Liebmann, expert in the area. The service has its premises, Ground Rules, administrative procedures, specialised departments and information materials.

Of the dozen cases that were referred to the service up till now some were closed successfully, some are in process, and some stayed unfinished because of a lack of voluntary participation by the parties in the conflict.

The service has been facing challenges: improving co-operation with other services at JCIK, developing needs of inmates for mediation and trust in its effects, co-ordinating the mediation work with other work duties. Anyhow, members of the service believe in the advantages of mediation and that it will overcome its current boundaries, as much at JCIK (peer mediation, mediation in conflicts between inmates and staff), as in a broader society (victim-offender mediation as alternative measure for juvenile offenders).

*Jasna Hrcic graduated in psychology at the Belgrade University, Yugoslavia. She is a researcher and scientific worker in the Institute for Criminological and Sociological Research in Belgrade. She participated in a few scientific projects, mainly in the area of juvenile justice, and published several scientific publications. She is a national consultant for juvenile justice with the Belgrade Office of UNICEF. Since 2003 she has been in charge of the development of the mediation service at the Juvenile correctional institution in Krusevac.*

*Zivica Pavlovic graduated in psychology at the Nis University, Yugoslavia. She works as a psychologist in JCIK and co-ordinates the mediation service. She also acts as mediator.*

*Slobodan Milosavljevic is a security officer at JCIK and mediates for the mediation service.*

## **PARTICULAR APPROACHES IN RJ PRACTICE**

### **Ilaria De Vanna, Italy: *Mediterranean mediation***

The mediterranean model of mediation has been created in Bari by CRISI, a mediation centre that manages the Civil and Penal Mediation Office for the Juvenile Court. This model comes from the so called humanistic model and on the one hand it is in opposition with the problem-solving model. On the other hand it feeds itself with all the suggestions that in mediation room send back to history and culture of the past to whom belong both mediators and those mediated. This going back to the past means to go back to the origins that, in this specific case, are founded in Mediterranean, the sea which mediates between lands but also people.

The model realises, through the experience of people meeting in mediation, the overcoming of categories, victim and offender, to bring both into the only

universal category of human being. This process happens first in the mediation room and then in society and the people who participate in mediation can find again their dignity as human beings that were devastated by the crime.

*Ilaria De Vanna is a mediator at the Office for Penal and Civil Mediation in Bari. She is responsible for the mediation training courses organised by CRISI, a mediation centre in Bari, and which take place in several districts in the middle and south of Italy. She is also a trustee of the "Flash" and "NEWS" sections in MediaRes, a six-monthly magazine.*

**Beni R. Jakob, Israel: *Breaking the chains of cross- and transgenerational crime***

Contrary to public myths, experts claim that around 60% of crime is committed between non-strangers. Furthermore it is claimed that most offenders were victims themselves. Families also play a central role in developing one's identity, sometimes over several generations.

A common sense implication from the above might be that in order to interrupt criminal patterns that run across families and people who know each other or were by themselves victims, it is the families who might be the most effective in enabling change. Moreover, although family is the basic unit of society, with the current radical shift from socialism to liberal democracy family welfare in the near future may no longer be seen necessarily as the state's responsibility (which might be taken over by NGOs). In such a scenario, government would have essentially only a regulatory role. Such trends might definitely have a further impact on families, which are already going through a process of deconstruction.

It is proposed that it is society's duty to encourage the family to take responsibility and to empower the family with legitimate authority, with professionals facilitating the process, especially in the area of crime and RJ. This is not meant to replace or diminish the function of the current criminal justice system, but to make the necessary modifications as to enable the pivotal place of the family in the process. The implementation of family group decision making has produced some promising trends worldwide but with no official results yet.

The proposed model for discussion would empower the enlarged family unit whenever possible, and encourage the family to open its 'secrets' to its members. The goals (besides the RJ aims of empowerment, promoting active responsibility of all members of the family, supporting those affected – victims/offenders, focusing on the problem rather than on the person, seeing symbolic or emotional reparation as more important than material reparation) would be to reduce guilt, enable meaningful retribution, strengthen human and family values as an antithesis to prevailing individual alienation feelings.

The presenter suggests that the Personal Construct Theory (George Kelly) is an appropriate theoretical framework from which illuminating relevant ideas can be brought forward, for instance definitions of 'guilt' and 'aggression'. On the policy arena, it is proposed that family circles become mandatory by regulating acts at the earliest stage of the RJ process.

*Beni R. Jakob is a psychologist and mediator. He obtained his Ph.D. from the London School of Economics, University of London. He heads the Personal Constructs Institute, which provides counseling and mediation to individuals and couples. He serves as co-director of the Mediation Constructs Centre for mediation and training. The centre is accredited by the European Forum of Family Mediation (220hrs course). He serves as lecturer in the LLM Programme for lawyers and judges at the Faculty of Law, Bar-Ilan University.*

**FRIDAY, 15 October 2004, 15.00-16.30**

**IMPLEMENTING RJ POLICIES**

**Liz Nelson, UK: *The development of a strategic approach to restorative justice – the issues for Government***

This presentation will explore the development of a national strategy in the UK, the background of reforms to our youth justice system, how the strategy was developed and the main elements of our approach (through the development and encouragement of best practice, consultation on key policy issues (domestic violence and RJ, voluntarism, confidentiality issues in the CJS context) and through the development of an evidence base for future policy and legislation through a series of pilots of RJ (as a diversion, pre- and post-sentence). The presentation will discuss in particular conditional cautioning, a new option for adult offenders in the UK, and how restorative justice has been built into this new initiative in the legislation and policy framework. The presentation will then open up the discussion to some of the more challenging issues of developing national policy on restorative justice. These would include:

- Training and accreditation issues – how to ensure best practice without over-regulating the sector and pushing out volunteers/innovation
- A linked issue about professionalisation – should RJ be developed as a separate profession, or as a way that all criminal justice professionals can do their normal job?
- RJ at what stage of the criminal justice system – diversionary RJ, pre- or post-sentence RJ or all of these?
- How to ensure appropriate checks for human rights of participants and appropriate judicial/prosecutorial oversight?
- How policy on restorative justice is developed in the light of emerging research evidence?

We would like to open up the discussion to hear from other countries who have developed national policy and legislation to allow restorative justice to develop.

*Liz Nelson is Head of the Restorative Justice Policy Team (job-sharing with Alex Crowe) in the UK Home Office. Liz worked in the House of Commons and European Parliament and in the voluntary sector before joining the Home Office. In the Home Office Liz has worked on a range of policy issues including EU enlargement and policy relating to women prisoners. She has held the restorative justice post since January 2003.*

**Paul McCold, USA: *Dangers and opportunities of setting standards for RJ practice***

In July 2002, the United Nations Economic and Social Council endorsed Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters and urged UN member states to create their own specific guidelines and standards for the use of RJ programmes. The nature of standards and guidelines will be shaped by the different understanding and definition of RJ in each country. Three countries have started this process, Canada, New Zealand and England. Other countries will likely begin to develop their own standards, and they will probably follow the precedents of these first three countries. Key elements of these efforts will be presented.

The specific standards and practices established will likely affect what programmes get government funding and which ones do not. Thus, the development of standards presents both dangers and opportunities for the future of RJ. The opportunity is that good restorative practices could receive official governmental support while the pseudo- or quasi-restorative practices are identified. The dangers are that standards will be defined narrowly with bias toward a particular model (e.g., mediation or FGDM) or be so broadly defined that everything counts as RJ (e.g., community panels, youth offending teams, community service sentencing).

*Paul McCold is Director of Research for the International Institute for Restorative Practices in Bethlehem, Pennsylvania USA. Dr. McCold is one of the signers on the Declaration of Leuven and has been a member of the Working Party on Restorative Justice of the UN Alliance of NGOs on Crime Prevention and Criminal Justice (NY) since 1995.*

## **IMPLEMENTING LOCAL RJ PROGRAMMES**

### **Keith Hastie, UK: *Establishing and sustaining a RJ programme***

The workshop will be delivered in two parts.

#### Part 1

'Establishing a Programme' will concentrate on the importance of building a partnership of key stakeholders when seeking to establish a RJ programme. The topics covered in Part 1 will include the need to understand the requirements of stakeholders and how they can be met; understanding local politics; working in partnership with victims groups, police, social services, prosecutors; formulating policies acceptable to national/regional government priorities; meeting statutory requirements.

#### Part 2

'Policies to Ensure Sustainability' will examine and discuss the need for workable policies and procedures to keep the stakeholder partnership in place. The topics in Part 2 will include the establishment and remit of a Review Group/Steering Group/Management Committee; referral processes and procedures; creating workable protocols with key agencies and partners; meeting expectations of stakeholders; agreeing workload according to funding; meeting requirements of local/regional government and requirements of European Community Legislation

*Keith Hastie, from the community safety organisation SACRO (Safeguarding Communities – Reducing Offending) is Youth Justice Service Manager in the Forth Valley, Fife and Tayside areas of Scotland. Keith has over 10 years experience in the setting up and operation of RJ programmes, including policy development, negotiating with potential funders and service delivery.*

### **Frederik Bullens, Belgium: *Selecting cases for mediation***

In his presentation, Frederik Bullens studies the selection of mediation files. Reminding the main question of the conference ('Is the increased implementation of restorative justice programmes fashionable or does it really change the penal system?'), the author starts with the Belgian (more exactly: Flemish) practice of mediation for redress. In 1993 the mediation for redress started in Leuven as an action-research. Since 1996 it is embedded in a mediation service and, on demand of the minister of justice, implemented in the judicial districts. At the moment there are mediation for redress programmes in 9 of the 14 Flemish judicial districts. This very fast process of implementation brings some restorative justice thinkers to a high level of

enthusiasm. They often picture Belgium as an example, an example that proves that it is possible to change the penal justice system into a restorative justice system. But is this really the case? The author looks at the selected files and asks three simple, but nonetheless very important questions. How many judicial files are put into the mediation for redress programmes, who selects the judicial files and how many victims or offenders (or support services for victims and/or offenders) ask for a mediation for redress? The hypothesis is that a restorative justice programme is successfully implemented if it is sustained by the broader society and not only by the penal system (the public prosecutor).

*Frederik Bullens studied law and criminology at the University of Ghent (Belgium). He worked for three years as researcher at the department of penal law and criminology of the university of Ghent. From April 2001 until June 2002 he worked at the secretariat of Suggnomè, the Flemish forum for mediation and restorative justice. Since June 2002 he practices the victim-offender mediation in the judicial district of Oudenaarde (East-Flanders).*

## **RJ POLICY DEVELOPMENT AT THE NATIONAL LEVEL AND LEGISLATION**

### **Brian Williams, UK: *Recent UK legislation on offenders and victims of crime: restorative justice or co-option***

This paper reviews some recent criminal justice legislation and policy in England and Wales and considers whether the changes which have been introduced genuinely implement new, restorative approaches or whether attempts have been made to purloin the rhetoric of restorative justice for other purposes.

*Brian Williams is Professor of Community Justice and Victimology at De Montfort University, Leicester. Much of his recent and current research and publications activity involves restorative justice. He is also a volunteer and trainer for Victim Support, and previously worked as a probation officer.*

### **Leo Van Garsse, Belgium: *Legislation on mediation: The end of the beginning or the beginning of the end?***

Most programmes on mediation started on an experimental basis. Some of them developed quite rapidly towards a generalized practice, foreseen by law. Others maintained themselves for years in the shadow of the judicial system.

In the Belgian mediation- picture, we have both. The so-called 'penal mediation' was introduced in penal law in 1994, after only one year of experimental practice. It was situated at prosecutors level as a diversion measure. More or less in the same period, specific mediation-programmes were started up, explicitly focusing on more serious crime. Even earlier, mediation for minor offenders was developed. Those programmes are offered pre-trial as well as post-trial and, notwithstanding their lack of legal basis, they function today in many judicial districts.

As a Forum for Victim-offender mediation and Restorative Justice in Flanders, our organisation Suggnomè struggles for some years with the big question whether we should claim or rather avoid a generalised introduction of mediation in the law. During the past few month's we've been negotiating intensively a concrete proposal, which is now, at the level of the government, subject of discussion. This does not mean that all our questions have been solved, or that all our doubts have disappeared.

In this workshop, we would like to confront the participants, not that much with our actual state of affairs, but with some of the questions to be answered (or at least taken into consideration) on this theme. We would like to make it a very interactive workshop. Therefore, we'd like to provide only a short introduction to a confrontation of the participants with some provocative statements to be replied and discussed.

*Leo Van Garsse used to work as a social worker in prison after-care and in the rehabilitation of young offenders. Since 1987 he is actively involved in the practice and the implementation of several applications of victim-offender mediation in Flanders. Amongst them mediation with young offenders, mediation at the police-level, mediation in serious crime, pre-trial as well as post-trial. Since 1998 he is employed by "Suggnomè, Forum for Mediation and Restorative Justice", an umbrella-organisation for the promotion of Restorative Justice in Flanders. During the past five years, Suggnomè established a (modest) mediation-offer for adults in nine legal districts in Flanders. Suggnomè aims to generalise the offer of mediation, by implementing it in the Belgian legal system. Herefore, Suggnomè has a lot of contacts and established good cooperation with the magistrates and with the Belgian Ministry of Justice. Since the start, there is a constant and very lively interaction with researchers from several universities.*

### **INTRODUCING RJ IN CENTRAL AND EASTERN EUROPE, PART 3**

#### ***Stefania Kregel, Bosnia and Herzegovina: Introducing restorative justice for juveniles in Bosnia and Herzegovina: a pilot project on the implementation of alternative measures and mediation***

Alternative measures to juvenile imprisonment with a restorative approach exist in the legislation of Bosnia and Herzegovina in the form of Educational Recommendations: the judge or prosecutor can order recommendations such as community service or personal apology to juveniles for minor crimes. However, this possibility is hardly ever used due to a lack of rules of procedure and infrastructure on how to implement the recommendations.

To address this problem and prevent juveniles from committing increasingly more serious crimes because no solution is found for them when they first start committing minor crimes, the Council of Europe Office in Sarajevo, in cooperation with the local authorities, is developing a pilot project to test the implementation of educational recommendations in Canton Sarajevo.

The proposed model is based on the concept of RJ and envisages the introduction of victim-offender mediation to decide which educational recommendation is to be ordered. This is the first time that mediation would be used in the criminal justice system of Bosnia and Herzegovina, and there are many obstacles to be faced.

The presentation will describe the various elements of the project and will be a starting point for a discussion and exchange of views and experiences on how to overcome obstacles to RJ such as a public opinion oriented towards punitive justice, general mistrust of institutions, lack of reliable statistics, poor communication between practitioners and so forth.

*Stefania Kregel has been working at the Council of Europe Office in Sarajevo since March 2004 developing the project on the implementation of educational recommendations in Canton Sarajevo. Since graduating from the European masters Degree in Human Rights and Democratisation she has been working in Sarajevo on youth projects and juvenile justice.*



### **Doina Balahur, Romania: *Romanian juvenile justice system towards its way to restorative practices***

The presentation represents a sequence from the wider British project which implemented diversion strategies in the Romanian juvenile justice system (during 1998-2004). Within the frame of the British project, experimental victim-offender mediation programmes were set up in two local probation agencies. Starting from the successful results of these experiments, from 2005 on, and based on a new law, the already existing 42 probation agencies will become entitled to deliver programmes of victim-offender mediation. The presentation emphasises the main steps undertaken by Romanian authorities with the assistance and support from DFID in order to build – in a short period of time – the system and the network of agencies designed to provide a wide sphere of services both to the victims of crime and to the offenders. It also highlights the challenges this project had to overcome in order to accomplish its objectives.

*Doina Balahur is professor of sociology of law and restorative practices at A.I.Cuza University in Iasi, Romania, Department of Sociology and Social Work. She belongs to the steering group organised at the Romanian Ministry of Justice in partnership with the British experts in order to contribute to the implementation of restorative practices and values in the juvenile justice system.*

### **Roman Koval, Ukraine: *RJ implementation in Ukraine***

The first RJ project has been initiated by an NGO - Ukrainian Centre for Common Ground (UCCG) and it is functioning on a pilot basis in Ukraine since January 2003. UCCG has launched the RJ initiative to develop and institutionalise the movement to reform the judicial sector in Ukraine. This pilot project is being supported by European Commission, British Embassy in Ukraine and the Institute for Sustainable Communities and has been designed for three years (2003-2005).

The project seeks to introduce RJ into the Ukrainian Legal System by developing a cadre of specialists able to advance the project and pilot the Victim-Offender Mediation Programme. This team of specialists is designing and developing a model applicable to the Ukrainian legal system, and once developed, will implement and institutionalise relevant models into the legal system to supplement the existing system. The pilot project is now implemented in Kyiv and 5 regions of Ukraine in partnership with the Supreme Court of Ukraine, Academy of Judges, Ministry of Justice and General Prosecution Academy. This provides better opportunities for UCCG and Ukrainian Legal System officials to evaluate and monitor the process.

In particular, the possibility to find like-minded people among representatives of legal system, who share RJ values and who are interested in spreading out this idea is a support factor in RJ implementation, as well the fact that Ukraine has announced its interest in European integration and has ratified most of international legislation. Thus, the Resolution of the Plenum of the Supreme Court of Ukraine “On practice application by Ukrainian courts in cases on juvenile crimes” adopted on April 16, 2004, which contains some provisions for RJ programme application in juvenile cases is a result of fruitful cooperation between UCCG and the Supreme Court.

However, UCCG found some difficulties during the project implementation in Ukraine, mostly connected with very low level of civil society activism, extremely punitive, post totalitarian character of the justice system (especially police and prosecution), low level of people awareness and, in particular, low

level of knowledge in RJ among citizens and legal system representatives and limited number of mediators in general.

*Roman Koval is Programme Director of Ukrainian Centre for Common Ground (www.sfcg.org). He is a mediator, facilitator and trainer and has been practicing conflict resolution since 1996. He has mediated labour, family, and community cases and has conducted facilitations and trainings in team building, conflict resolution and mediation.*

## **APPLYING RJ IN CASES OF DOMESTIC AND SEXUAL VIOLENCE**

### **Bernd Gläser, Austria: *Victim-offender mediation in cases of domestic violence***

Voices exist that cases of domestic violence cannot be dealt with by victim-offender-mediation. Considering that domestic violence generally underlies a special pattern of male misuse of not only physical power (circle of violence), we found out that these cases cannot be treated within traditional means, setting and principles of mediation.

The reason: The imbalance of power in violent relationships and the pattern of these relationships carries the eminent danger of revictimisation. To break the circle of violence and to change a violent relationship, the perpetrator must change. He is the one who is able to and responsible for stopping his violence. This is why the method of mediation in the sense of being in contact with victim and offender offers a great chance to help stopping violence.

But we must be very aware of the fact, that we don't talk about mediation in the traditional sense: Mediators cannot act in the role of moderators, they have to take a clear position against violence and deal with the imbalance of power in making sure the victim will be empowered. Mediation in these cases needs a long pre-mediative phase and does not have to end with a face-to-face meeting. Special settings, principles, methods and cooperations with external support institutions have to be developed. A big challenge, high responsibility for the mediators dealing with these cases, but a chance for a change for violent men and their victims.

In this workshop I want to discuss these principles, methods and chances, as well as the limits and dangers of our efforts.

*Bernd Gläser is a mediator, psychologist and psychotherapist. He is responsible for victim-offender-mediation at Neustart in Wels/Austria. He has experience with VOM in cases of domestic violence, and with trainings and workshops on this topic.*

### **Juhani Iivari, Finland: *Meeting domestic violence in mediation***

With the support of the Ministry of Social Affairs and Health, the Ministry of Justice and the Slot Machine Association, a development and research programme was started in the summer of 2001 by the Association of Mother Shelter Homes, the Crisis Centre for Raped Women (Tukinainen), the Finnish Association of Mediators and STAKES in order to clarify the possibilities and limits of mediation in cases of domestic violence.

In the follow-up study the programme has been evaluated in the frame of realistic evaluation. In the realistic evaluation the central concepts are CMO (Context – Mechanism – Outcomes), i.e. the programme has been researched in the real context of the society. The programme in itself is a mechanism and outcomes are the intended aims of the programme.

In this presentation, the results of the research will be presented and discussed.

*Juhani Iivari is a researcher and practitioner in the area of victim-offender mediation (VOM) in Finland. He served as a prison priest in the Helsinki County Prison, where he and two friends launched the first VOM pilot project in 1983. He worked with the project for five years. In 1988, Juhani moved to the National Board of Social Welfare and Health (later National Research and Development Centre for Welfare and Health (STAKES) as a planning officer. In 1991, Juhani posed his thesis "Mediation of Crimes and Disputes in the Concept of Reflexive Justice". He spent the next two years at the University of Paul Valéry (Montpellier) in France through a programme provided by the Research Academy of Finland. In 1994, he returned to STAKES (National Centre for Research and Development of Welfare and Health) as Research Director of Poverty and Social Problems -programme which includes deviance alternatives for imprisonment). Since 1996, Juhani has been Docent in the University of Helsinki in Social Policy, especially in Social Work. He has worked also as a member of the Board of the European Forum for Victim-Offender Mediation and Restorative Justice.*

**Karin Sten Madsen and Hanne Andersson, Denmark: *The challenges of mediating rape***

Many women do not feel that justice is being restored in the aftermath of sexual coercion. Mediation can renew their sense of justice. Mediation has been introduced at the Centre for Victims of Sexual Assault in Copenhagen as one way of helping women exposed to sexual coercion regain control over their lives. This presentation outlines the way in which mediation is conducted at the centre. It describes how both written correspondence between the parties and face to face meetings have proven to be useful ways of conducting the restorative process. The presentation addresses the special obstacles and possibilities for mediation posed by a situation, where the victim and the offender often have known each other for some time, the offender does not necessarily regard what has happened as sexual coercion, the discourse of rape – 'real rape' – is dominant in the thinking of the victim and the offender and their families and friends. What has been learned in the programme so far points to the fact that when it comes to restorative justice, sexual assault constitutes a particular context which makes it necessary for the mediator to be aware of the ways it is possible to talk about rape and sexual coercion and the discourse and narratives that are available to men and women in these situations.

*Karin Sten Madsen is counsellor at the Centre for Victims of Sexual Assault in Copenhagen and a mediator in victim-offender mediation. She is currently working on a research project about "The use of mediation in the rehabilitation of young women who have been exposed to rape or attempted rape".*

*Hanne Andersson is a consultant in The Danish Red Cross. She has a masters degree in conflict resolution and has written her masters thesis on mediation and rape. Her special focus is on discourses and language as constitutional factors for mediation in rape cases.*

## **RESEARCH ON RJ IN EUROPE**

### **Anna Mestitz, Italy: *VOM with youth offenders in Europe – A grotius project***

The Grotius project 2002/GRP/029 on Victim-Offender Mediation with youth offenders in Europe was co-funded by the European Commission Grotius II Criminal Programme. The duration of the project was 15 months starting from November 1st, 2002 to January 31, 2004. It was promoted and coordinated by Italy with two partners: Austria and Belgium. The presenter was the project co-ordinator.

The project aimed to compare the organisation and practice of VOM with youth offenders in 15 European nations: Austria, Belgium, England and Wales, Finland, France, Germany, Hungary, Ireland, Italy, Luxembourg, The Netherlands, Norway, Poland, Spain, Sweden.

By using common guidelines we collected empirical data and information about the following issues which were examined in a comparative perspective *i)* Legislation and legal provisions for the application of VOM; *ii)* organizational structure of VOM centres; *iii)* categories and profiles of juvenile offences; *iv)* models, approaches, and theoretical framework of VOM; *v)* professional characteristics and job evaluation of mediators.

National reports on these topics were presented and discussed at the final seminar in Bologna (Italy) in Sept. 2003 with participants from 15 nations. National reports are being adapted as chapters for publication in a forthcoming book.

*Anna Mestitz is Research director of the National Research Council at the Research Institute on Judicial Systems (IRSIG-CNR) in Bologna, Italy. She is a social psychologist mainly engaged in research on judicial administration. She authored many scientific articles and books. She recently edited a book concerning empirical research on Victim-Offender Mediation in Italy.*

### **Ivo Aertsen, Belgium, Dobrinka Chankova, Bulgaria, and Rob Mackay, UK: *Introduction to COST Action A21: RJ developments in Europe***

The presentation will consist of four parts:

#### **1. The European framework of COST and COST Action A21**

First, COST (European Co-operation in the field of Scientific and Technological Research) will be presented. History, background, objectives and structures will be dealt with, as well as specific instruments offered by COST in order to facilitate European co-operation and networking. Secondly, COST Action A21 will be introduced. This Action on 'Restorative Justice Developments in Europe' consists of a network of researchers from 18 countries, which was started at the end of 2002 and will run until the end of 2006. The specific objectives of this Action will be presented, as well as the outline of the scientific programme.

#### **2. Evaluative research on restorative justice practices**

The first domain and Working Group of COST Action A21 relates to evaluative research. The sub-domains dealt with are the study of the processes and effects of victim-offender mediation and conferencing; the study of national data recording systems; and the study of organisational features and job satisfaction. Under the study of processes and effects, research results from different countries are collected in a comparative way on topics such as the impact of different process choices and effects on offenders and victims, the criminal justice system and public opinion. The sub-domain on data recording

systems is aimed at improving comparability of data, while that on organisational features and job satisfaction will focus on the strengths and weaknesses of different organisation types and the content of the work of facilitators. Work on these two sub-domains is at an early stage and discussion is currently focused on collection of basic descriptive information on recording systems and organisation features.

### 3. Policy oriented research on restorative justice developments

The second domain of the COST Action focuses on five themes which are policy oriented:

- A comparative study of national legislation in the field of victim-offender mediation
- Study of the relation between criminal justice and restorative justice practices
- Study of training programmes on restorative justice for legal professionals (judges, prosecutors, lawyers)
- Study of new restorative justice models, such as conferencing
- Study of restorative justice and international conflicts.

The presentation will focus on how this Working Group tackles this research agenda, what the first results of the collaboration are and which are the difficulties encountered.

### 4. Theoretical research on restorative justice

This part will give an overview of the work of the Theory Working Group of the COST Action. It will explore the difficulties of providing an overview of restorative justice theory using conventional approaches of taxonomy – delineating types of theory, identifying theoretical developments relating to different disciplines, or even conventional reviews of relevant authors. It will explore how the group has devised a system of identifying and working up a number of known problematics or controversies which require resolution, thus mirroring the signature quality of restorative justice itself – the handling of unresolved conflicts – or definition, scope and meaning.

*Ivo Aertsen is professor of criminology at the Catholic University of Leuven. His field of interest is victimology, penology and restorative justice. Before he started research and teaching, he worked in the prison system and in victim support. Ivo Aertsen is chair of the European Forum for Victim-Offender Mediation and Restorative Justice and leads COST Action A21 - a European research network on restorative justice.*

*Assoc. Prof. Dr. Dobrinka Chankova teaches Criminology at South-West University - Blagoevgrad, Bulgaria and Mediation in Penal Matters at New Bulgarian University -Sofia. She is the director of the Institute of Conflict Resolution, which conducts research projects and promotion work in the field of restorative justice. She is a former expert of the Council of Europe Committee on Mediation in Penal Matters.*

*Rob Mackay has written theoretical papers on the justification and principles of RJ. He currently works in the field of youth justice policy implementation, and serves as a community mediator.*

## **FURTHERING RJ PRACTICES**

### **Ted Wachtel, USA: *From RJ to restorative practices. Expanding the paradigm***

For the last decade the International Institute for Restorative Practices (IIRP), which grew out of the Real Justice programme, has been developing a comprehensive framework for practice and theory that expands the restorative paradigm beyond criminal justice. Academicians and practitioners tend to do their work within their own distinct disciplines and professions. In contrast, the emerging field of "restorative practices" offers a common thread to tie together theory and research in seemingly disparate fields of study and practice such as education, children welfare, organizational management and justice.

*Ted Wachtel is president and co-founder of the International Institute for Restorative Practices and its sister organisations, Community Service Foundation and Buxmont Academy, which run residential, educational and counseling programs for delinquent and at-risk youth. Ted is author of "Real Justice" and co-author of "The Conferencing Handbook" and "Toughlove".*

### **Hans Boserup, Denmark: *Advanced techniques and dilemmas in mediation***

Surfacing information to the mediation table is crucial. Information is surfaced to serve the parties rather than serving the mediator. Methods of obtaining and sharing information are diverse. Mediator style in bringing out information and the personalities of the players can change the whole concept of mediation as a practice. Six categories of mediation have emerged as most widely known: 1) Generic, 2) settlement-driven, 3) cognitive systemic, 4) transformative, 5) humanistic and 6) narrative. Some mediators' methods of uncovering information and defining issues are inconsistent, however, with the individual mediation style chosen. The ability to choose a specific type of mediation suitable for the situation at hand requires the ability to identify and perform the each of the different mediation styles.

*Hans Boserup is adjunct professor. He has been teaching mediation at the University of Aarhus, Denmark, to law and psychology students. His recent textbook (co-authored by Susse Humle) on the topic is "Mediationsprocessen", Nyt Juridisk Forlag, Copenhagen 2001. This textbook also covers the micro focus inside the mediation process, the issues about free storytelling versus information gathering, control, possibilities and limitations, philosophical and sociologic perspective to mediation. He is part of a research team in mediation at the universities of Luleå, Uppsala and Gothenburg.*

## **Practical information**

### **The venue of the conference**

The conference is being held in the CEU Conference Centre, Kerepesi út 87, 1106 Budapest, Hungary. Tel. (36 1) 327 3150, Fax (36 1) 327 3156, E-mail: [ceucenter@ceu.hu](mailto:ceucenter@ceu.hu), <http://www.ceucenter.hu>.

### **Registration**

The registration desk, which will be located at the entrance of the CEU Centre, will be open on Wednesday the 13<sup>th</sup> from 17.00 till 21.00, and on Thursday the 14<sup>th</sup> from 8.00 onwards. Of course the desk will also be open during the rest of the conference.

At the registration desk you receive your name badge, a final programme with indication of the rooms in which the plenary sessions, the workshops and the café conferences take place, a list of participants and more information on the social events.

### **Badges**

Upon registration, participants receive a badge with their name and country of origin.

If you have a question, please turn to the people wearing a coloured badge.

### **Language**

All presentations at the conference will be in English. There is no simultaneous translation. The presenters have been instructed to keep in mind that English is a foreign language for most participants.

### **Lunches**

Lunches on Thursday and Friday are included in the conference registration fee. The lunches will be organised in the restaurant which is located on the ground floor.

### **Documentation corner**

During the conference a documentation corner will be organised in the main entrance of the CEU Centre. We welcome any kind of information you want to bring in order to inform the other participants about your projects: reports, leaflets, books, posters, etc. However, we appreciate that you bring enough copies of these documents. The conference organisation will **not** be responsible for making copies for you.

### **Use of computer/internet facilities**

All registered conference participants will have access to computers/internet facilities in the "Conference Reception" room, located in the hall of the CEU Centre. Use of the internet is free of charge.

## Conference dinner

On Friday evening we are organising a conference dinner based on the specialities of the Hungarian cuisine combined with delicate dishes from other parts of the world, served with special Hungarian aperitifs, wines and beers. The dinner will take place in the Duna Palota, which is a wonderful neo-baroque building in the geographical and historical centre of Budapest. It was originally one of the most elite casinos of the city in the 19<sup>th</sup> century. Since then it has been the centre of cultural life.

Starting from 20.00 there will be a buffet dinner. Till 22.30 the well-known virtuose Gipsy Orchestra of Mátyás Boros will be playing salon music based on Hungarian and other nations' folk music. From 22.30 onwards, DJ Helfer will play the best music of the 70s-80s-90s.

Registration for the conference dinner will be closed-off at 12.00 on Thursday the 14<sup>th</sup>. So please book your ticket before that time!

## Social events

### **Guided sightseeing tour in Budapest**

You would like to get a thorough impression of Budapest but you don't have too much time? Register for the 3-hour sightseeing tour by bus for 15 Euro per person (including English guide).

The route: Bazilika (a tour inside) – Kossuth square and the Parliament (stop and short walk around) – Hero square (stop with a short walk) – Andrásy Street – Opera – Chain Bridge – The Castle District on Castle Hill (it contains many of Budapest's most important monuments and museums, not to mention the grand view of Pest across the snaking Danube. The walled area consists of two distinct parts: the Old Town where commoners lived in the middle ages and the Royal Palace) – Fishermen's Bastion – Mátyás Church (stop) – Gellért Hill, Citadella (a fortress of sorts, and the Independence Monument which is Budapest's unofficial symbol) – Elisabeth Bridge – Dunakorzó – Bazilika.

The tour will start on Saturday the 16<sup>th</sup> at 16.00. We will meet at 15.45 at the main entrance of the Bazilika (V. Szent István tér, 10 min. walk from the "Déak tér" M1, M2, M3 underground station).

The deadline for registering for this tour is Saturday the 16<sup>th</sup> at 11.00.

### **A relaxing afternoon in the thermal bath of the Szechenyi Spa**

If you feel like relaxing after the busy conference, you can meet up with others on Saturday the 16<sup>th</sup> at 15.00 to go to the thermal bath. No registration is needed.

"Don't be alarmed, but the ground beneath your feet is fairly percolating with superheated water. Countless natural springs and wells lie just below the surface of Budapest. The Széchenyi (1913) is a vast complex of outdoor and indoor pools – one of Europe's largest spa baths. It's a virtual microcosm of the Central European experience: first there's the Byzantine admission-fee structure, then the 'automatic' entry gate with a bored assistant standing beside it. But don't despair! Once inside, you're in the middle of la dolce vita, Budapest-style. Float around and you'll see young and old



sweethearts nuzzling, and potbellied guys playing chess.” (Budapest in Your Pocket)

There are 15 pools with a water temperature between 20-38°C located indoor and outdoor as well, 3 swimming pools, 12 thermal baths and sitting pools open all year round from 6am-7pm.

The so-called fancy bath includes a whirling corridor, underwater effervescence production, neck shower, water beam back massage installed in the sitting banks and many other services (healing gymnastic for individuals and groups, dry and steam sauna, Finnish saunas, carbonic tub-bath).

Prices: full amount to be paid on entrance: 1900 Ft with locker (about 8 Euro), 2200 Ft (about 9 Euro) with cabin. If you leave within 2 hours, you receive a refund of 900 Ft; 500 Ft if you leave between 2 and 3 hours; 200 Ft if you leave after 3 to 4 hours. There is no refund if you stay longer than 4 hours. After 4 pm there is 75% reduction.

Location: XIV. Állatkerti krt. 11, Tel. (36 1) 363 3210. To get there, take the yellow underground line (M1) from “Deák tér” station to the station of “Széchenyi Fürdő”. It takes about 45 minutes from the CEU Centre.

**Countryside visit by bus to the Equestrian Park** (Domonyvölgy, located 28 km. East of Budapest)

This place, which has been founded by the horse-driving world champion Lázár brothers, combines the atmosphere of the Hungarian villages with the flavour of a horse farm of European standard and outstanding Hungarian hospitality. Guests arriving at the Equestrian Park are offered fresh-made leavened biscuits, pálinka (Hungarian brandy) and mineral water in the inn’s yard. After the welcome, the guests proceed to the tribune to watch the Equestrian show.

The show is one hour long and starts at 17.00. At the end of the show, guests can ride on horseback and participate in a pleasant carriage ride in the woods. Dinner with gypsy music will complement the programme. The cost for the bus and the show is 25 Euro per person (to be paid upon registration). The dinner is between 15 and 30 Euro per person (to be paid locally).

The deadline for registration is Friday the 15<sup>th</sup> at 12.00. In case there are enough registrations (min. 25 persons) a minibus will leave the CEU Centre at 16.00 on Saturday. If there are less than 25 registrations, the activity is cancelled.



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