

8th International Conference of the European Forum for Restorative Justice

BEYOND CRIME

Pathways to desistance,
social justice and
peacebuilding

Belfast 11-14 June 2014

Cover image

Pali Brunilda

Editing and Design

Miceli Mirko

Editorial Board

Caldeira Bruno

Kinnunen Aarne

Miceli Mirko

Vanspauwen Kris

Wiersma Eric

BEYOND CRIME:

Pathways to desistance, social justice and peacebuilding



Belfast, 11-14 June 2014

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Welcome

Welcome to the historic city of Belfast. The restorative justice community of Northern Ireland are thrilled that the European Forum for Restorative Justice have chosen Belfast for its biennial conference. Many of you have travelled long distances to come here and we really appreciate your attendance.

In addition to participating in a stimulating international conference highlighting cutting edge theory and practice in restorative justice, you will have the opportunity see some of the more interesting sights of Belfast and learn about restorative practices in this part of the world. On Thursday afternoon you will have a bus tour of the city followed by a choice of seminars on desistance and restorative justice in Crumlin Road Gaol, on social justice in the offices of the Northern Ireland Council of Voluntary Action on the interface of loyalist and republican communities and on peace building in the Titanic Centre, a museum commemorating the ship, Titanic, which was built in Belfast.

We also hope that you experience Belfast's hospitality in the bars and restaurants near Queens University and in the city Centre. You will find local people are very warm and friendly and keen to converse with strangers. We guarantee that will enjoy the 'craic' at the conference dinner on Friday when you will learn to dance in the Irish way.

You will see many local volunteers at the conference whose responsibility is to support your participation in the conference and to help make your stay in Belfast very enjoyable. Do not hesitate to approach them with any questions or concerns you may have.

*Céad míle fáilte from the local organising
committee*

1. Introduction

With this year's theme of the conference "Beyond crime: pathways to desistance, social justice, and peacebuilding" we aim to broaden our scope of restorative justice, and therefore try to look "beyond" its application to the criminal justice system. Thus we hope to bring together a diverse range of perspectives focusing at different levels (the personal, the societal, the political), and inspired by a multitude of backgrounds and disciplines (such as criminology, social and political sciences, peace research, etc.).

The three selected themes of the conference are highly interrelated, and offer opportunities to deepen our understanding, and to critically reflect on the limits and the potentials of restorative justice in an increasingly complex, intercultural, and divided world.

DESISTANCE

Do RJ experiences help offenders to desist from crime? And if so, how does RJ as an “alternative” approach to crime control and punishment relate to current criminal justice policies and punishment models where risk assessment and evidence-based approaches prevail? RJ – as a positive and forward-looking approach – is often linked to the development of the Good Lives Model of Offender Rehabilitation. To what extent do RJ and desistance principles permeate in the work of prison officers and in probation work?



SOCIAL JUSTICE

How can RJ contribute to social justice, especially in an increasingly intercultural society? RJ is often said to be limited in addressing underlying causes of crime. By simply holding offenders accountable for the wrongdoings RJ overlooks the structural inequalities and fails to address a broader network of responsibilities. For RJ interventions to be meaningful and sustainable new alliances with a wider range of organisations and social institutions are needed. The workshops under this theme are invited to re-think, and probably to establish, the relation between restorative justice and social justice.

PEACEBUILDING

The central aim of this theme is to look at the value of RJ principles in the agenda of peacebuilding in divided, transitional, and post-conflict societies. Since several decades many countries emerging from conflict have opted for so-called transitional justice mechanisms to help and deal with their past. Gradually also RJ principles became introduced into several of these mechanisms.



2. Practical Information

The city of Belfast



Belfast started out as a small hamlet with fertile land along the mouth of the Lagan. Soon, marauders and pirates realised our lough was deep and our shores were safe from the north Atlantic storms. The perfect haven for repairing sea ravaged ships.

But what's Belfast like today? Well, it's packed with history, culture, exciting events, great food, shopping.

Over one billion pounds has been invested in Belfast over the past decade and the city has come alive as a vibrant, exciting new event destination. You'll also find some of the friendliest people you'll ever meet.

Belfast was recently awarded the Best Conference and Incentive City destination in the UK by Conference and Incentive Travel (C&IT) Magazine.

"The city loves when a conference is in town - because it really matters to us that you are here. When your delegates come to Belfast, they're our guests so we always 'go the extra mile' to ensure a fantastic stay in our city." (VisitBelfast.com)

Queen's University of Belfast



Queen's University Belfast is a member of the Russell Group of 24 leading UK research-intensive universities, providing world-class education underpinned by world-class research. Founded as Queen's College in 1845, it became a university in its own right in 1908. Today, it is an international centre of research and education rooted at the heart of Northern Ireland. The University has won the Queen's Anniversary Prize for Higher and Further Education on five occasions – for Northern Ireland's Comprehensive Cancer Services programme and for world-class achievement in green chemistry, environmental research, palaeoecology and law.

University of Ulster

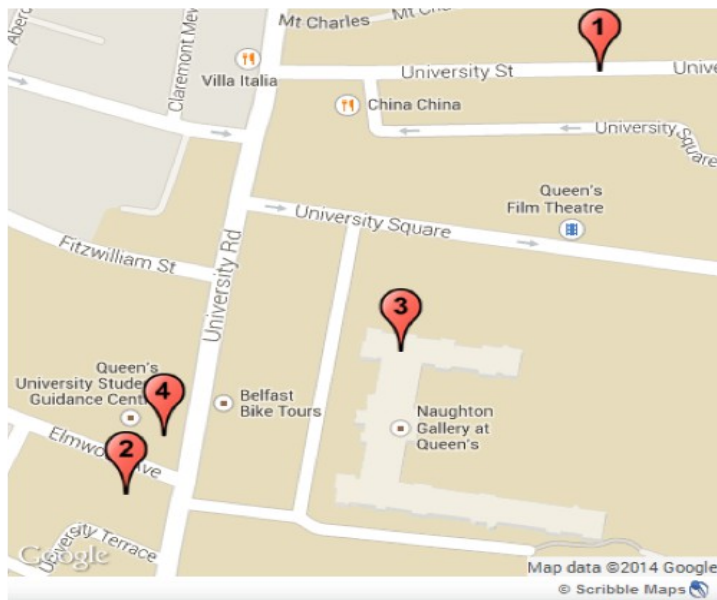


Ulster is a university with a national and international reputation for excellence, innovation and regional engagement. It makes a major contribution to the economic, social and cultural development of Northern Ireland and plays a key role in attracting inward investment. Its core business activities are teaching and learning, widening access to education, research and innovation and technology and knowledge transfer. Its restorative practices programme has made a major contribution to training and research in Youth Justice, Prisons, Community Based Restorative Justice and Schools.

Points of interest



University Road Belfast, BT7 1NN, Northern Ireland, UK



1 Workshop Sessions

Faculty of Social Sciences

2 Keynote Lectures

Elmwood Hall

3 Opening / AGM/ Reception

Great Hall

4 Lunch Breaks / Coffee Breaks/ Press Corner/ Book and other exhibitions

Student's Union

Social media

Aware of the prominent role of social media in reaching out people today, the organizers strongly encourage conference delegates as well the broad RJ community to follow presentations, share their thoughts, comment and give feedbacks on the main important platforms available



TWITTER

Interacting, following and participating in the discussions using
hashtag #efrj2014



LINKEDIN

Networking with the other attendees



FACEBOOK

Following the highlights of the conference and rich fringe activities programme

3. Plenary Speakers

More than 100 participants have been selected to present their work and share their experience at the 8th International Conference of the European Forum for Restorative Justice.

In addition to our rich daily agenda with numerous parallel workshop sessions, social events and fringe meetings, during the plenary sessions the following speakers will have the floor



Shadd Maruna

Queen's University of Belfast



Joanna Shapland

Univeristy of Sheffield

Thursday
12 June 2014



John Braithwaite

Australian National University



Kieran McEvoy

Queen's University of Belfast

Friday

13 June
2014



Tove Malloy

European Centre for Minority Issues



Brunilda Pali

Catholic University of Leuven

Saturday

14 June
2014

4. Programme

Wednesday 11 June

- 16:00 Start of registration
- 17:00 Annual General Meeting
- 19:00 Welcome reception

Thursday 12 June

- 08.15 Registration
- 09.15 **Welcome Session**
 - David Ford, the Minister of Justice for Northern Ireland
 - Michael Kilching
 - Tim Chapman and Shadd Maruna
- 10.00 **Plenary Session on Desistance**
 - Shadd Maruna
 - Joanna Shapland
 - Chairperson: Ivo Aertsen*
- 11:00 Comfort break
- 11:30 **Parallel workshop sessions**
- 13:00 Lunch break
- 14:00 Field trips
- 17:00 Networking and Fringe meetings

Friday 13 June

09:00 **Plenary Session on Peacebuilding**

John Braithwaite

Kieran McEvoy

Chairperson: Ida Hyde

10:15 Comfort break

10:45 **Parallel workshop sessions**

12:45 Lunch break

14:00 **Parallel workshop sessions**

15:30 Comfort break

16:00 **Parallel workshop sessions**

17:30 End of workshops

19:00 Evening Session at Hotel Europa

Saturday 14 June

09:00 **Parallel workshop sessions**

11:00 Comfort Break

11.30 **Plenary Session on Social Justice**

Tove Malloy

Brunilda Pali

Chairperson: Tim Chapman

13:00 Closing of the conference

14:00 Social Event

5. Workshop Sessions

Thursday 12 June
11.30- 13.00

Workshop 1

¹ *Meeting with the Plenary Session Speaker Shadd Maruna*

DIALOGUE

This session provides an occasion for conference participants triggered by **Shadd Maruna**'s plenary speech to comment and ask questions and for participants acquainted with his work to challenge and debate more in depth certain aspects of it. It is a unique opportunity to meet with one of the world's leading experts on desistance in an informal setting. Two critical connoisseurs of his work, **Gordon Bazemore** and **Tim Chapman**, will launch the debate. **Walter Hammerschick** will chair the discussion.

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Workshop 2

² ***The development of Restorative Practice interventions with adult offenders who have committed serious offences, within the Probation Board for Northern Ireland (PBNI)***

Chistine Hunter

Probation Board for Northern Ireland
United Kingdom

Linda Lamb

Probation Board for Northern Ireland
United Kingdom

PANEL

Much of PBNI's statutory work with adult offenders, which has a clear focus on the impact of harm on victims, includes a restorative approach. In the absence of legislation in relation to this work, a range of restorative interventions have been developed in response to requests from victims, offenders and the community. This workshop will present two cases which have involved a death or serious sexual assault. The impact on offender desistance, victims and communities will be explored. The workshop will also consider PBNI's Restorative Practice strategy (2014- 2017). This seeks to continue to develop the restorative nature of PBNI interventions by supporting a restorative ethos in practice and promoting innovative schemes in order to reduce the adverse consequences of crime for victims, offenders and communities. Restorative partnership project work with PBNI's Community, Voluntary and Statutory partners will also be considered.

³ ***Moral development and norm violation. Developing an experimental scheme and arguments for a restorative justice based desistance model***

Anamaria Szabo Romania

THURSDAY 12 JUNE 11.30-13.00

Lecturer & Vice-Dean, Faculty of Sociology and Social Work
University of Bucharest
Romania

PAPER

Starting from Kohlberg's theory of moral development and conceptualizing it from a cognitive-emotional perspective, the paper presents the process undertaken in order to develop an experimental scheme that retests the association of the moral development elements (moral judgment, empathy, shame and guilt) with norm violation indicators (including offending), in search of arguments to be used for laying the foundation of a restorative justice based desistance model. Discussions regarding the construction of the dimensions and indicators, choosing the subjects for the sample and validating the instruments are addresses

4 ***Empowering families through the use of RJ practices in case of child protection. Elements that foster the permeability of social work services in Romania***

Anamaria Szabo Romania

Lecturer & Vice-Dean, Faculty of Sociology and Social Work
University of Bucharest
Romania

PAPER

Modern restorative practices emerged some 40 years ago in the field of criminal justice. They aim to address and repair the harm caused by an offence, bringing together the parties with a stake in the conflict, so that their needs and interests are met in a constructive and secured environment. Family group conferencing is one example of restorative practice that is used worldwide. In the past decades, restorative practices have received attention from many other fields. Especially in those where restorative practices are seen to serve organizational goals, there is a higher level of permeability that allows the importation and adaptation of external models into

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new practices. In social work, restorative practices have permeated in areas considered “hard-core”, such as child protection. Of course, restorative practices are adapted to the particularities of the social work field, emphasizing the empowerment and involvement of families in decision making processes. In these cases, the family is seen as partner of the social work service in the process of identifying solutions for the problems their members are facing. The paper focuses on the analysis of those elements that foster the permeability of child protection services in Romania to use the restorative framework in their practice. More concretely, the paper looks at how family group conferencing can be used in cases of child protection. The approach is critical, deconstructing the current child protection system in Romania and restructuring it in a way that families play a more active role in decision making processes.

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Workshop 3

⁵ ***Mediation in Criminal Matters in Chinese and Taiwanese Criminal Justice Systems – the Oriental Experiences of the RJ Movement***

Meng-Chi Lien

Ph.D. candidate of the International Max Planck Research School on Retaliation, Mediation and Punishment (IMPRS REMEP)
Germany

PAPER

Many studies on China have shown that Chinese have a prevailing preference of mediation as a tool of dispute resolution. Deeply rooted in Confucianism, particularly in its idea of harmony, mediation has been employed to resolve disputes for centuries. China was even called as “the most heavily mediated nation on earth” (Wall and Blum 1991, pp. 4, 19). Theoretically, this “cultural preference for mediation” ought to offer abundant ground for promoting the victim-offender mediation. However, in Taiwan and China – both are modern Chinese countries – there is a remarkable difference between the restorative institutions in the criminal justice systems. A comparison between the practices of these two criminal justice systems clearly shows that the legal framework and the criminal policy play a decisive role for implementing restorative institutions. While “the mediation in criminal matters” has been an indispensable component of the Taiwanese criminal practice for decades, “the reconciliation in criminal matters” in China has only been practiced on a trial basis for dealing mainly with minor injury cases since 2002 and was newly officially incorporated into the revised criminal procedure law in 2012. This presentation will explain the legal conditions which account for this big contrast and use four cases to demonstrate the impact of the movement of Restorative Justice in Taiwan and China. The introduction of this “oriental experience” into the European forum could offer a different view for considering the

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meaning of promoting mediation to improve the “litigious culture” in the Western countries.

6 *Innovative Justice: Restoring Futures, Enabling Change*

Hannah Graham

Criminologist and associate lecturer at the University of
Tasmania
Australia

PAPER

Case studies of innovative justice initiatives and new developments from around the world are presented as illustrations of how justice done differently is making a difference. Strengths-based research methods, restorative justice and desistance scholarship are used to investigate and theorise ‘good news stories’ and hopeful practices emerging from the international field. These innovative justice initiatives are diverse and creative in how they engage ex/offenders, practitioners and institutions, governments and communities to aid restoration and enable desistance and change.

The voices, values and experiences of the people at the forefront of these pioneering initiatives are featured, including ex/offenders, prison and probation practitioners, the judiciary, advocates, scientists and academics, volunteers and community groups. Implicit within the analysis of these case studies are notions of social innovation and social justice, as well as acknowledgement of the visionary influences of ‘intrapreneurs’ and ‘pracademics’ as drivers of change and knowledge exchange. In pursuing pathways towards a better future – for individuals, institutions and communities – changing penal cultures and practices may enable criminal justice systems to better support people in the process of desistance and change.

7 *Does practice meet theory? Rethinking about the basic from experience*

Bruno Caldeira
Practitioner

**Board member of the European Forum for Restorative
Justice**
Chair of the Associação de Mediadores de Conflitos
Portugal

PAPER

The proposer will facilitate a dialogue between all those who want to participate in the workshop. The themes launched to discussion will question the practical aspects of some of the basic principles on Restorative Justice. Concepts like community participation, "restorativeness", crime ownership, victim and offender needs (facing) will be proposed to discussion.

We will also pick on two quotes to get a deeper discussion:

"...a way of looking at restorative justice is to think of it as a balance among a number of different tensions:

a balance between the therapeutic and the retributive models of justice

a balance between the rights of offenders and the needs of victims

a balance between the need to rehabilitate offenders and the duty to protect the public (Liebmann)

"Court-annexed ADR and restorative justice could not be philosophically further apart", because the former seeks to address only legally relevant issues and to protect both parties' rights, whereas restorative justice seeks "expanding the issues beyond those that are legally relevant, especially into underlying relationships." (Braithwaite).

One final discussion, if possible, will be on the impact of research in restorative justice practice... do we research to change practice or do we practice regardless the research?

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Workshop 4

⁸ ***Is indigenous justice really restorative? Based on fieldwork in Yap island of Micronesia***

Jaanus Kangur

PhD student of cultural studies of Tallinn University

Estonia

PAPER

Many respected advocates of restorative justice (Braithwaite and Weitekamp among others) have claimed, that restorative justice is not just linked to indigenous justice, but more or less indigenous justice equals restorative justice. Despite some critics, forementioned understanding have become commonly believed and self-evident. But is there enough actual evidence to support those claims or is it part of "holy" history, which can't be criticised.

This short presentation can't give the final answers to the questions of the origin of restorative justice, but it tries to keep open the discussion about the issue, instead of satisfying fossilized "dogmas". Closing the discussion and taking certain issues as unquestionable and self-evident is rather unscientific and leads to blind faith. Therefore it is refreshing to ask again and again the fundamental questions.

The main questions are:

What are the minimum requirements for calling any practice restorative?

Are those requirements met in traditional justice practices in Yap island?

What do the conclusions tell us about the common belief, that indigenous justice practices are restorative?

There is a tendency to rely restorative justice practices on statistics and sociological/criminological data, but it might be good not to forget philosophical questions about the essence of restorative justice. Current presentation gives an anthropological view to the essence, history and practices of restorative justice.

Presentation describes conflict resolution in Yap and

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neighbouring islands of Micronesia, where there practices of justice are rather traditional

The main topics are: Conflict resolution in Yap island, Main characteristics of restorative justice, How restorative is Yap justice practices? Conclusions and Discussion.

9 ***Restorative Criminal Justice in Singapore: A Velvet Fist in an Iron Glove?***

Kumaralingam Amirthalingam

Professor of Law at the National University of Singapore
Singapore

PAPER

Singapore is famed for its “crime control” model of criminal justice and its “zero tolerance” approach to rule violation. Its criminal justice system is speedy, robust and often criticized internationally for being unduly punitive. While policy makers maintain the continued need for this model of criminal justice, a quiet revolution has taken place over the last two decades through the concerted efforts of the Attorney-General’s Chambers, the Courts, Singapore Prisons, Singapore Police Force and various ministries that have coordinated a range of measures aimed at restoration, rehabilitation and reintegration. Community sentencing and diversionary programmes are now championed not simply as alternatives but as first line strategies to deal with selected categories of criminals and criminal conduct.

The Singapore Community Court was established in 2006 and a new Progress Accountability Court is being established to monitor the progress of certain offenders in order to help with their reintegration. The Government has developed a range of diversionary programmes for youth and mentally or intellectually impaired offenders, as well as for other selected categories of offenders. These diversionary programmes are aimed at dealing with the root cause of the criminal activity, to enable appropriate intervention and to provide necessary life skills and values to avoid future offending. Upon release, there is a programme to encourage the wider community to accept ex-offenders and their families back into the community in order

to give them a second chance. The coexistence of a punitive and restorative criminal justice system in Singapore provides an interesting model for study.

¹⁰ ***Peacebuilding as an approach for handling conflicts between police and Roma minority in Hungary***

Gabor Hera

Researcher at the Foresee Research Group

Hungary

PAPER

The presentation summarises the findings of the research of COREPOL (Conflict Resolution, Mediation and Restorative Justice and the Policing of Ethnic Minorities in Germany, Austria, and Hungary) regarding the country of Hungary. Within the country three different types of communities (rural, town, capital city) were scrutinized through semi-structured interviews.

The interviews concentrated on the police-minority relations with special emphasis on the two-sided prejudices and attitudes. Besides, the researchers explored the areas of everyday conflicts between the members of the Roma minority and the police. In addition, the complaint management and conflict resolution practices, moreover the attitudes towards the dialogue-based conflict resolution approaches were analysed. Within his presentation, Gabor Hera intends to focus even on the preventive approaches that could improve the relations between the police and the minority. Here, the focal point is on peacebuilding and on the way this approach could prevent and handle conflicts.

The presentation fits primarily into the theme of "Peacebuilding". However, the presenter would also like to emphasise that peacebuilding creates mutual recognition and interaction, and it promotes free participation and deliberation of different interests and positions – thus, the approach supports the realisation not only of the social but of the democratic justice as well.

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Workshop 5

11 *The Role of Restorative Justice as a Concept Base to Solve Criminal and Conflict Situations*

Rustem Maksudov

President of the Public Center for Legal and Judicial Reform
Chairman, Russian Association of Restorative Mediation

Russia

PANEL

It is important to understand what the concept of restorative justice offers to other fields and situations, when expanding restorative justice ideas to other fields, such as school conflicts. May we use the concept potential of restorative justice for other fields and situations? I think so. But to give a more comprehensive answer to this question, I think it is important to broaden the main concept of restorative justice, that reads, that the base of it is only the concept of replying to an offence and, first of all, engaging responsibilities of an offenders before the victim. Without denying this main concept, I think the idea of restorative justice contains deeper insights of a conflict and how to solve it. First of all, that are the ideas, that:

- a long-term conflict, as well as an offence may lead to destructive consequences for conflicting parties;
- in this situation the parties to the conflict are not able to overcome the consequences of the conflict on their own;
- the dialogue, where the parties discuss the consequences of the conflict for each party may become healing dialogue for those people;
- such a discussion is the most important prerequisite to explore the issue of solving conflict (making amends to each other);
such work of people is often symmetrical, that is the both parties make restorative actions (excuse and forgive).

12 *Restorative Justice in Educational Sphere*

Anton Konovalov

THURSDAY 12 JUNE 11.30-13.00

Researcher at of Moscow City University of Psychology and
Education

Member of the Public Center for Legal and Judicial Reform
Member of Russian Association of Restorative Mediation
Russia

The analysis of Russian practice allows us to show, that:

Restorative practices in schools start integrating in other processes, which leads to mutual transformations:

1. Educational process: the idea of creating responsible behavior, the idea of teaching communicative skills and emotional self-regulation, and so on.

2. Discipline process: the balance between administrative control, social environment control and self-control to prevent that such situation occur again in the future, etc.

3. Pedagogical process gives the possibility of analyzing together difficult situations, faced by children and the youth, give organizational room for them to take decisions, affecting their lives and interaction with other people.

4. Group process leads to establishing interaction in the collective. *The specialist in the field of restorative justice, acting within the system of education*, introduces a number of valuable principles, which derive not only from the restorative justice, but from pedagogical concepts (or their own ideas on them). One of the next steps may be to discuss and compare the RJ concepts and pedagogical concepts (or their ideas).

¹³ ***Restorative Justice Programmes, are they a Service or a Paradigm?***

Liudmila Karnozova

Researcher at Moscow City University of Psychology and
Education

Member of the Public Center for Legal and Judicial Reform
Member of Russian Association of Restorative Mediation
Russia

Over the past time, RJ programs, the core of which is the victim-

offender mediation (VOM) are broadly expanded, which leads to the necessity of their administrative regulation and professional education for specialists for conducting RJ programs. In this way, a conflict again becomes a "property" of professionals, in our case, mediators. Therefore, their activity turns into a service, one more among the others provided to the public. As some researcher note, at first VOM were "fashionable", but over the time the enthusiasm shrank. This may be explained by different reasons, such as organizational autonomy of RJ services, refusal of victims, offenders or parents of minors to take part in programs. One more aspect should be mentioned: the criticism of punitive justice reached the target and led to wide practicing of the restorative alternative, as well as to a whole range of juridical alternatives, which turn easier and cheaper in practice. We can witness how VOM is being dissolved in the broader complex of alternative justices. Rehabilitation approach starts prevailing in juvenile justice, while the interests of a victim are becoming less important. The RJ services function separately from state bodies responsible for young offenders and do not share common goals such as integration of young offender into the society. The Russian Association of Restorative Mediation makes focus at developing the models of work with young offenders, completely based on restorative approach. JR specialist's position is not limited by only performing the role of a mediator.

¹⁴ ***What shall be the means of implementing the restorative justice? They all can be found in practitioners' toolbox***

Andrey Pentin and Helen Remnyova
Specialists of the victim-juvenile offender department of the socio-psychological center «Perekrestok»
Russia

If restorative justice is a conceptual framework, what shall be the practical means to implement its basic principles? How practical methods can stick to the principals and values of restorative jus-

tice? How shall a practitioner position himself in the process of his work, to keep to restorative justice paradigm?

In the report, we will:

- talk about our experience of using tools and techniques of modern humanitarian practices that have been developed within the framework of the narrative approach and solution-focused approach; we will demonstrate some sort of "road map" for a practitioner in his work with juvenile offenders according to values of restorative justice;
- discuss with participants how to "build" a position of a practitioner who wants to stick to a framework of restorative juvenile justice without limiting oneself with local programmes of restorative mediation (in the process of running either VOM, Family Circle or conference).

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Workshop 6

15 ***Integrating Restorative Approaches in Probation
Policy and Practice***

Elaine Slattery

Manager of Ceim Ar Ceim
Ireland

John Brosnahan

Senior Probation Officer for Young Persons Probation in
Limerick
Ireland

TRAINING

Restorative thinking has come increasingly to the fore over the last few years within the Irish Probation Service. Specific models of restorative justice have been developed with an emphasis on innovation, flexibility and capacity building. More fundamentally, the Service has also recognised the value and potential of Restorative Practice as an ethos and philosophy, to inform, guide and shape policy, day to day practice and service delivery.

The workshop will begin by briefly tracking these developments, sharing the learning and identifying the key milestones. This will incorporate a descriptor of Ceim ar Ceim, a Probation Day Centre which has been operating very successfully for a number of years from a restorative ethos. This will focus on highlighting the benefits of the approach, provide concrete examples of the project's application and detail its contribution to positive outcomes for serious and/or persistent young offenders. The main body of the workshop will consist of a range of group exercises, discussion and case profiling. This will explore:

- Some of the issues and challenges involved in integrating restorative approaches into mainstream policy and practice.
- Restorative Justice as a developmental tool and its contribution to desistance.
- The prospect and viability of holistic approaches to offender assessment and supervision with reference to the implications for probation agencies.

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Workshop 7

16

“School Mediation” Method as a Restorative Mechanism and Investment in the Future

Tsisana Shamlikashvili

Professor at Moscow State University of Psychology and
Education

Scientific and Academic Chair of Federal Institute of
Mediation

President of National Organization of Mediators
Russia

PAPER

"School Mediation" method is a school of communication, interaction, which is equally significant for both children and adults. To make environment of the child safe she should be surrounded by love, care, willingness to help, respect for her interests and needs, desire to discover in the developing personality her best sides and talents. To achieve this, every adult in contact with the child in the first place should feel safe herself and to be in the area of psychological comfort. That's why we actively involve parents (including organizing training sessions for them) during the integration of this method at school. Also we work with school administration, teachers who expressed their wish, school psychologists, and all employees of educational institutions interested in mastering this method and integrating it in their daily professional activities. Along with this, there is involvement of children (of course, on the conditions of informed parental consent), which is one of the reasons for organizing expanded parents' meeting at which the issues of method integration, its features and benefits are discussed. Besides, we offer parents to learn basic skills of mediative approach, which will be an invaluable aid in the interaction with children in their transition to adulthood.

The method gives parents and teachers the opportunity to obtain necessary basic knowledge about possible causes for their children's poor results at school, and lower educational

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motivation possibly related to neuropsychological factors. Proof of this knowledge allows adults either to help their child experiencing such difficulties themselves, if this is possible, and/or to seek timely professional help. Most of these disorders, associated with deficiency of central nervous system, manifest in children's behavioral responses, which are disapproved by the older and interpreted as disobedience in its various forms. Such children, contrary to their own will, are at risk of gradually becoming juvenile offenders, children with deviant behavior. Adults' understanding of the reasons for inconsistency of child's behavior with conditionally accepted norms is an additional factor in preventing rejection of her and crowding her out of school society.

Both preventive and remedial work, based on the method of "School Mediation", are aimed at the positive socialization of the child, on the development of sensitivity, responsibility, respect for the individuality of the other, acceptance of differences, as natural part of the world, and awareness of human life as the highest value.

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Just another colonised model of justice?

Helen Bowen

Barrister sole at Franklin Chambers

New Zealand

Jim Boyack

Principal at Franklin Chambers

New Zealand

PAPER

In the past few decades, New Zealand governments have attempted to develop culturally appropriate responses to Maori offending. From the early 1970's New Zealand's criminal justice system was the subject of criticism by Maori. The Daybreak report outlined the central concerns of Maori with respect to criminal justice, social services and how young Maori were dealt with within these structures. The report "was a turning point in Aotearoa/New Zealand legislative history because it identifies that the individualised practices of government departments resulted in institutionalised racism". In response to this, the

government enacted the Children, Young Persons and Their Families Act 1989 which sought to integrate Maori tikanga (the Maori way of doing things) processes with juvenile criminal justice processes. This emphasised collective decision-making and recognised the child as being part of a wider group, amongst other considerations. Nearly 25 years later, restorative processes are given statutory recognition for adults and juveniles. Despite these reforms, many adults do not participate in restorative processes and Maori continue to be over represented in the offender population and mistrust the criminal justice system. More could have done. This paper addresses the current practice of Restorative Justice in New Zealand and concludes as did the Daybreak report that Maori must identify their needs and decide on the appropriate way forward. Adequate resources must be made available and legitimacy of community processes by Maori for Maori must be honoured.

18

Transitional Justice measures and civil society participation

Malini Laxminarayan

**Researcher at the Hague Institute for Global Justice
Research coordinator of the EFRJ project, Accessibility and
Initiation of Restorative Justice
The Netherlands**

PAPER

One goal of transitional justice that has consistently been identified is the reconciliation of conflict-ridden societies through the re-establishment of democratic institutions. This process occurs through increasing levels of accountability and transparency, in addition to increasing the level of citizen participation. The project assumes that a goal of such participation is to persuade the government to respond to their claims, which may be poorly represented in parliament. This presentation will look at the impact of transitional justice and civic engagement in both East Germany and Hungary, examining the differences between the two former Communist bloc countries. It will provide qualitative findings on how transitional

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justice may or may not impact the willingness and ability for mobilisation on the part of citizens to put their demands before the political authorities in these two countries.

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Workshop 8

¹⁹ ***From theory to practice: translating research on restorative justice and sexual violence into practical policy proposals***

Rob Hulls

Director of the Centre for Innovative Justice at RMIT
University
Australia

PAPER

Focussing on justice responses to sexual assault, this paper will explore ground-breaking restorative justice programs in Australia and New Zealand which have the potential to overcome the limitations of the conventional justice system and to navigate complex victim, offender, family, institutional and community needs. The paper will draw on initiatives such as Project Restore in New Zealand, the Defence Abuse Response Taskforce established by the Australian Government to handle complaints of sexual and other abuse within the defence forces, the current Australia-wide Royal Commission into Institutional Responses to Child Sexual Abuse, and the Centre for Innovative Justice's own research and analysis, to identify strategies for applying the benefits of restorative justice beyond the context of individual cases to tackle systemic social harms caused by sexual violence. Such strategies include: transparent mechanisms and standards, clear pathways in and out of conventional justice processes, engaged institutional leaders, articulated facilitator competencies, joined up service systems and robust research, advocacy and evaluation.

Most critically, this paper will explore the political dimensions of achieving positive social and cultural change through justice system reform: leadership, coalition-building, communications, and building the economic case for change. It will also explore how - despite criticisms that RJ processes have limited impact - where used appropriately, increasing options in the legal process can also increase community confidence in the wider legal

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system, breaking down divisive constructions which act as barriers to other reform, encouraging dialogue and helping to reframe debates around criminal justice responses to include consideration of social justice imperatives.

²⁰ ***Restorative Justice and empowerment; promoting social cohesion***

Virginia Domingo de La Fuente
Scientific Society of Restorative Justice
Spain

PAPER

The presentation part of a demonstrated fact: the low participation of individuals on key issues that affect them directly. This little involvement, crisis and political corruption generate discomfort and produces an escalation of conflicts and popular rebellions.

Through a restorative value: empowerment can create greater social cohesion. So I will analyze what this empowerment broadly is and its relation to restorative justice, establishing their common bonds and their benefits to victims, offenders and community, summarized in less reoffending offenders and victims more satisfied. And the important and essential keys to empowerment are roughly the basic features of Restorative Justice and vice versa, and in both cases lead to social peace.

Thus the links between the two are clear, and I would say that this empowerment is one of the values of this justice with other as empathy, dialogue, accountability and non-violent communication (all are also keys for empowerment).

This will lead me to conclude with the need that this value of empowerment should be promoted in all areas of our lives (through restorative practices in general) in order to strengthen social ties and create more mature and responsible citizens.

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Restorative Justice in Cases of Sexual Violence: Power and Corrective

Cian Ó Concubhair

Researcher University College Dublin

Ireland

PAPER

This paper will explore some of the practical, theoretical and moral issues arising from the empirical findings of the research study *Sexual Trauma and Abuse: Restorative and Transformative Possibilities*, on which I am a researcher. This study is examining the potential for restorative justice remedies in cases of sexual violence.

The findings of this qualitative study show that victim-survivors of sexual violence are left with many unmet needs following their experiences of the Irish justice system. Many of these unmet needs are articulated in terms of acute disempowerment experienced by victim-survivors in their relationships with their attacker, the state, and other established institutions of authority. The study's findings illustrate the consistent failure of existing legal frameworks to address these unmet needs by assisting and empowering victim-survivors to move on from the trauma of their experience. These experiences suggest that the adversarial character of our current criminal justice, civil justice (principally the law of Tort), and constitutional / human rights systems leave our existing legal frameworks incapable of adequately addressing many of the justice needs of victim-survivors of sexual violence.

This paper will suggest these unmet needs are understandable through the moral norm *corrective justice* – the principal moral norm underpinning traditional areas of the civil justice system, and, it will be argued, a principal moral norm underpinning our democracy. It will argue that while much of these unmet needs cannot (and, in the case of the criminal justice system, should not) be addressed in our traditional legal system, restorative justice systems may, in many instances, offer an ideal framework to vindicate the justice claims of victim-survivors.

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Workshop 9

22

Visualising ALTERNATIVE through filming restorative processes: If words don't work or are insufficient, vision may replace ear and speech

Ida Hydle

Professor, Centre for Welfare and Labour Research, Oslo and
Akershus University College for Applied Sciences (HIOA) and
Centre for Peace Studies, University of Tromsø
Norway

Gabriella Benedek

Researcher at Foresee Research Group
Leader of ALTERNATIVE project
Hungary

Dora Szegő

Researcher at Foresee Research Group and ALTERNATIVE
project
Hungary

MOVIE

The FP7 project ALTERNATIVE incorporates different participatory methodologies, both for research and dissemination. One of these is filming. Researchers from the ALTERNATIVE action research sites have been trained by media experts at the KU Leuven. The documentary filming have already contributed significantly to the understanding and contextualisation of local conflict lines and the whole concept of action research.

The films will be analysed according to a visual cultural approach. Newer anthropological knowledge about the senses contributes to new perspectives upon vision, not "as an isolated given, but within its interplay with the other senses, and with the role of mutual gestuality. Moreover, it explores vision as a ductile, situated, contested and politically fraught means of situating oneself in a community of practice" (Grasseni 2006), or

as David Howes expresses it: "Cross-talk between the Senses" (2010).

Film is used as a strategy for the discovery of coherences in the world and for the dialogue about them. Film as disseminating tool for anthropological knowledge may undress "best or unique knowledge" or "expert knowledge" as such. Films and the cognitive effect of the filming process may be a tool for education and change. Film creates a space between man and world on one level or between partners in a dialogue on another level. Films from the ALTERNATIVE action research sites will be screened during the workshop and discussed by the participants.

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Workshop 10

²³ ***Linkages between formal and informal systems and synergies between them- The role of lay mediators***

Rasim Gjoka

Director Albania Foundation for Conflict Resolution
Albania

Stojanka Mirceva

Assistant Professor Faculty of Security of Skopje
Macedonia

Karen Kristin Paus

National Mediation Service
Norway

PANEL

How can lay mediators contribute to build peace in divided, transitional and post-conflict societies? What role can lay mediators play in a modern peaceful social democracy? What potential does a system of lay mediators hold in any society – beyond being inexpensive and of symbolic value? The possibilities of synergies when civil society and the criminal justice system interact. Examples from Albania, Macedonia and Norway.

Albania: Restorative justice and mediation seen from the perspective of formal and informal mediation, as a contribution to the process of conflict transformation in different types of conflicts in the region. Mediation is also a support to building bridges of communication and peace. Albania have more than 200 licensed mediators today, in addition there exists a tradition of lay mediators. Recent developments in the area of restorative justice and mediation in Albania includes also a good example from the cooperation between the probation services and mediation in implementing restorative justice and VOM. Presentation of concrete cases, challenges and perspectives.

Macedonia: Last decade mediation has been formally introduced as a process for alternative dispute resolution. Now VOM is being introduced, primarily for juveniles in conflict with the law,

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and most recently for single judge tried offences initiated upon private charge. Beside formal prerequisites, i.e. formally introduced with the law, restorative processes and mediation have a long history in the Macedonian society. What is striking is the slow development of VOM. The main issue that arises is whether formal mediation (VOM) is inapplicable due to the meaning attributed to formal proceedings, or that a lay approach to address the aftermath of the crime is compromised by legal requirements for the status of mediator?

Norway: The conflict and the potential of being somewhere between a State Institute and an NGO – between grassroots and formal structures. Does the choice of engaging citizens (lay mediators) in restorative processes hold an unused potential? Our 650 lay mediators today, are they local ambassadors for peace and reconciliation? Could they play a more pro-active role in their local communities, in potential conflicts, addressing i.e. prejudice and injustice in society? Would this make them too “political”, and in conflict with being part of a State run institute for mediation? How do we recruit mediators, and how do we organize our work? What messages are communicated within the organizational structures?

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Workshop 11

24

Restorative Justice and Digital Storytelling

Erik Claes

Lecturer HUBrussels

Belgium

Nele Gulinck

Lecturer HUBrussels

Belgium

DOCUMENTARY

How to implement restorative justice practices in dense and diverse urban environments? How to deal with differences in culture, social backgrounds, language in organizing mediation sessions, peace making circles around conflicts in neighbourhoods? In this documentary session will explore to possibilities of the method of digital storytelling in urban restorative justice practices.

Digital Storytelling is an emerging art, arising from a grassroots movement that uses new digital tools to help ordinary people tell their own 'true stories' in a compelling and emotionally engaging way. It is now an art promoted by the San Francisco Bay Area-based Centre for Digital Storytelling amongst many others.

This type of storytelling uses technology to enable those without a technical background to produce a work that tells a story using moving images and sound. Typically, digital stories are produced in intensive workshops to produce a short digital video-clip, told and recorded in the first person, illustrated with photographs, drawings, words and music.

The documentary session contains:

1. A short presentation of the role of digital storytelling in the action research project 'Restorative Justice in Brussels (in collaboration with Alternative).
2. A compilation of digital stories in a restorative justice context.
3. An explanation of the digital story telling method.
4. Discussion on issues regarding intertwining digital storytelling and restorative justice programmes.

Friday 13 June

10.45-12.45

Workshop 1

25 *Desistance and Restorative Justice: Mechanisms for Desistance from Crime within Restorative Justice Practices. A European research project*

Veronika Hofinger

Researcher at researcher at the Institute for the Sociology of Law and Criminology
Austria

Katrien Lauwaert

Research coordinator at the European Forum for Restorative
Belgium

Brendan Marsh

Researcher at Queen's University Belfast
United Kingdom

Koen Goei

Liaison Officer Confederation of European Probation
The Netherlands

PANEL

Although many studies have shown that participation in restorative justice programmes can reduce recidivism, it remains unclear why this is the case, for which groups and under which conditions.

During this panel session a study will be presented which tries to gain insight in the mechanisms within restorative justice practices that can contribute to desistance from crime and thus reduce victimisation.

The research is coordinated by the EFRJ and carried out in Austria, Belgium and Northern Ireland through a literature review and interviews with desisters who participated in victim offender mediation or conferencing.

The researchers will present the conceptual and the methodological framework of the research and the preliminary results. Veronika Hofinger will present what was learnt from the Austrian context where victim offender mediation takes place

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with adult offenders at pre-sentencing level as an alternative for prosecution. Brendan Marsh will explain the lessons learnt from conferencing with juveniles in Northern Ireland. Katrien Lauwaert focuses on desistance and RJ in the context of adult offenders engaged in serious crimes in Belgium.

26

Scott Walsh
Restorative Justice Foundation
United Kingdom

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Workshop 2

27 Restorative Practices a whole community approach towards social justice in Limerick City

Ingrid Colvin

Restorative Practices Development Officer for Limerick City
Ireland

PAPER

Restorative Justice has received considerable attention at both a policy and practice level within the Irish Criminal Justice system. The preventative and proactive elements of Restorative Practices are in their infancy and are just beginning to gather debate and discussion. This presentation will consider the potential that a whole community approach to Restorative Practices can make to social justice by contributing to better outcomes for children, young people and families. It will draw on the experience of the Limerick City Children's Services Committee, Restorative Practice Project in planning, developing and implementing Restorative Practices in the communities of Moyross and Southill. Reflection on collaboration between six schools in the city and services working with children, young people and families in two communities provide a potential framework for replication in other areas. Early observations and anecdotal evidence suggest that the application of a multi agency approach to the embedding and nurturing of Restorative Practices make a significant contribution toward sustaining benefits and impact. The presentation will exemplify the benefits of a twin track approach to growing Restorative Justice and Restorative Practices in parallel with each other.

28 The alternatives of the ALTERNATIVE project: how do theory, research, action, and policy interact into a project

Ivo Aertsen

Coordinator of the FP7 project ALTERNATIVE

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Professor at the Leuven Institute of Criminology (LINC)
Belgium

Edit Törzs
Researcher of the FP7 project ALTERNATIVE
Belgium

Brunilda Pali
Researcher of the FP7 project ALTERNATIVE
PhD candidate at the Leuven Institute of Criminology (LINC)
Belgium

Inge Vanfraechem
Project manager of the FP7 project ALTERNATIVE
Belgium

MULTIPLE PAPER PRESENTATIONS

This session is organised around the European FP7 project ALTERNATIVE, which aims to explore the applicability of *restorative justice approaches in intercultural settings*. The panel will host three presentations:

1. Abstract: Why the ALTERNATIVE project?

The coordinator of the project, Ivo Aertsen, will describe the process of how the ALTERNATIVE project was initiated and the reasons for having such a project. This illustration of the process will offer some insights into the research done into the field of RJ in general and how research influences further theory and practice in the field. It will also show how actors in the field make coalitions and pursue further steps into influencing research fields in Europe. The alternative envisioned in the project will be made clear and explicit, through answering the question: why do we have the ALTERNATIVE project?

2. Abstract: How is the ALTERNATIVE project designed?

The manager of the project and researcher, Inge Vanfraechem, and the researcher of the Leuven team, Brunilda Pali, will describe the overall design of the ALTERNATIVE project as an action research. The project has been designed not only to offer

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an alternative to visions of justice and security in Europe, but also to offer an alternative to the way research is pursued. We think this project and its methodological and theoretical design have important lessons to offer to the restorative field, both in terms of practice and in terms of research, and especially in terms of bridging the gap between these two. The research oriented alternative envisioned in the project will be made clear and explicit, through answering the question: how have we designed the ALTERNATIVE project?

3 Abstract: Where does the ALTERNATIVE project lead to?

The researcher working for the EFRJ, Edit Törzs, will reflect upon the overall policy implications of the ALTERNATIVE project. She will present insights from the work she has done on bridging EU policies in seemingly different fields, like the intercultural field, the justice field, and the security field. She will offer concrete visions for restorative justice as a bridge for these different areas that at the same time meet and don't meet. The alternative envisioned in the project in terms of policy will be made clear and explicit, through answering the question: where will (or could) the project ALTERNATIVE lead to in a European context?

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Workshop 3

29 Through the Glass: One Woman's Pursuit of Justice, Forgiveness and Healing

Shannon Moroney

Speaker, Author and Restorative Justice Advocate.

Canada

DIALOGUE

In November 2005, 30-year old Canadian Shannon Moroney was a respected educator, proud homeowner, active volunteer and happy newlywed. While away attending a conference, a knock at her hotel room door shattered the life she knew. It was a police officer, there to deliver the shocking news that her house was a crime scene and her husband, Jason, was in custody after confessing to the violent sexual assault and kidnapping of two women. In this dynamic presentation, hear Shannon tell the story of her husband's arrest, trial, sentencing, and the insights she gained about justice, healing and the relationship between the two as she struggled to triumph over tragedy. Openly sharing her experiences, reading selected pieces from her memoir [Through the Glass](#) and using photos and artwork to illustrate her journey, Shannon leads the audience through an unforgettable ordeal and inspires hope even in the most desperate moments of the human condition. She explains the principles of restorative justice and inspires individuals and organizations to consider how they can be applied in circumstances of crime and conflict to build peaceful, resilient people, families, workplaces and communities. 30 minute Q&A/dialogue session follows her talk. Books will be available for purchase and signing.

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Workshop 4

³⁰ ***Accessibility and Initiation of Restorative Justice:
Project Findings***

Malini Laxminarayan

Researcher at the Hague Institute for Global Justice
Research coordinator of the EFRJ project, Accessibility and
Initiation of Restorative Justice
The Netherlands

Emanuela Biffi

Co-research coordinator of the EFRJ project "Accessibility
and Initiation of Restorative Justice"
Researcher at Leuven Institute of Criminology
Belgium

PAPER

The research examining restorative justice procedures is very often positive, emphasizing numerous benefits. Victims are found to be more satisfied, offender recidivism is reduced, victims are less fearful and angry, and the process allows for more feelings of involvement and empowerment. Furthermore, research has shown that victims do show an interest in mediation when approached with the opportunity. Despite these findings, in addition to support from various legal and support personnel, the use of restorative justice processes in practice is lacking. Small numbers of referrals are being reported in countries across Europe suggesting that the potential of restorative justice is not being reached. Research suggests that many victims would like to attend restorative justice processes, even when they are not provided with access to such procedures and that the number of people who refuse restorative justice procedures is limited. The presentation will present the findings of the Accessibility and Initiation of Restorative Justice project of the EFRJ, answering (1) When and under what conditions are restorative justice processes accessible to citizens? and (2) How are restorative justice processes initiated under different

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jurisdictions and in different models?

31 ***Access to Restorative Justice – Case Finland***

Maija Gellin

Director of the School Mediation program

Finland

DIALOGUE

Mediation is a main tool of Restorative Justice in Finland. Mediation can also be understood as a fundamental right to every citizen in every age and state. Main purpose is to give the right for participation to parties in conflict to ensure that the parties can meet in safe situation where they can influence to process and commit to the solutions. Every conflict can be seen as a learning situation, which works both reactively as well as proactively. When making access to restorative justice easy, increases the social safety in societies.

Looking at fundamental rights, one basic focus is to give citizens information and experience of mediation even in day care and schools. *School mediation* is seen as learning situation where children learn not only to manage conflicts but also to use their right of participation. And more. At workplaces people have learned to use a specific *workplace mediation* method in case of conflicts.

The Government offers *victim-offender mediation (VOM) service* for every citizen for free. In case of family problems a citizen can find a *family mediation* method available in local social service. When having problems with neighbors especially in multicultural environments there is a free *neighborhood mediation* service available.

In Finland access to restorative justice can be seen as a continuum of right for participation learned as a child not depending on social economical or cultural back grounds. In this session participants are invited to discuss about the access of restorative justice and social safety and peace in societies.

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Workshop 5

32 ***Peacebuilding and the development of a Scottish model for Restorative Justice***

Niall Kearney

Restorative Justice Tutor at Strathclyde University
United Kingdom

Bill Whyte

Professor of Social Work Studies in Criminal and Youth
Justice, Edinburgh University
United Kingdom

PAPER

The paper will outline the initial evaluation and draft practice model from an action research project in Scotland called RiSC (Restoration in Severe Crime). The project was inspired by the plenary talk of Nils Christie at the Forum's Conference in Helsinki (2012). RiSC is a pro-active outreach to victims in crime related death and contains the seeds of a positive way forward for restorative justice in Scotland that directs resources where the need is greatest and draws on the ancient Scots legal principle of *assythment and peacemaking*.

RISC is a collaborative project between the former Criminal Justice Social Work Development Centre for Scotland (CJSW) based at Edinburgh University and Sacro funded through CJSW grant from Scottish Government. The general aim of the project is to develop a practice model, drawing on restorative justice values and principles, which address the harm caused in incidents such as car-related severe crime in which those involved know each other and the behaviour resulted in death or serious injury.

The initial evaluation and draft practice model is based on one case in which a young driver was sentenced for causing the death of his passenger in a car accident. Both people came from a small, rural community in Scotland. The paper will outline learning from this work with particular regard to partnership working, outreach to people bereaved by crime, the skills and

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knowledge required to work on such cases, and the potential of peacemaking to address the impact of such crime on small communities.

33 ***Power and Control - Does a restorative approach in school support or challenge the status quo?***

Belinda Hopkins
Director transforming Conflicts
United Kingdom

TRAINING

Can the introduction of restorative values and principles into classrooms and staffrooms provide a voice to those who feel unheard? Can the commitment to giving ownership of problems and conflicts to those experiencing them offer a new paradigm in schools – one more aligned to social justice and democracy?

Can the use of restorative skills and approaches by the senior leadership team bring a new humility and grace into the way schools are managed? This participative workshop will begin by considering 5 core beliefs that are implicit in all models of restorative practice and explicit in some. Participants will be encouraged to tease out how these beliefs challenge many of the assumptions that have been apparent in educational establishments. The ways restorative interventions have been co-opted into the prevailing educational system, often based on authority and compliance, will be explored. Questions will be asked about whether this is the best way to build a socially just and peaceful society and to develop the citizenship skills of those who will inherit it from us. The workshop will model the five core beliefs and will evolve to meet the interests and needs of those present. This may involve exploring the core skills that can operationalise a genuine relational/restorative approach to school management.

The workshop is drawn from Belinda's recent publications, including *The Restorative Classroom* (incorporating a chapter on restorative staff teams) and from her work implementing restorative leadership across agencies working with young people and their families.

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Workshop 6

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PAPER

Tensions Between Inclusion and Leadership in Restorative Justice and Peacemaking

John Braithwaite

Distinguished Professor at Australia National University
Australia

35

Institutionalized restorative justice : where do we go from here?

Antje Segers

Mediator at HCA Brugge
Belgium

Michaël Bouchez

Social pedagogue and mediator
Belgium

DIALOGUE

In Belgium, the idea of restorative justice idea sprung out of the experience in the Oikoten-project. The awareness of a connection between victims and offenders was investigated within a project and the project became consolidated. Eventually the initiatives for minor and adult offenders grew apart, with the restorative mediation for minor offenders being subsumed under youth care and becoming a required consideration for the public prosecutor in 2006.

Where are we now?

Every province in Flanders was intended with a mediation team, united with the services for family group conferencing, community service and offender counseling for minors. The institutionalizing of mediation yielded some benefits: rising case-loads, expanding teams and the flow of cases became more or less stable. Nonetheless the teams lost contact and thereby

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grew apart, losing essential consultation of their viewpoints and decisions. Therefore a new consultation forum was created that started out with the research we would like to present. We became intrigued by how this institutionalized mediation would affect the teams and their take on mediation. Has mediation become an offender-oriented method to desist them from crime? Are we losing touch with the victim and our own principles? Has mediation now become a technique, recuperated by a classical justice system instead of being a part of a broader restorative justice? Are mediators still able to match their convictions to how they have to mediate?

Where are we heading?

As a conclusion we want to present some positive takes on the future and some threats for our mediation teams in Flanders.

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Workshop 7

36

Restorative Justice and mentally disordered offenders

Michiel van der Wolf

**Assistant professor of Criminal Law and Forensic Psychiatry
at Erasmus School of Law**

The Netherlands

John Blad

**Chief-editor of this journal Tijdschrift voor Herstelrecht
Associate professor of Criminal Law at Erasmus School of
Law**

The Netherlands

PAPER

Restorative justice theory fundamentally involves the decisive participation of both offender and victim in discussing the background and consequences of a crime and in co-deciding on how harms and damages could best be restored. The approach seems to assume the normality of both key participants and literature about restorative practices with mentally disordered offenders is almost non-existent. This paper first claims that if the theoretical foundations of RJ are to be applied consequently also offenders with mental problems should be given the opportunity to work towards redress and restoration, albeit perhaps along different lines. It then explores two approaches: 1. altering current RJ practices to fit mentally disordered offenders, 2. altering the current manner in which forensic psychiatric patients are treated from an RJ perspective.

Ad 1. This might imply that serious assessments need to be made of each defendant before mediation or conferencing could be proposed, in view also of the supposed need to protect the victim against secondary victimisation. This would mean an acceptance of professional decision-making instead of party control over dealing with the consequences of crime.

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Ad 2. This approach uses the Dutch TBS system as an example. This entrustment order can be imposed on 'diminished responsible' offenders, leading possibly to a combination with a prison sentence. The order is a safety measure of indeterminate duration consisting of treatment. Some drawbacks of this system may be redressed by redesigning it on RJ theory. The authors hope for helpful feedback from the audience.

37 ***Policy and theory in restorative justice in the Netherlands***

Antony Pemberton

**Associate professor and Director of Studies at the International Victimology Institute Tilburg (INTERVICT)
The Netherlands**

Marieke Jakobsen

**Policy Advisor Ministry of Security and Justice
The Netherlands**

DIALOGUE

Department of Justice: developments in the Netherlands

Presenter: Marieke Jakobsen

In the past few years the attention for the victim in the Dutch criminal law has grown. The increased attention for restorative justice can be viewed in this context. Two years ago the Dutch government developed specific policy on restorative justice, conferencing and mediation in criminal law. This policy is now tested in five different pilots. In two pilots mediation is tested at the police and the local community. In another pilot mediation is tested as an alternative or an addition to criminal law in the public prosecutor's office and in court. Finally there are two pilots in which mediation and group conferencing is integrated in the work of the probation officers.

In these pilots the victims perspective is leading, what are their needs? But the benefits for criminals (juveniles in particular) and the benefits for the criminal trial are of great importance as well. The paper will query the experiences in the pilots and invites participants to compare the Dutch situation with experiences in other countries implementing mediation in criminal law. What

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selection criteria apply? What are the experiences with the enforcement of mediation agreements? And does mediation offer financial benefits to the criminal justice system?

Stories as property: narrative ownership as a key concept in the experience of criminal victimisation

Presenter: Antony Pemberton,

Where Marieke's presentation focuses on the complexities of developing policy in restorative justice, the second paper in this workshop attempts to understand some of the conceptual issues underlying this complexity. The title of this paper intentionally invokes Nils Christie's famous 1977 article *Conflicts as property*. The key notion it explores is that there is indeed an issue of ownership involved in justice reactions after victimisation, but suggests that its kernel concerns ownership of the *narrative* of victimisation, rather than the 'conflict'. This view is informed by recent advances in personality and clinical psychology, which reveal narratives to be an independent component of personality (McAdams & Pals, 2006), as well as one of the main means by which extreme, negative events are processed (e.g. Currier et al, 2006; Park, 2010). The paper will elaborate the importance of narrative in the experience of victims of crime, and demonstrate that a number of victimological phenomena have in common that the story the victim has constructed/ is attempting to construct to make sense of his or her experience has to compete with alternative and/ or opposing narratives. This is visible in societal reactions to victimisation, including the tension between victim's experience and media reporting (Peelo, 2006), the reaction of third-party observers (Hafer & Begue, 2005) and the notion of the 'moralization gap' (Pinker, 2011), but in the (formal) justice reaction as well, whether this is retributive or restorative in nature. The paper will argue that understanding the importance of victim's narratives, combined with the notion that victims narrative ownership is often embattled, offers a new perspective on victimological phenomena and policy, as discussed in Marieke's presentation. A view that supports key ideas in restorative justice, but also offers fresh ground for debate. Participants are invited to join in this discussion in this workshop.

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Workshop 8

38

Understanding and acceptance of VOM in Macedonian multicultural community

Stojanka Mirceva

**Professor at the Faculty of security, Skopje
Researches at the Institute of sociological, political and legal
research
Macedonia**

Vesna Stefanovska

**Professor at the Faculty of security, Skopje
Secretary of the National Council for Prevention of Juvenile
delinquency under the Ministry of justice
Macedonia**

PAPER

Victim offender mediation is introduced in juvenile justice system since 2009 in order to provide an opportunity for juveniles in conflict with the law to meet face-to-face with the person they victimized, in the presence of a trained mediator. But, so far neither juvenile judges nor public prosecutor have referred cases to mediation process. In general, misperception, low institutional and normative resources and law awareness for benefits of VOM of the stakeholders are considered to be main traits for slow implementation of mediation in juvenile justice. Therefore, a pilot project to implement restorative justice processes has been initiated accompanied with evaluation. Namely, the evaluation addresses all stakeholders in a small multicultural community who are entailed to ensure and apply VOM (juvenile judges, public prosecutors, mediators) and those who have benefits of mediation process (juvenile offenders, victims, community members, peers) in order to assess strengths, weakness, perspectives and obstacles for planning and implementation of VOM in Macedonian juvenile justice system.

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Several aspects are considered in the evaluation: formal (procedural), substantive, ethical aspects of VOM.

The evaluation aims to understand which factors prevent stakeholders to refer juveniles and their victims to restorative justice procedures. Also, another aim is to understand the elements within the institutional system (Ministry of justice, Chamber of mediators) that jeopardize the opportunities for VOM.

³⁹ ***Social Net Conferencing: a newfound pathway for juvenile offenders to desist of crime***

Christoph Koss

General Director Social Work NEUSTART

Austria

Georg Wielaender

General Director Social Work NEUSTART

Austria

PAPER

Within the scope of a biennial project between 2012 until 2013 the association "NEUSTART" has developed a specific Conferencing-procedure.

For the first time we gave this so called "Sozialnetz-Konferenz" (SoNeKo) a trial to apply in the context of Probation Service. The SoNeKo-procedure is based on the practical experiences concerning the methods of Family Group Conferencing and similar decision-making-processes, which has proved as feasible in other contexts of social work.

With the backing of relevant social networks a SoNeKo should help juvenile clients to facilitate their autonomous living in particular and help to empower their social net to resolve certain issues self-reliantly, detect new resources of support and focus on the future perspectives in their planning in order to induce a facility for desistance of crime.

Due to actual Austrian discussions since last summer about alternatives for pre-trial custody by juveniles, we were in addition challenged to apply SoNeKo's as a decision-making-process, supporting judges to find eligibilities for parole and in the end for a release of pre-trial custody.

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In usual courtrooms of the main criminal courts we are allowed to arrange these SoNeKo-meetings. With the support of professional intramural social workers from juvenile Detention Centre, the probation-social-worker, important helping supporters from outside and the NEUSTART-coordinator, the Social Net of detained juvenile clients assembles in a circle in order to find solutions and an individual plan for predominant issues. This paper-presentation aims to describe the mentioned project, the procedure of the conference and the roles of the participants as well as first notions of its use as a support to shorten or avoid pre-trial custody on juveniles in Austrian justice.

⁴⁰ ***Restorative Justice in Scotland: at the crossroads?***

David Orr

Consultant- Social worker Centre for Youth and Criminal Justice
United Kingdom

Jenny Johnstone

Lecturer in Law at Newcastle University Law School
Honorary Research Associate at the Scottish Centre for Crime and
Justice Research
United Kingdom

Mary Munro

Visiting fellow at the School of Law, University of Strathclyde
United Kingdom

PAPER

The purpose of this paper is to review what many might consider a curious failure of Scottish criminal justice in its non-adoption of any systematic or institutionalised RJ practice, especially for serious offending in the adult system. We consider why might this be so, given interest and innovations in RJ in recent decades in other UK legal jurisdictions of Northern Ireland, England and Wales, and, of course, elsewhere in Europe. The paper will also outline recent developments in Scotland including the emergence in 2013 of the Restorative Justice Forum, a group of practitioners, key agencies and academics with a shared interest in restorative justice. One of the early

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successes of the Forum was to contribute to and influence the debate in Scotland in relation to the Victims and Witnesses (Scotland) Bill and to underscore the need for political consideration of the implications of Directive 2012/29/EU of the European Parliament and of the Council of October 2012 establishing minimum standards on the rights, support and protection of victims of crime. It is suggested that a policy focus justified in terms of victims needs is likely to be more productive, at least in the short term, in moving forward on RJ in Scotland, than a focus on desistance and impact on the perpetrator.

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Workshop 9

⁴¹ ***The Deployment of Restorative Practices in Prisons – Multiple Winners?***

Vidia Negrea

Director for Central and Eastern Europe, IIRP Europe
Hungary

DIALOGUE

The workshop will look at the experience of applying restorative practices to develop a model for helping inmates and their families to achieve a successful reintegration into society, while meeting some of the needs of people affected by crime.

The model includes a four-stage process based on restorative circles and conferences, starting from the sensitisation of the inmates, through the actions made to repair harm done to the victim and restore relationships within family and community. During the use of FGDM/FGC and other restorative practices, which emerged from the need to reach out and link cross-sector agencies (e.g.: prison officers, probation office, family care service, police, etc.), and community members to help bridge the gap created by fear, mistrust, lack of communication or myths (e.g. about Gypsy people), a change in the attitude of participants was remarkable. Restorative practices proved to play an educational role not just for inmates and their families, but for staff and professionals involved as well.

The stories of the participants involved in restorative processes, their readiness to reflect upon restorative questions and to move beyond their fear of sharing thoughts and expressing feelings in a group where colleagues, superiors, inmates and their family members, had changed the formal style and the vertical type of conversation into an informal and horizontal one never experienced before in a hierarchical system as the one existent in the prison. The session will provide an opportunity for participants to reflect upon the benefits and challenges of implementing restorative processes in prisons.

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42 ***What's the difference between Ireland and Iceland?
One letter and a half-decent prison system...***

Kevin Warner

Adjunct lecturer in the School of Applied Social Science, UCD
Ireland

PAPER

We can judge prison systems by three criteria: the numbers imprisoned, the 'depth' of imprisonment, how incarcerated people are perceived. Since there are 'detrimental effects' to imprisonment and prison itself is 'criminogenic', there is a logic to policy that seeks to achieve "minimum use of custody, minimum use of security, and normalisation of prison life" (Whitaker Report, 1985). Desistance is supported by not sending someone to prison in the first place, if at all possible; and, if prison is used, by regimes that are as close to 'normal' as possible, facilitating developmental activity and seeing the person in prison as a member of society whose full reintegration should be supported. This representation of the prisoner as citizen reflects 'social justice' thinking and inclusive social policy. In Ireland, prison numbers have doubled since 1995, regimes have degenerated and attitudes to those in prison are now more excluding. While punitive impulses can be found in Iceland, overall their penal policy is restrained and reflects inclusive thinking. Iceland's rate of incarceration is 47 per 100,000 compared to 89 in Ireland. Regimes are dramatically different, whether one looks at security concepts, lock-up times, cell sharing, visiting arrangements, developmental activity, self-management, or supportive early-release.

Iceland offers evidence to Ireland that there are better ways to do things. Central to this approach is a philosophy that recognises prison damages people, and that those incarcerated are 'valued members of society'.

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Putting victims in Prison

Trevor Barr

Senior Officer NIPS

United Kingdom

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A substantial body of research exists regarding legitimacy in prisons. However, little is known still about victims' perceptions of the Prison Service, and whether appreciating crime in terms of 'harm' encourages offenders to accept the legitimacy of their sentence. A multi-method study has examined whether participation in two restorative initiatives at Magilligan prison in Northern Ireland can enhance perceptions of legitimacy for the Prison Service. The study found that victims' perceptions of procedural fairness relied upon opportunities to express themselves and positive interactions with prison officers. Personal relationships, trust and support, developed through co-facilitating the Victim Impact Programme, encouraged those perceptions. Offenders reported participation in the programme, challenged neutralisation strategies, improved their accountability and sensitivity to victims' plight, fostered perceptions of the legitimacy of their sentence, and encouraged positive engagement with prison regimes. The evidence presented provides a strong argument for promoting the active participation of victims within custodial settings.

Workshop 10

⁴⁴ ***The narrative Dialogue Method of Restorative Justice***

Tim Chapman

Lecturer on the restorative practices at the University of
Ulster

United Kingdom

Hugh Campbell

Senior Lecturer in the University of Ulster
Researcher of the FP7 project ALTERNATIVE

United Kingdom

TRAINING

If restorative justice is to become a mainstream means of resolving harmful conflict in society, it requires a practice which is flexible and creative so as to accommodate the needs of a wide variety of people affected by harm.

This workshop will introduce participants to the method that the University of Ulster has developed over the past 10 years of teaching and research in the field of restorative justice.

Narrative dialogue is the foundation of the practice of restorative justice in a range of contexts including criminal justice, education, community and organisations. It engages participants in a process of storytelling and dialogue to enable truths to emerge and to lead to transformation and healing. It allows the participants to take ownership of the conflict and the process and consequently prioritises the participants' questions over the facilitator's questions.

The presentation will explain the concepts, outline the process, and describe the skills that enable practitioners to employ the method. This will be a participative and reflective workshop.

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Workshop 11

⁴⁵ ***Restorative Justice, Desistance and complex cases: working with high risky youths and their victims in Cases of Sexual Violence: Power and Corrective***

Mandy Morrison

Practitioner at Youth Justice Practitioner
United Kingdom

⁴⁶ ***Restorative justice and young people who sexually harm: developing a model of practice***

Donna O'Shea-Murie

Practitioner at Youth Justice Practitioner
United Kingdom

Mark Myers

Social worker at Corrymeela community
United Kingdom

TRAINING

This Youth Justice Agency in Northern Ireland has now received over 15000 referrals since 2003 for all offences. The agency is increasingly working with young people who commit sexually harmful offences. Although this number is small the agency has had to develop its staff training, assessment and practice guidelines to successfully work restoratively with these cases. This workshop will explore the issues and challenges from a practitioners perspective.

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Friday 13 June

14.00 -15.30

Workshop 1

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Meeting with Plenary Speaker Joanna Shapland

PANEL

This session provides an occasion for conference participants triggered by **Joanna Shapland's** plenary speech to comment and ask questions and for participants acquainted with her work to challenge and debate more in depth certain aspects of it. It is a unique occasion to meet with a leading expert on desistance in an informal setting. **Kelvin Doherty** will launch the debate. **Ivo Aertsen** will chair the discussion.

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Workshop 2

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ALTERNATIVE action research in the spotlight of social justice, citizenship and identity

Christa Pelikan

Senior Researcher at Institute for the Sociology of Law and
Criminology
Austria

Katrin Kremmel

Junior Researcher at Institute for the Sociology of Law and
Criminology
Austria

Gabor Hera

Researcher at the Foresee Research Group
Hungary

Tim Chapman

Lecturer on the restorative practices at the University of
Ulster
United Kingdom

Hugh Campbell

Senior Lecturer in the University of Ulster
Researcher of the FP7 project ALTERNATIVE
United Kingdom

Sanja Copic

Researcher at Victimology Society of Serbia
Serbia

WORKSHOP

The ALTERNATIVE project has set itself the goal of engaging with alternative understandings of security and justice in intercultural contexts through restorative approaches to conflict resolution. In this panel, we will present empirical insights from our four action research from different theoretical angles by

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linking them to the concepts of social justice, citizenship and identity, which run like a common thread through four presentations.

Paper of action research site in Austria

Deserving and undeserving citizens?

Abstract: In this panel contribution we will discuss questions of citizenship and entitlements to welfare provisions in relation to social justice. While EU-citizenship introduces a more inclusive concept of citizenship, which transcends European national borders and extends national welfare privileges to EU-citizens, access to national citizenships for non-Europeans has become more restricted and increasingly linked to specific criteria (language skills etc.) each individual has to meet.

During our presentation, we will use empirical material from the local action research we conducted within the ALTERNATIVE project and turn to the Austrian case of social housing in Vienna. We will discuss how this example fits and challenges the observations above on identity politics within the EU.

We will ensure to broaden our perspective through spatial and historical comparison of the local with the international and the present with the past. These issues figure prominently on European policy agendas, as shown by proposals of David Cameron in the UK and the German party CSU who intend to restrict access to welfare services for immigrants that are supposed to just pry on the generous welfare provisions of their host countries. This reminds us of the old question of social justice, the deserving and the undeserving poor, which we also encounter in Vienna's social housing estates.

Paper of action research site in Hungary

How can the restorative approach support social and participatory justice?

Abstract: This presentation is about the first phase of the action research of the project ALTERNATIVE in Hungary. The action research focuses on how restorative justice approaches and

practices can support conflict resolution within an intercultural context, and in a local village, not far from the capital.

During the first phase, the Foresee Research Group carried out semi-structured interviews and participant observation, focusing on conflicts and the ways the local residents handle them. The researchers paid particular attention to the conflict lines concerning members of the Roma minority and majority members of Hungarian society. In addition, the researchers identified the assets of the village from the point of view of conflict resolution and restorative values.

The presenter will try to answer a few questions: Is there an opportunity for building trust and get people who have stake in a harmful conflict join in a dialogue? What difference does the experience make? The presentation will elaborate a case study in detail identifying the source of the conflict, the parties who were involved, the form and process of the dialogue and the outcomes.

The presenter will argue that conflicts in intercultural settings usually imply unjust distribution of social benefits and burdens among members of the local society. The case study is used to show, how conflict management based on restorative justice can support social and participatory justice.

Paper of action research site in Northern Ireland **Working across Frontiers**

This paper will outline the political context in which community based restorative justice developed in Northern Ireland. There will be a brief discussion on how community identity has contributed to a politics sustaining conflict and disorder. It describes the new challenges emerging for communities in Northern Ireland and explores how restorative justice processes could address these and contribute to safer and more just communities comfortable with diversity.

The research conducted by the University of Ulster as part of the ALTERNATIVE project is intended to support new developments in community based restorative justice through capacity building and the generation of findings on the value of restorative justice when addressing conflicts in an intercultural

context. We will report on progress so far on this research.

Paper of the action research site in Serbia

Security and justice in the intercultural context of Serbia

In 2013, the Victimology Society of Serbia conducted an empirical study on conflicts that have been evolving since 1990 between members of different ethnic groups in three multi-ethnic communities in Serbia, and the way people have been solving them. The aim was also to see how victims are treated, how security and justice are perceived, and what role RJ approaches have in dealing with conflicts and security. The research consisted of both a qualitative and a quantitative part.

This panel contribution will start with a brief description of the research methodology. Thereafter, research findings related to the conflicts, citizens' feelings of safety (security) and the corresponding perception of justice will be presented. These findings suggest that different conflicts existed or still exist on different levels at all three research sites, including conflicts between citizens, and conflicts between citizens and the state (i.e. state institutions and state's representatives). Conflicts with the state have a prominent place, which is tightly connected to the non-functioning or inadequate functioning of the state and the lack of rule of law. This impacts citizens' perceptions of security, which go much beyond physical safety (in terms of freedom from crime, war or violence), but also encompass social, economic, legal and political safety. Consequently, citizens' notions of justice are closely related to their perceptions of security and are equated with both restorative and retributive or legal justice. Respondents attributed high relevance to both formal and informal restorative approaches, also suggesting the need of citizens to actively participate in the process of conflict transformation and the increase of security. Therefore, in the concluding part we will point out the potential of the broader use of restorative justice in dealing with conflicts and security in intercultural contexts in Serbia and re-establish its relation to social justice.

CO-AUTHORS: Nikola Petrovic, Bejan Saciri, Vesna Nikolic-Ristanovic

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Workshop 3

49

How advanced is Restorative Justice in your organization?

Training & Gaming workshop to apply the Restorative Justice Maturity Grid

Gert Jan Slump

Co-Founder Stitching Restorative Justice Netherlands

Restorative Justice Consultant

The Netherlands

Anneke Van Hoek

Co-Founder Stitching Restorative Justice Netherlands

Criminologist

The Netherlands

TRAINING

Restorative Justice Nederland (RJN), the Dutch RJ network organization, is partner in the 2-year project *Restorative Justice in Europe: safeguarding victims and empowering professionals* which is funded under the Criminal Justice Programme of the EU. The objective of this project is to develop practical results that can be used by policy makers and practitioners in the implementation of the European Victim's Directive.

In the framework of this project Restorative Justice Nederland has developed two tools:

A step by step plan to implement the European Victim's Directive on a national level.

In this 5 step plan RJN identifies three steps that are directed to legislators and national policy makers.

Step 4 and 5 are aimed at judicial organisations and their partners. To help these organisations with the implementation, a second tool has been developed by RJN:

The Restorative Justice Maturity Grid for (judicial) organisations This Maturity Grid is a self assessment tool for organisations to assess the level of victim oriented and restorative practices in their organisation and to give guidelines in how to bring these

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practices to a higher level.

In this Training & Gaming Workshop we will present the Maturity Grid, which has been further developed into a Game. This Restorative Justice Game will be played with the participants of the workshop, who will be divided into different 'camps': judiciary, probation, detention centers and other organisations.

By playing this Game in the workshop the participants will gain more insight into the following issues:

How mature is your organisation in the field of restorative justice?

What actions can be taken to bring your organisation to the next level?

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Workshop 4

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Learning peacebuilding in restorative kindergarten

Eeva Saarinen

Training Manager of the School Mediation program
Finland

PAPER

Is it possible to teach restorative thinking for a 2-year old child? What impacts are seen if we build peace starting from the smallest ones? What happens when parents realize that the kindergarten uses restorative methods in their children's conflicts? How about a conflict between parents and kindergarten staff – do we have restorative tools for that? Welcome to hear true stories beyond all these questions.

In Finland, there is a recent research showing that conflicts are a part of children's life in kindergarten, and bullying can start in early years. We often heard that there is a need for positive, solution-focused way of dealing conflicts in kindergarten. Now, we have trained and used a creative application of restorative conflict management model in kindergarten. It is based on our schools' mediation program, which we have been implemented to Finnish schools for 13 years now. After trainings and pilot experiences in 100 kindergartens, we believe that restorative methods improve the well-being of everybody in kindergarten. Keeping children's rights in mind, kindergarten staff is bound to build the nurture culture which is free from discrimination and supports every child's social learning. Following issues are emphasized in our program: learning social skills for future life, and seeing conflicts as resource in spreading understanding .
Questions for dialogue:

How does a restorative kindergarten look like; how does it differ from a non-restorative kindergarten? How do restorative values - such as participation, genuine encountering, building relationships - come true in daily life of a restorative kindergarten?

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Forgiveness in restorative justice and its role in building social reconciliation

Lourdes Fernandez Manzano
Mediator and attorney at law
Spain

PAPER

Forgiveness is not one of the aims of restorative processes. However, the conditions that enable these processes can also make forgiveness more likely. The positive impact that forgiveness can have on the lives of the victims of serious crimes, such as terrorism, means that this issue should be discussed when seeking to apply restorative justice in any situation. A better understanding of the human essence of forgiveness can guide us toward building a more solid concept of it in interpersonal relationships damaged by crime, marking out the way for us to achieve a true peace at a higher social level. This analysis is of particular significance in the Basque Country today due to the cessation of terrorist violence of ETA. The reflections' objective is interpersonal forgiveness and its positive impact on community and a social level. The framework for this approach consists of references to the restorative justice movement whose philosophy is considered particularly suitable for the treatment of terrorist offences. A central subject will be the study of the significance and consequences of forgiveness between victims and offenders as a way to achieve moral reparation for victims. Restorative justice will be approached as a means to create the conditions conducive to offering forgiveness in order to benefit both the victims and offenders. Against the background of a society that has been victim of terrorist violence, the relation between forgiveness and reconciliation will be examined to extract the favourable consequences of interpersonal forgiveness beyond the individuals directly involved. Thus forgiveness can become an instrument of social reconciliation.

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Workshop 5

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Understanding the impact of Victim Offender Mediation on Desistance through case studies. Findings from research

Anna Meléndez Peretó

PhD Candidate at Universitat Autònoma de Barcelona in
Public law and Criminology
Spain

PAPER

This Communication presents some findings from a PhD research focused on examining the capacity of restorative justice to have an influence on the decision to desist and to identify the causal mechanisms that leads the participation in a mediation process and desistance. Specifically, exploring whether the victim's participation in the process, restoration and the process itself are able to promote positive changes on offenders' behaviours *after completion of the program*.

The project is grounded on the integration of two theoretical models in criminology: restorative justice and desistance. The **research methods** are qualitative and quantitative. In the first part of the study a previous and a post self-administered survey as well as non participant observation were undertaken. This first part had itself three different steps: The first one took part at the end of the first individual mediation session; the second one took place during the direct mediation, in which victim and offender met together with one mediator; and finally, the third step occurred immediately after the direct mediation. Finally, the second part of the research, took place 6 months later, and consisted in a final narrative interview with the offenders who had been observed during the direct mediation.

The aim of this communication is to focus on case studies of adult offenders participating in the Victim Offender mediation program in Catalonia in order to explain the complexity of a restorative process and how a process worked through the personal experience of the participants. The purpose is to focus

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on the one hand, on direct mediation sessions, when victim and offender met each other; and on the other hand, it is also a target analyse the interviews undertaken six months after the process where offenders reflect about their experience in mediation.

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Mediation in criminal matters in Romania. Current developments and challenges after the entry into force on the new Criminal Codes in February 2014

Anamaria Szabo Romania

Lecturer & Vice-Dean, Faculty of Sociology and Social Work,
University of Bucharest,
Romania

PAPER

Mediation as professional practice was established in Romania in 2006. Its legal basis has suffered since then several changes. In criminal matters most changes have occurred after the entry into force on February 1, 2014 of the new Criminal Code and Criminal Code of Procedure, both of which have theoretically broadened the ways mediation can be used during the stages of the criminal justice process. We are saying theoretically, because in the past 8 years mediation in criminal matters has registered the lowest number of referrals among all types of mediation in Romania. The paper presents from a critical perspective some of the challenges that need to be addressed in order to increase referrals of criminal cases to mediation. The arguments for discussion are drawn from observations collected by the author in the past year from professional mediators' forums in Romania, as well as from interviews made with different professionals under the project "Accessibility and Initiation of Restorative Justice" coordinated by the European Forum for Restorative Justice and in partnership with the Association of Schools of Social Work in Romania.

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Maghaberry Island

Rodney Cameron

Lead Chaplain in Maghaberry Prison

United Kingdom

PAPER

The comparison of the prisoner as a castaway, exiled on a far flung island offers many fruitful parallels with prison life.

“Maghaberry Island” is a workbook developed in Maghaberry Prison for prisoners to talk through and reflect on their experience of court, imprisonment, preparation for release and return to society.

What began as a primer course in explaining restorative practice and desistance theory to prisoners, later developed into a peer learning and coaching session. Input of theoretical information became an opportunity for self change and motivation.

The series of cartoon images within the workbook act as a metaphor for different aspects and experiences. In practice, the prisoners have found themselves free to express a full range of emotions because they overlay the image with their interpretation and experience. Use of metaphor means they are not under any obligation to disclose the particular details or reasons for their incarceration, but can speak of the underlying motivation, hopes and fears.

The booklet was developed within in the “Family Matters” course, where a cohort of men is given intensive family support with dedicated staff, and enhanced visits with their family. Engagement with their children is seen as a primary motivation and pro-social activity.

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Workshop 6

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Peacemaking Circles – From Schools to Prison and Beyond

Evelyn Zellerer

Professor at Kwantlen Polytechnic University

Director of Peace of the Circle

Canada

TRAINING

In this workshop, participants will explore and experience the fundamentals of a peacemaking circle. Peacemaking Circles have emerged as a powerful process that is used successfully in a diversity of settings, such as schools, workplaces and the justice system. They are used for a wide range of purposes, including dialogue, learning, strategic planning, problem solving, community building, conflict resolution, healing, sentencing and reintegration. Circles have been used as a restorative approach for everything from gossip to murder. A Circle can be created when two or more people are interested in coming together to talk.

Circles are a values-based, structured yet flexible approach for engagement. Most importantly, they operate within a particular philosophy or paradigm. Circles draw upon ancient and contemporary wisdom, and acknowledge the mental, emotional, physical and spiritual aspects of individuals and human experience. Circles are a sophisticated way to balance individualism and collectivism

In this session, we will consider the underlying foundational values and teachings. We will also introduce the core elements and structure of a Circle. Participants will come to appreciate the deeper invitation to a paradigm shift.

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Workshop 7

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The best way to sell the good results from mediation to media, partners and people - is through parties! How do we do it?

Gro Jørgensen
National Mediation Service
Norway

Ethel Fjellbakk
National Mediation Service
Norway

DOCUMENTARY

Three documentaries on mediation process in serious crimes

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Workshop 8

- 57 Practice methods of mediation in role-plays - an opportunity to practice, explore and feel the experience of VOM in role play with experienced trainers**

Kjersti Lilloe-Olsen
National Mediation Service
Norway

Eleonore Lind
Board member of the EFRJ
Certified Transactional Analyst and mediator
Sweden

TRAINING

Over the years, as the Forum has developed and organised conferences in different countries there has been a growing demand from practitioners of RJ for practice oriented work-shops. This is such a work-shop! The training work-shop will be dedicated to what is happening in the room during a mediation/conference. Adhering to the basic principles of restorative justice, voluntariness, confidentiality and impartiality, we will practice RJ in role-play with a mediator, an observer, a victim and offender. As trainers we are not necessarily the experts on how the mediation as a method should be executed, nor how one in every situation can possibly know what to do or say. We are all experts and this is an opportunity to share this. The work-shop will focus on experiencing how different interventions might lead to different solutions. This means that what I say and how I say it will influence in which direction the mediation will develop. We will explore different ways of communication and how different ways of saying/doing things, will make different impacts on the participants in role-plays. At the start we will give the structure and frame work for the role-play, this will be followed by a role-play and at the end a feedback with discussions. The training can handle a maximum of 20 participants.

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Workshop 9

58 ***Restoring Justice-Establishing Just 'Community-Police' Relationships and Structures***

Duncan Morrow

Head of Community Engagement, University of Ulster

United Kingdom

Brendan McAllister

Probation Officer

United Kingdom

Joe Campbell

Deputy Director of 'Mediation Network, Northern Ireland

United Kingdom

Derick Wilson

**Reader Emeritus in Restorative Practices, University of
Ulster**

Researcher in the ALTERNATIVE Programme

United Kingdom

PANEL

This will be a first public dialogue about a unique Community Policing Project developed in Northern Ireland by Mediation Northern Ireland and Future Ways, University of Ulster.

Funded by the Joseph Rowntree Charitable Trust, the Ireland Funds and the United States Information Agency (USIA), with support from the Northern Ireland Office and the Irish Government, the project was possibly unique in terms of: the political diversity of the citizens involved; a policing organisation in a conflict engaging with a civil society mediating group; the degree of institutional commitment; the length of the engagement and the sensitivity of the content. This preceded the 1998 Independent Commission on Policing for Northern Ireland, to which we contributed. The project was aligned then

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with the roll out of the Commission recommendations.
Part of this programme worked with international 'restorative justice' practitioners, including Howard Zehr, Kay Pranis and Dave Brubaker. Restorative justice perspectives informed an additional five years practice in training around community policing.

The Dialogue will explore the methods used:
Relationship Building; Capacity Building; Learning to Learn; Robust Dialogue; and Personal Sharing
and

Structures: The challenge of addressing the structures of Policing and Politics.

The meaning of democracy and human rights for policing in Northern Ireland.

"Changing Police Culture, A Critical Dialogue Project", an unpublished report of mediated dialogues around policing and community relations in Northern Ireland will be made available.

The dialogue will explore the local and international relevance of community policing reforms to peacebuilding and social justice.

59

Beyond the bitterness, building peace with the enemy

Austin Stack

Assistant Governor in the Irish Prison Service

Ireland

PAPER

Case study of the only time since the Northern Ireland ceasefire that former members of the IRA have meet with a family to discuss an unsolved case (the murder of Chief Prison Officer Brian Stack). While there are valuable lessons to be learnt, the process that the Stack family and former IRA members went through has offered a viable template for future such engagements. The willingness of the IRA and Stack family to engage in this process has opened the door for other similar unsolved cases to be dealt with Restoratively.

My father Brian Stack was Chief Prison Officer in Portlaoise Prison when he was shot by the IRA in 1983. As late as May

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2013 the IRA were still denying they had murdered Brian Stack. In August 2013 my brother Oliver and I meet with a former IRA leader at a secret location to discuss the case. This meeting had been arranged by Gerry Adams as the end piece of a process which taken place over the previous three months. At the meeting the IRA admitted responsibility, explained why they had carried out this act and expressed sorrow for their actions. This case study shows that organisations such as the IRA are prepared to engage in a Restorative process, that trust must be established quickly between both parties, that the victims must approach the process with clearly defined objectives, victims must set aside their bitterness, organisations such as the IRA must be sensitive to the victims and that the harms caused can be healed.

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Workshop 10

60

The Flemish practice in Conferencing; a view of three witnesses, two victims and a youngster

Bie Vanseveren

Mediator at Alba Vzw

Belgium

Kris Mullens

Mediator at Alba Vzw

Belgium

WORKSHOP

In 2000, Prof. Lode Walgrave (University of Louvain) starts a 3 year study to implement Conferencing in Flanders for minor offenders and their victims. He picked up the idea of Conferencing in New Zealand where Family Group Conferencing has a central position in the response on juvenile delinquency.

5 mediation services in Flanders, who deal with minor offenders, agree to experiment with Conferencing: ADAM and Elegast in Antwerp, Bemiddelingsburo in Brussels, BAAL in Limburg and BAL in Louvain. The choice is made to preserve Conferencing for major offences: acts of serious violence and crimes against property with aggravating circumstances.

After 3 years of experimenting, Conferencing is continued in 3 regions: Brussels, Antwerp and a little bit in Louvain. In 2006, mediation and Conferencing becomes part of the Youth Law in Belgium. From now on Conferencing is implemented in all regions in Flanders.

In the workshop we will present how Conferencing is working today in Flandres: the procedures, the collaboration with the judges and the prosecutors, with the lawyers and the police, with the social workers of the youth tribunal. We will explain the process of the Conference.

In a DVD we want to show three witnesses of FGC. After seeing the DVD we want to hear your opinion. Through statements we want to discuss and share experiences.

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Inclusive Restorative Practice

Bonita Holland
Trainer and Practitioner
United Kingdom

PAPER

A significant proportion of offenders have some form of disability either hidden or known and or mental health issues, with vulnerable people being more at risk of becoming victims of crime, and yet across the UK we continue to train practitioners as if all participants in a restorative process have an equal capacity to participate and engage with a process that requires good language and comprehension skills. A few trainers and practitioners are now developing inclusive practices that aim to overcome barriers to participation and engagement, with the hope that eventually all initial training will include disability awareness and examples of reasonable adjustments that experienced practitioners have found to be effective. This training workshop will provide participants with some experience of what inclusive restorative justice looks and sounds like, and there is also the opportunity to explore the creative development of reasonable adjustments based on core principles.

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Friday 13 June

16.00 -17.30

Workshop 1

62

Working with the Lessons from Desistance Research in Practice

Antonio Buonatesta
Mediator at Mediante

Belgium

Gaetane Zeegers
Mediator at Mediante

Belgium

Bart Claes
Mediator at Suggome

Belgium

Ingrid Marit
Mediator at Suggome

Belgium

Joke DeClerq
Mediator at Suggome

Belgium

Aarne Kinnunen
Deputy Head of Department at the Ministry of Justice
Finland

Beth Weaver or Fergus Mc Neil TBC

PANEL

Desistance research has focused mainly on how offenders give up crime in their own way, rather than how interventions can help them give up. Nevertheless the lessons learned from desistance research trigger important questions for professionals working with offenders. Can they be seen as assisting desistance? Is this or should this be an explicit goal?

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This question is particularly relevant for RJ professionals who will often not claim that reducing recidivism is a priority objective for their work. However, do professionals in RJ see desistance processes at work in their own practice? Is it possible to support this process? Can this or should this be one of the goals of a RJ process? What can be learnt in this regard from professionals working in probation and in prisons and what can they learn from RJ? Where are the obstacles and where the opportunities?

Building on cases from their own practice, professionals involved in RJ, and one academic, who has worked extensively on desistance research and its link with offender management, will tackle these questions.

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Workshop 2

63

Exploring social justice and conflicts in intercultural settings through story-telling

Katrin Kremmel

Junior Researcher at Institute for the Sociology of Law and Criminology

Austria

Gabriella Benedek

**Researcher at Foresee Research Group
Leader of ALTERNATIVE project**

Hungary

Tim Chapman

Lecturer on the restorative practices at the University of Ulster

United Kingdom

Sanja Copic

Researcher at Vicimology Society of Serbia

Serbia

DIALOGUE

During this dialogue session, we will explore and broaden our knowledge on social justice and conflicts in intercultural settings. Thematically, this session further builds on the panel “ALTERNATIVE action research in the spotlight of social justice, citizenship and identity” organized by the partners in the ALTERNATIVE project. In its beginnings, the ALTERNATIVE project defined its research interest as focussing on conflicts in intercultural settings. Hence the interest in interculturality decisively shaped our approach to the ‘object’ of research. During this dialogue session, we want to widen this perspective by explicitly including social justice into our common analysis. Thus we try to understand the phenomenon of social conflicts and exclusion on the intersection of interculturality and (social) justice. However, while the audience to the panel will be presented with insights gained through research activities within

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the ALTERNATIVE project, this dialogue will be facilitated as an open space session. Instead of confronting participants with what it is that we think we know, they are invited to share their experiences and knowledge on the given topic by way of storytelling.

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Workshop 3

64

Irish Reparation Panel Practice and the Search for Social Justice: The 'Community of Care' Approach to Offending Behaviour

Darren McStravick

PhD candidate Dublin City University

Ireland

PAPER

Restorative justice has been famously described as “a process whereby all parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future” (Marshall, 1999). In Ireland, it is available for adult offenders through reparation panel and victim offender mediation models. My research centres on observations of these reparation panels, namely *Restorative Justice in the Community*, based in County Tipperary and *Restorative Justice Services*, based in Dublin city. Offenders within these models can be successfully diverted from prosecution if they successfully repair the harm caused with, for example, apologies, financial reparation and community work. Both models have been operating for over a decade and have recently been expanding, but remain on a ‘pilot’, non-statutory footing.

This paper will discuss how both community representatives and criminal justice professionals are managing participating offenders by way of a ‘community of care’ ethos within reparation panel practice. This theory has been noted previously (for example, McCold and Wachtel, 2003), to describe relationships between victims, offenders and friends and family within restorative conferencing models. However, within Irish reparation panels victim attendance is minimal and significant others are not permitted. Despite this, I have observed a community of care ethos amongst panel representatives, namely police and probation officers, community representatives and the offender themselves. Many meetings are personalised, with

the panel and offender discussing personal issues such as debt and relational problems. Thus, this 'personal profile' element to panel discussions can allow for a deeper understanding of the circumstances and reasons behind the criminal acts. This can, in turn, lead to a more open and honest discussion of the criminal behaviour at issue. Further to this, it enables panel representatives to choose relevant reparative and rehabilitative contract options which will improve the opportunities for community reintegration.

65 ***The role of restorative practices (rather than restorative justice) in the desistance process***

Sheila Connolly

Director Cork Alliance Centre

Ireland

PAPER

The force of social influence and our interconnectedness and bonds are more influential in "*inducing law-abidingness*" (Robinson, 2002, p 375) than the threat of punishment from the criminal justice system. Both the desistance journey and restorative process hold great synergies and blend and complement each other as they seek to support change and challenge the disconnect in society. Insofar as is possible, restorative processes seek to rebuild relationships damaged by crime or other conflicts. The ultimate goal of the restorative process (Sullivan and Tift, 2001) is to transform the way we understand ourselves and relate to others in our everyday lives. Similarly, "*ultimately the pathways to desistance are through repaired relationships – within families, within communities, within the state*" (McNeill et al, 2012). Together with self-efficacy and self-determination, relationships are fundamental to the desistance process. "*The onset and maintenance of desistance depends, to a large extent and for a significant proportion of offenders, upon them developing pro-social thinking styles, higher levels of self-efficacy and pro-social bonds*" (Sapouna et al.; 2011; p 42), all of which are key within the restorative paradigm. With a strengths-based approach being fundamental to both restorative and desistance processes they seek to create

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a climate that encourages and reinforces good behaviour and positive relationships of mutual respect and support. Therein creating a safe environment, where responsibility for actions and the associated impacts are intrinsic. Within this framework there is an important place for justice-based projects to use restorative processes within their day-to-day interactions with Service Users as a means of empowerment in an experiential learning process so the concept becomes a 'lived' habit. Where restorative practices become more central to a persons 'way of being' their skill-sets are strengthened as they integrate into the community, family and workplace.

66

***Emotional Trajectories in Restorative Justice
Conferences for Adult Offenders: Findings from
New South Wales***

Meredith Rossner

Assistant Professor in Criminology at the London School of
Economics
United Kingdom

PAPER

Restorative justice conferences can function as rituals of inclusion, bringing offenders, victims and communities together for a common purpose to hold offenders accountable and provide reparations to victims. On the other hand, critics warn they can disempower participants and act as punitive rituals of degradation. Based on findings from an in-depth study of conferencing for adults in New South Wales, this paper explores how restorative justice conferences can create feelings of cohesion or division in the early stages of a conference. This can set in place a sequence of events leading to different emotional outcomes, ranging from positive feelings of goodwill and restoration, to drained energy and boredom, to acrimonious division. The development and impacts of such trajectories are explored, particularly when the processes and outcomes of a restorative justice programme are located against a backdrop of contemporary justice institutions and court practices. This research was undertaken with funding from the NSW Attorney

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General's department, and a final section of this paper reflects on how in-depth, qualitative research can inform best practice, and how operational partners can use such research when developing training and policy.

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Workshop 4

67

Social Justice and Education: An Opportunity for Restorative Practices

Nicola Preston

Director of Communications and Research for IIRP Europe
United Kingdom

DIALOGUE

Social justice implies fairness and mutual obligation in society: that we are responsible for one another and that we should ensure that all have equal chances to succeed in life. Research evidence shows that social inequalities are perpetuated by the competitive, standards driven nature of the education system. Social class is shown to remain the strongest predictor of educational success. Research also demonstrates that a lack of social capital constrains disadvantaged young people in their decisions about school-to-work progression routes. This is because social capital – social networks and relationships – confers a range of advantages on people and groups who have it. Restorative practices have been shown to build social capital, improve engagement of socially disadvantaged young people and is the innovative thinking that is needed to address inequality, prioritise engagement and pursue collective, holistic and collaborative approaches rather than individualistic ones. This dialogue session will explore the opportunities for restorative approaches to contribute to social justice in education.

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Workshop 5

70 ***“Who is really in the room?” some useful models for the mediator/facilitator of Restorative Justice from transactional analysis***

Eleonore Lind

Board member of the EFRJ

Certified Transactional Analyst and mediator

Sweden

TRAINING

Transactional analysis (TA) is a social psychology and a comprehensive psychology of people. During the training session I will present some useful theoretical models from TA – that have been of great help to me over the years. Both facilitator/mediator as well as parties in the room sometimes misunderstand what is being said or don't dare to speak what is really on their mind, sometimes perhaps feeling they don't have anything to say. What can we do to help parties better express their thoughts and feelings in a way that minimizes harm and increases understanding?

TA offers a model to understand how we can be of help to parties so that they easier can access what they would like to say. And to be a help for parties in their thinking- and feeling process so that they can resolve the problematic situations they find themselves in because of crime.

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Workshop 6

71

Building desistance in young people through restorative practices

Tina Mallard

**Practice Development Officer within the Kent Integrated Youth Services
United Kingdom**

Nick Wilkinson

**Assistant head of integrated youth services for Kent County Council
United Kingdom**

TRAINING

This training based workshop will look to expand participants thinking of how to work restoratively with young people and to build desistance through exploration and restorative dialogue and enquiry.

It will look at building empathy, engagement and diversity through a range of options. It will look at evidence based effective practice and "what works" It will look to build confidence in working with young people with individual needs to allow them to use their strengths to build a way forward.

It will be an interactive workshop that looks at different approaches, how you prepare for a session with young people. How a restorative group , working with parents can be challenging and how different approaches may be used to facilitate a session. Looking at the balance of welfare and risk and the barriers to engagement, we will explore how an assessment done restoratively can also be inclusive of risk factors and the likelihood of reoffending, but be based on the strengths and abilities of the young people and those who support them to be enabling of change.

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Workshop 7

72 ***VICTIM OFFENDER MEDIATION SERVICES OF THE
Basque COUNTRY DEALING FIRST WITH FAMILY
CASES***

Roberto Moreno Alvarez
Head of Justice Service for Adults
Spain

PAPER

We would like to present the consequences of mediating at criminal courts and family courts training in family mediation where interests of both parts in conflict are strongly related. We want to contrast this process with other European experiences of expanding VOM services to other jurisdictions and we would like to discuss the benefits of mediation at courts in family matters to get social justice.

73 ***Justice for the poor or poorer justice? Weighing
up potential benefits
and pitfalls of community participation in
restorative justice, at the intersections of
gender, race, and class***

Roxana Willis
PhD candidate in Law at Oxford University
United Kingdom

PAPER

This paper will explore how the concept of community has been understood by a variety of RJ schemes operating in one working class town in the UK, including programmes offered by the Youth Offender Services, and a more localised community programme. By presenting ethnographic portraits that outline the experiences of participants who have been involved in these programmes, the benefits and pitfalls of different types of community participation, particularly at the intersections of

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gender, race and class, will be assessed.

74

***Indigenous JUSTICE IN GUATEMALA: A
CHALLENGE TO PRINCIPLES OF Restorative
Justice?***

Elvina Erofeeva

Independent Researcher at Public Centre for Legal and
Judicial Reform

Russia

PAPER

Indigenous justice in Guatemala is regulated by the "Mayan Law", a code of rules for community life in which the concept of justice is indistinguishable from fairness and harmony. In neighbouring Chiapas, Mexico, ethnic Mayan Zapatistas have adapted the "Mayan Law" to their everyday lives and system of justice in a way observers describe as "participatory democracy". Indigenous justice is based on a restorative approach; it focuses on an offender's rehabilitation into the community, peaceful conflict resolution, desistance from crime, and integrity of communal life. Indigenous authorities, who act as mediators, are not paid, because they see their remit as preserving the general balance of the world. Historically the Guatemalan state judicial system, based on Roman law, has co-existed with indigenous self-government, based on common law. With state judicial reform, the government launched a policy of better access to institutional justice by creating "mobile courts of reconciliation". Foreign NGOs have also worked to introduce Western-style mediation into communities. But any intervention into communal traditions (e.g. training of indigenous mediators to work on a paid basis) will inevitably affect the indigenous world view. And, as some indigenous peoples have demanded, justice "should not become a business".

Two questions arise:

- How can state justice and indigenous "democracy" correlate?
- How can the indigenous world vision co-exist with the Eurocentric values of RJ?The answer can probably be found in developing social and legal ground.

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Workshop 8

75

Strategic Steps in the Implementation of Restorative Approach

Ulla Sara-aho

Headteacher of Kirkonkulma Primary School

Finland

DIALOGUE

"If we don't model what we teach, we are teaching something else" (Abraham Maslow). When implementing restorative approach into school or other organization, a shared and a common understanding is needed to be build inside the organization about the core values and the vision. The whole implementation process can be designed and put into practice by using and modeling restorative approach and practices. The implementation process itself builds the feel of trust, safety, support and respect into the organization if it's put in to practice in a restorative way. In that case the implementation process itself models the restorative approach/practices, and the process becomes a learning process and challenges the individual staff-members and everyone who is involved to reflect their own personal- and professional mindset. Thinking and having a dialogue together helps the whole organization to act in a more restorative way in the future. Restorative school/organization needs restorative leadership and structures that allow and support staff towards restorative approach. Restorative leader is aware of the double task for the group: The first one is finding and exploring the organizations vision and the second one is building and maintaining the well being of the group.

This workshop is focused on the matter of implementing RP into school/organizations. There are some important strategic steps that needs to be taken when implementing RP to the organizations culture. I am sharing the ideas through my own experience and hoping other professionals to share their ideas in a dialogue in the workshop together. I am talking partly from the headteachers, partly from the implementers perspectives.

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Workshop 9

76

Restorative approaches in North Karelia Municipal Education and Training Consortium (vocational school)– good working skills

Harri Väisänen

Senior Trainer in School Mediation program

Finland

DIALOGUE

What has happened on our three years journey with North Karelia Municipal Education and Training Consortium (PKKY). What have been the moments of joy and when have we been thinking how can this be so difficult.

North Karelia municipal education and training consortium is the organization whose main function is to provide qualified vocational education in the county of North Karelia. The mission of the North Karelia Municipal Education and Training Consortium is to develop vocational expertise for the benefit of North Karelia, taking both the working life and the individual into consideration.

Our co-operation started first in 2011 with peer mediation training in every unit of the North Karelia Municipal Education and Training Consortium.

After the pupils had shown the benefits of RP there became a need for larger/wider training for the staff to use Restorative methods, practices with their students and mediation in conflicts where Peer Mediation wasn't a proper method.

Having more good results and experiences with RP PKKY decided to train their own workplace mediators.

Following issues are emphasized in our program: learning social skills for future life, and seeing conflicts as resource in spreading understanding.

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Workshop 10

77

Peacemaking Circle training

Borbála Fellegi

**Executive Director FORESEE Research Group (HU
section)
Hungary**

Dora Szegő

**Researcher at Foresee Research Group and ALTERNATIVE
project
Hungary**

TRAINING

Our training intends to give a practical insight into a European approach of the Peacemaking circle method, based on our recent experience in a two year long pilot project carried out under the coordination of the University of Tübingen, in partnership with the KU Leuven, the European Forum for Restorative Justice and the National Institute of Criminology in Hungary, co-funded by the European Commission.

Peacemaking circles derive from Canadian first-nation members, but are used as a method world-wide in many different situations. Peacemaking circles have a unique potential in dealing with community-related conflicts. The method is especially adequate in intercultural settings and situations where there is a social distance between the people concerned, whereas that conflict can be, but does not necessarily is, a crime. In Peacemaking circles a wider group of people affected by the conflict on different levels gets the chance to contribute to restoration and healing. 'Peacemaking circles use a structure to create possibilities for freedom: freedom to speak our truth, freedom to drop masks and protections, freedom to be present as a whole human being, freedom to reveal our deepest longings, freedom to acknowledge mistakes and fears, freedom to act in accord with our core values' - as Key Pranis, a leader representative of the method says. A peacemaking circle can't be defined or described in words adequately; it can only be

experienced to understand it to its full extent.

Thereby we find that the training is the most adequate form to get the most from the approach: after an analytic overview of the method the participants of the workshop will be invited to a role play based on a real crime case. The circle and the discussion afterwards (facilitated by one of the presenters) will give a personal and practical insight into the underlying values and structural elements, such as the talking piece, the keepers' roles, the guidelines and ceremonies.

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Saturday 14 June
09.00 – 11.00

Workshop 1

78

***RESTORATIVE PRACTICES:
Necessary and urgent to build INDIVIDUAL and
COLLECTIVE RESPONSIBILITIES for greater social
justice***

Joanne Blaney

Director of the Human Rights and Popular Education Center
Brazil

MOVIE

In this presentation, we will analyze and discuss a film about our work with restorative practices with children, adolescents, inmates, prison staff, aggressors involved in violence against women and employees in social-educational projects. We will address the benefits and challenges of these practices.

The themes include how to build individual and collective responsibility, how to work with the desire for vengeance of the victim as well as fear of vengeance of the offender and how to address some of the urban social injustice issues that are part of the restorative process in a poor and violent neighborhood in the city of São Paulo, Brazil. Through case studies we will look at the challenges of empowering the victim, offender and community to be active in the process and in dealing with the deficiencies in the social networks of the region that do not function because of constant turnover and lack of accountability. These systemic aspects make the construction of true restorative and social justice more difficult for us as a Human Rights Center. It is essential that a good facilitator is able to identify the complexity of restorative justice processes when there is not a network of support and to recognize how these issues can limit the effectiveness of the process. It is important to pressure leaders and work with others to construct new alliances that help to create a functional multidisciplinary social system that uses restorative processes.

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Workshop 2

79

The possibility of using a restorative justice programme in cases of historic intra familial sexual abuse will be examined

Olive Lyons

Research assistant at the University College Dublin
Ireland

PAPER

This paper will seek to examine the possibility of healing for victims/survivors of intra familial child sexual abuse through a Restorative Justice framework.

The focus of the presentation is on the unmet needs of victim-survivors who were subject to intra familial child sexual abuse and the possibilities of an alternative form of justice. The cases are all historic in nature. This paper/presentation will draw on data from an Irish research study entitled *Sexual Trauma and Abuse: Restorative and Transformative Possibilities* (under the direction of Dr. Marie Keenan based at University College Dublin). The presenter is currently working as a research assistant on this study. There are two cohorts within the victim survivors of intra familial abuse, in elementary terms those who pursue justice through the traditional criminal route and those who chose not to pursue this form of justice. Both of these cohorts will be discussed in depth as there are variances in the outcomes for the two groups. The findings indicate that those who seek justice through the traditional criminal route are often left unfulfilled from their experiences within the system. Also the victims of intra-familial sexual abuse, who do not report the offenses to the police authorities, are at times equally unfulfilled. In light of this, it will be proposed that the conceptualisation of Justice needs to be individually defined as each victim/survivor will bring their justice narrative to the fore. Therefore the possibility of restorative justice as a means of healing from intra familial sexual violence either within or outside the criminal justice system will be examined.

SATURDAY 14 JUNE 09,00-11,00

Sexual violence and Restorative Justice: a comparative analysis of Denmark and Ireland

Estelle Zinsstag
Senior researcher at LINC
Belgium

Marie Keenan
Forensic psychotherapist at the University College Dublin
Ireland

PAPER

While Denmark is quite advanced in its practical use of restorative justice within both its statutory and voluntary sectors in some cases of sexual violence, the Irish situation is developing along somewhat different lines, with services emerging less within the statutory realm and more within NGOs providing therapeutic services for victims and offenders and within a church funded victim service. This paper offers a comparative analysis of restorative justice in cases of sexual violence within both jurisdictions and draws forth lessons from both. To begin, the paper presents a brief overview of the restorative services available in both countries in cases of sexual violence, considering how the services developed, the legislative framework, if any, underpinning the work, how the services are delivered and for which type of sexual crime, which victims, which offenders and which communities. A comparative analysis of the key themes emerging in both jurisdictions will then be advanced, from a macro service organisation perspective and a micro practice service delivery point of view. A number of important themes such as interagency work, type of sexual crime engaged in restorative justice, training of facilitators, referral pathways to services and legislative frameworks for responding to sexual crime will be discussed. The paper will conclude by making suggestions for a way forward which have general universal applicability.

Restorative Conferences and Forgiveness: is there a Place for Forgiveness in Restorative

Justice?

Martin Mulrennan

Legal Researcher in University College Dublin
Ireland

PAPER

This paper presents the role of forgiveness and the concept of prescribed forgiveness in restorative justice practices. Restorative justice and forgiveness are examined in the context of qualitative research entitled *Sexual Trauma and Abuse: Restorative and Transformative Possibilities*; currently being undertaken in University College Dublin (UCD). Punitive models in the CJS tend to assume that victims want to teach the offender a lesson. While that may be the case for some survivors of sexual crime, others simply have unanswered questions or unmet needs and want 'closure' or 'restoration'. Questions arise as to whether or not such closure can be achieved through restorative justice without forgiveness. While forgiveness can be the ultimate goal for many who engage in restorative practices, the idea of judging restorative conferences by the levels of forgiveness shown can arguably limit the experiences of both the victim/survivor and offender. It can be argued that it is inappropriate to burden the process of coping with past injuries with the concept of forgiveness and that restorative justice conferences might be better conceived in terms of addressing the unmet needs of the victim/survivor and developing an understanding between the victim and offender. Drawing on interviews with victim/survivors of sexual crime and offenders, this paper disentangles the idea of forgiveness from religious and stereotypical undertones and examines if there is a place for forgiveness in restorative justice models. It discusses if reconciliation can be achieved in the absence of forgiveness or if the former depends in some one way upon the latter.

82 ***The role of community responsibility in Restorative Justice***

Graham Loftus

Researcher in University College Dublin

SATURDAY 14 JUNE 09,00-11,00

This paper examines the tension between the social context of offending behaviour and offender responsibility as it plays out in a Restorative Justice meeting/process. If RJ is seen as the healing of harm as a result of a criminal act then the conceptualisation of harm must be clearly defined. Because those most directly related to the actual criminal act are the victim and his/her community then harm will be defined as the degree to which the offender's actions have caused these parties injury. This implies that the healing process is utterly dependent on the extent to which the offender recognises, and accepts responsibility for, the harm done. This, though, ignores the contextual realities that made the crime possible in the first place as it focuses solely on the offender being held accountable without questioning the possible harm he/she has experienced. The traditional RJ process that deals only with the harm caused by the immediate criminal act does not adequately conceptualise other manifestations of harm that help to make criminal victimisation possible. It is argued that the community holds a significant degree of responsibility for the existence of crime and subsequent criminal behaviour. However, this responsibility is laid firmly at the feet of the offender in the aftermath of a crime and in the restorative process. The community, therefore, must confront its own actions and thus engage in the process as a responsible party that helped create the conditions for offending behaviour. If the offender and offence are viewed as something separate from the community then the offender's presence will forever be viewed as that of a social contagion that will be a constant threat to the community. The challenge of reintegration and desistance will thus be complicated.

Workshop 3

83 ***Building “lifetime circles” and the remaking of the “peaceable” classroom***

Maisha Winn

Professor of Language and Literacy University of Wisconsin-
Madison

United States

PAPER

In this paper presentation the author examines the intersections of social justice and literacy in the United States and, more specifically, the ways in which some American public schools are moving away from zero-tolerance policies and punitive language that disproportionately impacts African American, Indigenous, and Latino youth in favor of what the author refers to as a restorative discourse. In this paper presentation the author will outline a theoretical framework for what she calls a Restorative English Education—that is, a pedagogy of possibilities that employs literature and writing to seek justice and restore (and, in some cases, create) peace that reaches beyond the classroom walls. Ultimately the author argues that a change in language and mindset at the classroom level is essential if students and teachers are to ever return to the notion of the “peaceable classroom” where all students (and their families’) lives are humanized, valued, and students are considered worthy of robust learning experiences.

84 ***How's It Going? The Challenges of Implementing Restorative Justice***

Ted Wachtel

President and founder of the International Institute for
Restorative Practices

United States

Lesley Davey

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Chief Executive of IIRP Europe
United Kingdom

Nicola Preston

Director of Communications and Research for IIRP Europe
United Kingdom

Vidia Negrea

Director for Central and Eastern Europe, IIRP Europe
Hungary

John Boulton

Director of Training and Consultancy , IIRP Europe
United Kingdom

DIALOGUE

A facilitated discussion, with several panelists making short presentations about their work in policing, prisons, courts and schools, and the challenges that they have encountered in attempting to implement restorative justice in varied settings in the United Kingdom, Ireland, the U.S. and Hungary. Although the presenters will offer initial content, the session will include a circle discussion that offers substantial opportunity to attendees to sharing their perspectives as well. The varied presenters, for more than a decade, have been doing innovative work in a variety of criminal justice and educational settings. While they have had substantial successes over the years, they have also had disappointments and frustrations that they will share with those in attendance.

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Workshop 4

85

Charity action in a Hungarian village – a case study of a restorative justice process embedded within intercultural background

László Balla

Researcher in the ALTERNATIVE project

Hungary

PAPER

In the ALTERNATIVE research project our aim is to research and observe restorative justice process concerned with conflicts in intercultural settings. In this paper, I analyse a conflict case and the restorative processes that followed, and focus on the following points: How can we trace the intercultural context of the conflict and what was its role in the case? What is the relation between local intercultural differences and the restorative processes? What are the effects of restorative justice processes on the intercultural differences and on the perception of security in the aftermath?

The conflict centers on a charity provision distribution action organised by the Red Cross of Hungary. Criticism of the distribution process was focussed on the following areas: the principle and criteria of eligibility; the method of distributing the packages; and, the distribution of information (advertising the event). We found that local differentiation of Roma and non-Roma played a main role in the conflict.

In the workshop I will argue that restorative justice processes are relevant to depict the boundaries of intercultural groups, and to understand how the local differentiation of Roma and Non-Roma is constituted. At the same time, conflict resolution processes between intercultural groups offer good opportunities to observe the interactions between sociological problems as discourses (macro level), and the dialogues of conflict resolution (micro level).

SATURDAY 14 JUNE 09.00-11.00

Restorative Justice and Urban Citizenship (Brussels as a case-study)

Erik Claes

Lecturer HUBrussels

Belgium

PAPER

In november 2013 researchers of the HUB started off an action research project in Brussels aiming at introducing restorative justice practices in two urban areas in the centre of the City. Both areas are marked by a dense diversity of social networks and ethnic groups, by poverty, housing problems, lack of green zones, and processes of gentrification. This complex urban setting provokes a multitude of tensions and conflicts, and forms an ideal stage for testing restorative justice practices and expertises.

The central hypothesis that underlies this paper comes down to this: initiating an encounter between urban challenges (in Brussels), on the one hand, and Restorative Justice ideas and practices, on the other hand, requires a rethinking of the grounding values and concepts of restorative Justice. Entering into the complexities of urban conflicts, their causes and consequences, invites us to question a few assumptions and key-convictions in restorative justice discourse. It also brings to the fore conceptual tensions within the RJ framework itself.

This paper aims at reinventing the conceptual story of restorative justice in order to infer guiding restorative justice principles for urban practices of conflict resolution.

We will proceed in three steps:

The first step departs from Brussels as an urban environment. Attention is drawn to six urban transitions and its impact on urban conflicts

The second step develops an idea(l) of urban citizenship build upon the capabilities approach (Nussbaum), Right to the City (Lefèbre), Aspirational Citizenship (Appadurai).

The third step measures the impact of urban citizenship on the central principals, and goals of restorative justice, but also on the implementation of concrete restorative justice programmes in the urban environment of Brussels.

SATURDAY 14 JUNE 09.00-11.00

Restorative approaches through an intercultural lens

Brunilda Pali

Researcher of the FP7 project ALTERNATIVE

PhD candidate at the Leuven Institute of Criminology (LINC)

Belgium

DIALOGUE

This dialogue session is organised around the central questions of the FP7 project ALTERNATIVE, which aims to explore the applicability of *restorative justice approaches in intercultural settings*. The project focuses both on the phenomenon of conflict and on restorative justice approaches to conflict in intercultural settings, especially where differences in ethnicity, religion, language, nationality, traditions, and life-styles are prominent. In exploring this new field of research and practice in Europe, our objective is to first identify existing approaches to tackling conflicts in intercultural settings, and second to stimulate further support for the field in relation to this topic. Everyone with some experience, idea, or sheer curiosity about the intersection of restorative approaches and interculturality is welcomed to this dialogue session. The researcher will steer the dialogue between participants into thinking about identity of self and other, (social) justice, and the role of restorative justice in an increasingly intercultural world. We hope to have a fruitful dialogue where many of the concrete and daily concerns of the practitioners when tackling these cases find an important space.

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Workshop 5

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Restorative Conferences and Forgiveness: is A restorative community model approach: processing the process

Anna Bussu

Assistant Professor in Social Psychology and Psychology
and Law University of Sassari

Italy

Gian Luigi Lepri

Honorary Judge at the Juvenile Court in Rome
Researcher at the University of Sassari

Italy

PAPER

The conflict/crime management promoted by the restorative model represents a cultural shift: community who call themselves Restorative City, schools that adopt restorative approaches, urban areas that use the community for the effective management and resolution of conflicts (Wright, 2010; Patrizi, 2014). The contribution will focus on the presentation of a model of Restorative City, for the protection and promotion of individuals and communities, which is being tested as part of a national research project sponsored by the University of Sassari. The paper will present the development of a theoretical research on governance, on indicators and restorative justice that substantiate the proposed model of Restorative Community, the CORE model (Relational Vocational Community). Our model is immersed therefore in a complex international debate on normative changes, the implementing measures and operational protocols to be adopted in judicial and extrajudicial fields, with the main aim to promote individual and collective welfare, fight recidivism, participate in the dissemination of a sense of social security. Its objectives traced back to the need to revise the penal systems in the light of the scientific evidence and operational considerations and, at the same time, the

development of new forms of treatment to reduce the conflict within the social dynamics.

Will be presented the structure of the three-years action-research project that provides focus groups in order to involve the representatives of institutional agencies of the following areas: Justice, Health, Security, Education and Policy. The researchers will facilitate the activities of the technical committees and will monitor the whole process.

⁸⁹ ***Oral Language Competence and Restorative Justice
Conference Processes***

Hennessey Hayes
School of Criminology and Criminal Justice, Griffith
University
Australia

PAPER

RJ is a process that requires young offenders to effectively engage in a conversation about their wrongdoing and ways of repairing harms they have caused. As such, the RJ process draws heavily on the oral language abilities (everyday talking and listening skills) of all parties, most notably those of the young offender, who needs to listen to complex and emotionally charged accounts of the victim's perspective on the offence, and formulate their own experiences and perspectives into a coherent narrative that is judged as adequate and authentic by the parties affected by the wrong-doing. However, one in two young offenders has a clinically significant but undiagnosed language impairment. This paper considers the impact that language impairments have on the "success" of restorative justice conference processes and how young offenders and other key stakeholders (e.g., victims) perceive outcomes.

⁹⁰ ***Restorative Justice and Workplace Bullying***

Valerie Braithwaite
Australia

PAPER

SATURDAY 14 JUNE 09.00-11.00

Workshop 6

91

Restorative Justice in the Workplace: a high stakes game

John McDonald

Chief Executive Officer Proactive Resolutions

Australia

MOVIE

Three plays On Restorative Justice Conferencing have been written by Australia's most celebrated playwright, David Williamson with the first, *Face to Face*, being turned into a film by Director Michael Rymer (*In Too deep, Battle Star Galactica, Perfume, American Horror Story*).

The film is based on the playwright's experience of RJ Conferences I facilitated and begins with a construction worker being charged with assaulting his boss. Rather than process the offence through the justice system, the assault is dealt with in a civil setting when my firm is asked to prepare and facilitate a Restorative Justice Conference. As the RJ Conference unfolds, it explores the complexity of conflict and violence in the workplace, the subtle and not so subtle racist and sexist behaviour that occurs in workplaces and the very real political risks are faced by employees and managers when they become involved in Restorative Justice Conferencing.

Workplace violence and conflict costs economies billions of euros every year and generates heartache on a scale not understood. The dialogue following the film will explore the application of this process to complex workplace conflict.

As testament to the films integrity and power, filmmaker Michael Moore (*Fahrenheit 9/11, Bowling for Columbine*), said, "This is one of those rare films which grabs hold of you at the beginning and doesn't let go. It is an amazing piece of cinema - riveting, thought-provoking, transformative. Only once or twice a year do I see such a film - and this year that film is *Face to Face*. Everyone should see this film."

Workshop 7

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Understanding victim-participation in RJ: looking for justice for oneself as well as for others

Tinneke Van Camp

Postdoctoral fellow School of Law, Centre for Criminological Research, University of Sheffield
United Kingdom

PAPER

In this paper, I seek to advance insight into the reasons for victim-participation in restorative justice (RJ). More specifically, I look at how these reasons are associated with self-relevant and prosocial justice motives and whether these motives evolve as the restorative procedure progresses. I draw on findings from an ongoing qualitative study regarding experiences of some 30 victims of property crime or crime against a person who agreed to do victim-offender mediation or conferencing, before or after penal adjudication, in Belgium and the UK. Victims-participants are interviewed a first time soon after they agree to participate in RJ or initiate it and again after the restorative intervention is concluded. Findings indicate that victims appreciate the opportunity to communicate with their offender because it enhances perceptions of justice for themselves as well as for the offender and the society. Victim-participants are not only looking to meet self-relevant interests for reparation and voice through RJ. They also appreciate the opportunity to help the offender, raise victim awareness and contribute to a safer society. Moreover, such prosocial motives or benefits towards offender and society are identified from the start of the restorative intervention and are maintained throughout the procedure. This then suggests that concerns for the offender and the society are taken into consideration when agreeing to participate in RJ, rather than merely result from experiences in RJ. Consequently, these findings clarify the role victims might be willing to play in the aftermath of the crime and the appropriateness of victim-led RJ.

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Ensuring Quality in Restorative Practice

Kieran O'Dwyer

Board Member The Childhood Development Initiative

Ireland

DIALOGUE

Significant benefits can flow from the use of restorative approaches in various domains. These include, in the criminal justice domain, reduced re-offending and higher satisfaction with processes and outcomes. However, research and experience show that delivery of benefits, such as desistance, depends on the quality of actual practice and adherence to restorative principles, values and objectives as well as fidelity to models and programmes. Where results fall short of expectations, this can usually be attributed to poor practice rather than flawed theory or models. Commitment to high standards is critical to success but is insufficient of itself to ensure consistent high quality delivery. The commitment needs to be backed up by independent verification and on-going support, supervision and development. The workshop would look at the articulation of appropriate standards across diverse domains and models of practice, accreditation of trainers and practitioners in each domain and methods and structures of on-going support and continuing professional development. It would draw on current work in Ireland on the development of a quality assurance framework for restorative practice, which draws in turn on international work in this area. The initial phase of the work in Ireland is due to be completed in April/May 2014. The workshop would be inter-active and draw on the experience of participants.

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Workshop 8

94 ***Restorative Justice and Desistance: a seamless practice***

Tim Chapman

Lecturer on the restorative practices at the University of
Ulster

United Kingdom

PAPER

Research into restorative justice has found that it consistently out-performs other approaches in reducing reoffending. However, this research assumes that the primary desistance effect is the restorative process.

This approach disregards what happens after the restorative process and the agency of the person responsible for offending. Desistance research has identified certain processes which support people stopping harming others. However, a rigorous model of practice is yet to emerge and be evaluated. This paper identifies the connection between restorative justice and desistance research and suggests a practice model which could be implemented and assessed empirically.

95 ***Teaching Restorative Justice***

Anamaria Szabo Romania

Lecturer & Vice-Dean, Faculty of Sociology and Social Work,
University of Bucharest,
Romania

Ida Hyde

Professor, Centre for Welfare and Labour Research, Oslo and
Akershus University College for Applied Sciences (HIOA) and
Centre for Peace Studies, University of Tromsø

Norway

Magnus Lønneberg

Norway

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Eleonore Lind
Board member of the EFRJ
Certified Transactional Analyst and mediator
Sweden

Ivo Aertsen
Coordinator of the FP7 project ALTERNATIVE
Professor at the Leuven Institute of Criminology (LINC)
Belgium

PANEL

Restorative justice is now a recognised field of practice and research within the larger social field. As restorative practices permeated different systems, the need for a structured education among restorative justice practitioners has emerged. Besides the short-term trainings provided by different public and private organisations to those that want to practice mediation, conferencing and other forms of practice, restorative justice also became in the past decades a subject of interest among universities. Nowadays, the restorative justice field is introduced in undergraduate and graduate curricula, as distinct subjects or as whole programmes. This panel presents such examples from universities across Europe, continuing the work of past conferences, such as that organised by the EFRJ in Bilbao, 2010.

Chair: **Anamaria Szabo**, University of Bucharest, Romania

Ida Hydle & Magnus Lønneberg:

RJ teaching and training at the Centre for Peace Studies, University of Tromsø and within the Red Cross Street Mediation project in Norway

We have been teaching RJ/RP in different institutional and organisational settings and at all academic levels for many years in Norway. We have long experiences in teaching at non-academic levels, e.g. street level, with non-organised youth also finding themselves at the edge of problematic activities. Two DVD's will visualise some of our experiences with teaching, from a master class at the Centre for Peace Studies, University of Tromsø, and from Red Cross Street Mediation. In particular we

emphasize peace circles as a methodology in teaching and as a methodology of problem raising, problem solving and conflict transformation. **Eleonore Lind:**

A pragmatic approach teaching professionals Restorative Justice in Sweden

To sit with "the enemy" in a dialogue about difficult issues requires courage and often a third party, the mediator/facilitator. In Sweden the tendency is for withdrawal and harsh words rather than dialogue and mediation. Teaching basic principles to already professional people, although in different fields, requires the trainer competency, not only regarding the theoretical underpinnings of restorative justice but also the ethics and values permeating the method. Parallel to working with restorative justice I have developed my Transactional Analysis practice in therapy, supervision and teaching which has greatly influenced my RJ teaching. I will describe my approach based on 15 years experience. **Ivo Aertsen:** *Teaching Restorative Justice at the University of Leuven, Belgium: Preliminary results of a European survey on teaching Restorative Justice*

Besides a short introduction on teaching restorative justice at the KU Leuven Institute of Criminology, I will present the results of a survey that has been done last months on how restorative justice is included in university curricula in several countries. Both the contents of the RJ courses and the format of teaching will be discussed, and we will explore how information on RJ courses and training can be made available internationally through the European Forum for Restorative Justice.

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Workshop 9

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Restorative Justice in Prison

Ilaria De Vanna

Psychologist, mediator, trainer

Italy

PAPER

The project aims to evaluate the feasibility of the most recent European legislation in restorative justice related the Italian Law of August 9, 2013 n. 94. Location of the experiment is the Prison of Bari

97

Scotland's novel approach to young people and offending: restorative justice and the 'whole system approach'

Laura Robertson

PhD student at the University of Glasgow

United Kingdom

PAPER

Restorative justice interventions are increasingly the main disposal utilised by practitioners as an early intervention measure in the Scottish youth justice system and more recently as a diversion from prosecution measure for sixteen and seventeen year olds. The aim of this study is to evaluate a new Scottish strategy entitled the 'Whole System Approach' to dealing with young people who offend by exploring the contribution of restorative justice interventions in one local authority in Scotland. This is the first research study to adopt a detailed case-study approach of a restorative justice service in Scotland and to evaluate the new 'Whole System Approach' through interviews with practitioners and young people; documentary analysis of case files; and statistical analysis of data on restorative justice cases. Specific objectives of this research include: discovering young people's experiences of the restorative justice process; how these experiences impact on

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individual outcomes regarding reoffending and 'softer' outcomes; and to examine the pathways and processes that young people go through before and after the process. A further objective of this study is to explore relevant practitioners' perceptions on the use of restorative justice processes within the context of the 'Whole System Approach'. This paper will explore key themes to emerge from the research at this stage with an emphasis on how young people experience and understand the process; the outcomes for young people; and how restorative justice is situated within the Whole System Approach.

98

Family Matters Unit- Maghaberry Prison

Austin Treacy

N.I. Prison Service as a Prison Officer

United Kingdom

PAPER

The Northern Ireland Prison Service (NIPS) in collaboration with Barnardos Northern Ireland established a 44-bed unit within Maghaberry Prison in October 2012. The pilot programme sought to address offending behaviours of fathers in prison through a dedicated full-time programme of family related activities and interventions.

Our work sought to develop a Monday to Friday, full-time dedicated programme for 20 weeks with Barnardos Parenting Matters course at the heart of the regime. Two Barnardos staff were recruited to work alongside prison staff in the residential unit. Another important feature was the introduction of 2 x 4-hour family focused visits each month for the duration of the programme.

We sought to connect fathers to their children and partners through extensive training and awareness interventions. The message of the intergenerational impact on children by the imprisonment of a parent was interwoven in key themes of all our work. We strove to teach and relearn positive parenting techniques and behaviours.

The "Big Visit" - This additional visit takes place on alternate Saturdays in our Learning & Skills Department and lasts for four hours. The "Big Visit" gained its name from the children taking

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part who refer to it in this way. The visit is structured to include a short introduction to the day's event, homework club/activity session, craft class, baby massage, library visit and opportunity to read to children and family play free time. Dads also plan, prepare, cook and serve a mid-day meal with their family.

Barnardos programme draws on dad's own experiences of both being parented and of being a parent. This includes: Understanding the needs of a child, the important role of dads in children's lives, ages and stages of development, promoting positive communication between parent and child, building healthy esteem in children, understanding and coping with difficult or challenging behaviours, how to explain prison to a child, the impact of violence on children and parenting styles.

99

***The 'Catch - 22' of non-accessible treatments:
risk-reduction, irrational decisions and human
rights in Northern Ireland***

Alice Diver

Lecturer University of Ulster

United Kingdom

PAPER

This paper examines recent Northern Ireland case law on the issue of prisoners' rights to access rehabilitative treatments. In *JR70's Application* [2014] NIQB 5 for example, the High Court recently found that the Prison Service should have had regard to the applicant's Article 8 ECHR rights and those of his daughter. Equally relevant was the UNCRC Art 3(1) ('best interests of the child as primary concern') and Art 12 ('participation') rights of the applicant's child, in gauging whether their failure to place him on a Sex Offenders' Treatment Programme was in contravention of Rule 65 of The Prison and Young Offenders' Centre Rules (NI) 1995. The 'catch-22' consequences of such a decision, meant that the applicant and his daughter were prevented (via subsequent family proceedings) from having any form of direct contact with each other, ostensibly on the basis that the applicant 'had not undertaken any offence focussed work' to reduce his risk of re-offending. In *Tadas Lapas'*

Application [2013] NIQB 118, the applicant (a Lithuanian national) similarly sought to rely upon Articles 5 and 14 of the ECHR in claiming that he had been discriminated against, by not being permitted to access offending behaviour work. It will be argued that where prisoners are required to demonstrate efforts in risk reduction, but are simultaneously prevented from accessing available rehabilitation programmes, then 'irrationality' and a failure to fully consider human rights principles may occur on the part of decision-makers. The paper also looks to comparative examples from ECHR signatory states, in a bid to find guidance over accessing treatment as of right.

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Workshop 10

100

Why so shy? The difficult path for restorative justice within the Chilean criminal justice reform

Alejandra Mera González-Ballesteros
PhD candidate, Institute of Criminology, Cambridge
University
Assistant Professor and Academic Director at the
Faculty of Law, Diego Portales University
Chile

PAPER

In 2000 Chile transformed its criminal justice procedure in a radical way: it went from having one of the most orthodox inquisitive systems at an international level, to a different system with definite adversarial features. Subsequently, in 2007 a new juvenile justice system was implemented, including these same principles and regulations with not many variations, adding, however, to its catalog of sanctions, reparation for the harm to the victim (Article 10). In this way, a sanction with an eminently reparatory content was introduced for the first time in Chile.

Now, six years after the implementation of the juvenile criminal responsibility law, the reparation for the harm to the victim sanction has been rarely used and there have been few or almost no mediation processes having this goal. This study tries to delve into the reasons behind this situation, mainly from the point of view of the fundamentals of the different legal actors involved in its implementation and their reasons not to encourage its use. To investigate this, judges, prosecutors, defenders and damage and service delegates serving the community were interviewed, and through them an investigation was carried out regarding the causes that they deemed would explain the little use of the sanction.

The reasons analyzed vary from specific features of the juvenile criminal justice system and legal culture, to other more structural circumstances, such as the structural inequalities of

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Chilean society, the lack of involvement of families in juvenile justice procedures, etc.

101

The benefits of a Restorative Conference Process from a Joint Agency Perspective

Stephen Murphy
Youth Diversion Officer PSNI
United Kingdom

PAPER

The Workshop will be a visual presentation to include dialogue which will consist of a joint agency PSNI/YJA approach to desistance using the model of Restorative practices used in Northern Ireland.

The aim of this presentation will be to demonstrate the Youth Conference process to incorporate the views of all involved, including the victim and the person having caused the harm. This assists both parties to incorporate the impact on each others lives and also creates a foundation for which measures can be put in place, whereby, they will both benefit from the process and therefore move forward in a positive way.

102

***“Learning Restoratively Together”
Changing Old Patterns: Establishing New Ways
to Live Well with One Another?***

Derick Wilson
Reader Emeritus in Restorative Practices, University of
Ulster
Researcher in the ALTERNATIVE Programme
United Kingdom

PAPER

In the mutually antagonistic atmosphere of the Northern Ireland ethnic frontier it was impossible to experience what metropolitan societies called peace.

This paper examines restorative learning tasks around: making peace with people from opposed traditions; gaining a critical distance from historical identity group belonging; critiquing an

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ambivalence to violence; exploring educational means of people trusting, as equals, those they have previously seen as 'the enemy' how developing relationships and civic and political structures, might enable all to deal more openly with the past. It examines: learning methods that promote and sustain an openness to old and new citizens; how experiences of citizenship, not group identity, can be established as primary points of identification; core values being established at the heart of public and civic life about treating one another equitably, appreciating diversity and promoting our mutual interdependence the learning potential of public, civic and political society spaces empowering people to create a more civil society. Essentially this presentation explores whether citizenship can trump identity in Northern Ireland and how restorative learning can lead to ease with different others.

103 ***Culturally Motivated Violence against Women: a Restorative Response***

Clara Rigoni

Ph.D. candidate of the International Max Planck Research School on Retaliation, Mediation and Punishment (IMPRS REMEP)
Germany

PAPER

Culturally motivated crimes, committed by members of migrant minorities in adherence to their cultural and religious traditions, have become a widespread phenomenon nowadays in Europe. Among them, culturally motivated violence against women has received, in the last few years, special attention due to the involvement of vulnerable and often minor victims. Formal criminal justice systems have failed in their attempt to tackle these crimes through traditional retributive responses, while almost no investigation on the possibility of using restorative instruments for this category of crimes has been carried out. However, the weight that cultural and religious traditions as well

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as family- and community-members have in the realization (and in the aftermath) of these crimes must not be underestimated; this is the reason why their involvement in the resolution of such cases seems rather appropriate. As part of an action plan aimed at reducing honour-related violence, the Norwegian government has started implementing specific Mediation and Family Conferencing programs offered by stated based services, NGOs and faith-based (Islamic) organizations; other European countries such as Germany, Belgium and the UK have treated similar cases through restorative justice instruments. The paper, aims at discussing possible benefits and risks deriving from the application of RJ programs to the mentioned crimes. The perspective of victims (in terms of, a. o., access to justice, willingness to testify, sense of security), offenders (with regard to punishment and rehabilitation) and communities (both the migrant community and the host society) will be taken into consideration. Sexual violence, domestic violence and forced marriages will constitute the object of the analysis.

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Workshop 11

104

Building Bridges: Pathways to building bridges between practice and research in the field of restorative justice

Gerry Johnstone

Researches at the University of Hull

United Kingdom

Iain Brennan

Research at the University of Hull

United Kingdom

Katharina Resch

Senior Researcher at Makam Research

Austria

PAPER

This paper discusses the challenges involved in systematically developing an innovative form of restorative justice, which shows significant potential for changing the value systems of offenders and helping them desist from reoffending, and adapting it for use in various European countries with distinctive and complex political and institutional dynamics. In order to meet such challenges, the Building Bridges project (2014-2016) has been formed. Supported by a European Commission Action Grant, the project is a coordinated effort (i) to develop and adapt a methodology known as the Sycamore Tree Project (which brings together unrelated victims and offenders for an intensive programme dealing with the effects of crime); and (ii) to spread this methodology across Europe. A key challenge for Building Bridges is adapting an intervention originally developed and undertaken by Prison Fellowship volunteers into a sustainable programme for European countries with diverse multi-faith contexts. Building Bridges is being undertaken by a consortium consisting of both practitioners and academics, thus building bridges between restorative justice as a field of practice

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and as a field of study. As a result, the process of implementing Building Bridges is being rigorously evaluated. The project will add to our knowledge of whether and how participation in restorative justice helps offenders desist from crime and will advance understanding of the limits and the possibilities of restorative justice in a complex, intercultural and multi-faith world. The paper will introduce the Building Bridges project and explore its implications for thinking about sustainable broadening of the scope of restorative justice.

105

RJ and children's rights

Annemieke Wolthuis

Senior researcher at the Verwey-Jonker Institute
The Netherlands

PAPER

In 2012 Annemieke Wolthuis defended her PhD on the topic of restorative justice and children's rights. By analyzing international and European human rights instruments she comes to an integrative model how RJ should be integrated in the Dutch juvenile justice system. In this presentation she will go through these instruments, laws and regulations that set a framework for re-integration and also for the use of RJ for youngsters. She also looks at developments with RJ in relation to different juvenile justice systems like the current new pilots that are used with RJ at court and police level in the Netherlands, and uses theory and practical results of evaluation research to come up with a TRY IT model.

106

Using the ideas of restorative justice to effect institutional cultural change

Tony Foley

Associate Professor ANU College of Law
Australia

PAPER

A number of inquiries are currently underway in Australia into historical child sexual abuse in church and charity run residential homes, schools and clubs. Similar inquiries have been or are on

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foot in Ireland, the UK and Canada. The focus of the Australian experience is the paucity of response of such institutions to abuses uncovered or alleged by victims in the past. These inquiries are due to report in 2015.

To date restorative justice has played little or no part in the inquiry process, which has been essentially adversarial in nature. Reports on public hearings show worrying evidence that even now little cultural change has occurred. The institutions show a consistent failure to fully acknowledge the harm caused and an ability to respond to it with compassion and humility.

The period between the completion of public hearings and the preparation of inquiry reports provides a crucial window to raise awareness of the role that restorative justice ideas might play in effecting the needed cultural change. This paper suggests how it might be possible to influence the recommendations of inquires so as to ensure restorative ideas form part of the means by which the much needed change in church and institutional culture can occur.

The presentation will explore the role restorative ideas can play and will suggest a set of tentative recommendations as to how this might take place. More broadly, it will contribute to a discussion on the role of restorative ideas in contributing to social justice.

107

Challenges and Advantages of Mediation of Intimate Relationship Violence in Finland

Aune Flinck

Development manager at National Institute for Health and Welfare

**Adjunct professor at the University of Tampere
Finland**

Saija Sambou

**Senior planning officer in the Ministry of Justice
Finland**

Erika Turunen

**Executive manager at KRIS
Finland**

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Victim-offender-mediation is a method of restorative justice emphasizing the needs of the victim. According to the Finnish Act on Mediation in Criminal and Certain Civil Cases any type of crime can be dealt with through mediation regardless of the category of the crime. Even a possibility to voluntary mediation of IRV is arranged if certain preconditions and requirements are fulfilled. However, the debate whether intimate relationship violence cases should be mediated at all has prevailed.

The research project at issue evaluated the implications and challenges of IRV mediation in Finland. The project focused to find answers to the concerns presented by the Committee on the Elimination of Discrimination against Women (CEDAW); e.g. if mediation procedure leads to re-victimization of women or to perpetrators escaping prosecution.

The purpose of the study was to find answers how the mediation process is carried out in order to avoid situations where re-victimization could take place; what kind of methods is used for being aware of e.g. recognizing the power imbalance or pressure, and what kind of solutions are used if any kind of risk is recognized, and by what means are risks prevented and reoffending reduced and re-victimization of the victim prevented.

The results will be presented, and light will be shed on how the principles of restorative justice were met during the mediation sessions and how the victim-oriented methods were carried out. According to the research results mediators were well-oriented and aware of the possible risks of mediation. Separate meetings were arranged before meeting both parties together, and the voluntary participation was ensured, and the possibility of pressure was evaluated prior to the joint meeting. The results also give support to the claim that mutual violence is common in intimate partner relationships, at least in ones which are directed to mediation.

Venues and rooms

Thursday

Friday

Saturday

Workshop 1	6 College Park 1st floor Room 35	Medical Biology Centre Ground Floor Room 28	Medical Biology Centre Ground Floor Room 28
Workshop 2	6 College Park 1st floor Room 35	Medical Biology Centre Room 101	Medical Biology Centre Room 101
Workshop 3	16 University Square Ground Floor Room 1	Peter Froggatt Centre 2nd Floor Room 11	Peter Froggatt Centre 2nd Floor Room 11
Workshop 4	22 University Square 1st floor Room 5	Student's Union Club Room 3/4	Student's Union Club Room 3/4
Workshop 5	26 University Square 1st floor Room 5	Peter Froggatt Centre 2nd Floor Room 25	Peter Froggatt Centre 2nd Floor Room 25
Workshop 6	Student's Union Club Room 2	6 University Square Ground Floor Room 5	6 University Square Ground Floor Room 5
Workshop 7	6 College Park Ground Floor Room 26	22 University Square 1st floor Room 5	22 University Square 1st floor Room 5
Workshop 8	6 University Square Ground Floor Room 5	Peter Froggatt Centre 2nd Floor Room 17	Peter Froggatt Centre 2nd Floor Room 17
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Workshop 10	David Bates Building Ground Floor Room 5	Peter Froggatt Centre 2nd Floor Room 18	Peter Froggatt Centre 2nd Floor Room 18
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My Conference

Feel free to use these spaces to note the presentations you wish to attend

Thursday	11.30-13.00			

Friday	10.45-12.45			

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6. Field Trips

For this 8th edition there will be three parallel field trips organised on the second day of the conference. The aim is to introduce the participants to Belfast and in Northern Ireland, and in particular in relation to its rich history on restorative justice and peacebuilding. Conference attenders will have a choice out of three organised trips that are linked to the main themes of the conference: desistance, social justice, and peacebuilding.

Desistance



A creative and interactive workshop will be held on restorative justice developments in the criminal justice system, and the probation sector. The venue for this field trip is unique: HM Prison Crumlin Road which is a 19th century prison in Belfast no longer used, and rebuilt into a museum.

Social Justice



An interactive study visit to a community-based justice centre in a working-class district of Belfast to discuss how restorative justice addresses justice issues in civil society (community, schools, families and organisations). Location: Northern Irish Council for Voluntary Action.

Peacebuilding



Northern Ireland might bear a long history of political conflict, it certainly also serves as a unique example of transitional justice and peacebuilding in the World. A workshop on restorative justice elements in the transitional justice process in Northern Ireland will be held at the Titanic Belfast.

7. Exhibition

Convictions

Sharon Daniel

This exhibition brings together four projects of Sharon Daniel. *Public Secrets*, *Blood Sugar*, *Undoing Time* and *Inside The Distance* manifest Daniel's fully engaged and critical understanding of the prison-industrial complex, criminal justice system, and theories of justice and punishment. What characterizes Daniel's work is the belief that complex sites of socio-political experience are best examined by creating a context for multiple perspectives and engaging public participation. The interactive interfaces that are typical of her work allow viewers to find their way through a difficult terrain, become immersed in it, and have a transformative experience. The works in this exhibition introduce marginal and often silenced voices and present alternative visions, enabling public engagement with questions of social justice across social, racial, political and economic boundaries.

(STUK, Kunstcentrum Leuven)

8. Social Event and Conference Dinner

FRIDAY 13 June

h 19.00

Hotel Europa

Great Victoria Street, Belfast, BT2 7AP

Tel: +44 (0)2890271066

hastingshotels.com

Evening Session

Reception & Dinner

RJ Award ceremony

Irish entertainment

SATURDAY 14 June

h 14.00

Guided visit to the Unesco world heritage site the **Giant's Causeway** – mysterious geological formation on the coast of Co Antrim, combined with a visit to a community peace centre.

9. List of participants

LAST NAME	NAME	COUNTRY	EMAIL ADDRESS
Aertsen	Ivo	Belgium	<i>Ivo.Aertsen@law.kuleuven.be</i>
Alberti Cortes	Monica	Spain	<i>monicaalbertic@gmail.com</i>
Amirthalingam	Kumar	Singapore	<i>lawka@nus.edu.sg</i>
Andersen	Per	Norway	<i>per.andersen@konfliktraadet.no</i>
Andersen	Vera	Norway	<i>vera.andersen@konfliktraadet.no</i>
Arieti	Daniela	Italy	<i>daniela_arieti@hotmail.com</i>
Askheimer	Hans Christian	Norway	<i>Hans.Christian.Askheimer@konfliktraadet.no</i>
Balfe	John	Ireland	<i>john.balfe@ucdconnect.ie</i>
Balla	Laszlo	Hungary	<i>laszlo.balla@bagazs.org</i>
Barr	Trevor	N.Ireland	<i>trevor.barr@nio.x.gsi.gov.uk</i>
Benedek	Gabriella	Hungary	<i>gabriella.benedek@foresse.hu</i>
Biffi	Emanuela	Belgium	<i>emanuela@euforumrj.org</i>
Blaney	Joanne	Brazil	<i>joana@cdhep.org.br</i>
Boonen	Petronella	Brazil	<i>nelly@cdhep.org.br</i>
Bouchez	Michael	Belgium	<i>michael.bouchez@hca-ovl.be</i>
Bowen	Helen	New Zealand	<i>helen@bowen.co.nz</i>
Boyack	James	New Zealand	<i>lawyer@boyack.co.nz</i>
Boyd	Irene	N. Ireland	<i>Anna.Dunn@ards-council.gov.uk</i>

Braithwaite	John	Australia	<i>JOHN.braithwaite@anu.edu.au</i>
Braithwaite	Valerie	Australia	<i>valerie.braithwaite@anu.edu.au</i>
Brislane	Alice	Ireland	<i>emily@rjc.ie</i>
Brosnahan	John	Ireland	<i>jmbrosnahan@probation.ie</i>
Buonatesta	Antonio	Belgium	<i>antonio.buonatesta@mediante.be</i>
Burdziej	Stanislaw	Poland	<i>s.burdziej@gmail.com</i>
Bussu	Anna	Italy	<i>abussu78@gmail.com</i>
Byrne	Sarah	Ireland	<i>emily@rjc.ie</i>
Caldeira	Bruno	Portugal	<i>brunocaldeira7@gmail.com</i>
Cameron	Rodney	N.Ireland	<i>rodney.cameron@dojni.gsi.gov.uk</i>
Campbell	Hugh	N. Ireland	<i>ha.campbell@ulster.ac.uk</i>
Campbell	Jacky	N. Ireland	
Cario	Robert	France	<i>robert.cario@univ-pau.fr</i>
Carroll	Eoin	Ireland	<i>ecarroll@jcfj.ie</i>
Casey	Claire	Ireland	<i>Holly@twcdi.ie</i>
Chapman	Tim	N.Ireland	<i>tj.chapman@ulster.ac.uk</i>
Claes	Bart	Belgium	<i>bart.claes@suggnome.be</i>
Claes	Erik	Belgium	<i>erik.claed@hubkaho.be</i>
Clarke-Boyd	Mary	Ireland	<i>mpcboy1@gmail.com</i>
Colvin	Ingrid	Ireland	<i>respracdevoff@gmail.com</i>
Connolly	Sheila	Ireland	<i>sheila@corkalliancecentre.com</i>
Copic	Sanja	Serbia	<i>scopic@eunet.rs</i>
Czarnecka-Dzialuk	Beata	Poland	<i>beatacd@poczta.onet.pl</i>
Davey	Les	UK	<i>lesdavey@iirp.eu</i>
De Clercq	Joke	Belgium	<i>joke.declercq@suggnome.be</i>
De Kuyper	Els	Belgium	<i>els.dekuyper@hca-ovl.be</i>
De Ranter	Nele	Belgium	<i>nele.deranter@cawantwerpen.be</i>

De Souter	Vicky	Belgium	<i>Vicky.DeSouter@just.fgov.be</i>
De Vanna	Ilaria	Italy	<i>info@mediazionecrisi.it</i>
Diblikova	Simona	Czech republic	<i>sdiblikova@iksp.justice.cz</i>
Diver	Alice	N.Ireland	<i>a.diver@ulster.ac.uk</i>
Doherty	Kelvin	N.Ireland	<i>kelvin.doherty@dojni.x.gsi.gov.uk</i>
Domingo De La Fuente	Virginia	Spain	<i>virunday@terra.com</i>
Donsimoni	Flora	France	<i>f.donsimoni@porticus.com</i>
Droukas	Eugenia	Scotland	<i>info@sacro.org.uk</i>
Dubaissi	Severine	France	<i>severine.dubaissi@justice.fr</i>
Eagleson	Helen	N.Ireland	<i>heagleson@belfastmet.ac.uk</i>
Eagleson	David	N.Ireland	<i>david.eagleson@dojni.x.gsi.gov.uk</i>
Eldoy	Espen Andreas	Norway	<i>Espen.Andreas.Eldoy@konflikttraadet.no</i>
Erofeeva	Elvina	Russia	<i>nat-putinceva@yandex.ru</i>
Ervamaa	Eeva	Finland	<i>eeva.ervamaa@plan.fi</i>
Fellegi	Borbala	Hungary	<i>borbala@fellegi.hu</i>
Fernandez-Manzano	Lourdes	Spain	<i>lourdesfm@hotmail.com</i>
Ferneer	Ursula	Ireland	<i>ugfernee@probation.ie</i>
Flinck	Aune	Finland	<i>aune.flinck@</i>
Foley	Tony	Australia	<i>tony.foley@anu.edu.au</i>
Gellin	Maija	Finland	<i>maija.gellin@sovittelu.com</i>
Gjoka	Rasim	Albania	<i>rasimgjoka@gmail.com</i>
Glaeser	Bernhard	Austria	<i>bernd.glaeser@neustart.at</i>
Goei	Koen	The Netherlands	<i>liaison@cep-probation.org</i>
Grace	Alpha	Switzerland	<i>alphagrace@cads.ch</i>
Graham	Hannah	Australia	<i>Hannah.Graham@utas.edu.au</i>

Granrud	Merete	Norway	<i>Merete.Granrud@konfliktraadet.no</i>
Guder	Petra	Germany	<i>guder@glenmillsaca.de</i>
Gulinck	Nele	Belgium	<i>nele.GULINCK@HUBKAHO.BE</i>
Haas	Ute Ingrid	Germany	<i>U-i.haas@ostfalia.de</i>
HaÔki	Anu	Finland	<i>anu.haikio@pkky.fi</i>
Halliday	Gary	N.Ireland	<i>gary.halliday@dojni.x.gsi.gov.uk</i>
Hananashvili	Nodari	Russia	
Hanna	Geraldine	N.Ireland	<i>geraldine.hanna@victimsupportni.org.uk</i>
Havelock	Martin	UK	<i>martin.havelock@gmail.com</i>
Hayes	Hennessey	Australia	<i>h.hayes@griffith.edu.au</i>
Helimo	Anna	Finland	<i>Anna.Helimo@kriits.fi</i>
Henihan	Mary	Ireland	<i>maryh@lecheile.ie</i>
Hera	Gabor	Hungary	<i>hera.gabor@gmail.com</i>
Herranen	Taru	Finland	<i>Taru.Herranen@tampere.fi</i>
Hogan	Vera	Ireland	<i>vera@hoganhr.com</i>
Holland	Bonita	UK	<i>bonnyholland@gmail.com</i>
Holzner	Katja	Italy	<i>katja.holzner@regione.taa.it</i>
Hopkins	Belinda	UK	<i>belinda@transformingconflict.org</i>
Hosoi	Yoko	Japan	<i>yokoh@toyo.jp</i>
Hulls	Rob	Australia	<i>rob.hulls@rmit.edu.au</i>
Hunter	Christine	UK	<i>christine.hunter@pbni.gsi.gov.uk</i>
Huysmans	Minne	Belgium	<i>MINNE.HUYSMANS@hubkaho.be</i>
Ikonen	Reetta	Finland	<i>reetta.ikonen@sovittelu.fi</i>
Ivanova	Alexandra	Russia	
Jakobsen	Marieke	The Netherlands	<i>m.jakobsen@minvenj.nl</i>
Jensen	Torhild Irene	Norway	<i>torhild.irene.jensen@konfliktraadet.no</i>

Johansen	Vegard	Norway	<i>vegard.johansen@konfliktraadet.no</i>
Johnstone	Gerry	UK	<i>J.G.Johnstone@hull.ac.uk</i>
Jonckheere	Sara	Belgium	<i>sara.jonckheere@cjgb.be</i>
Jorganxhi	Alba	Albania	<i>Alba.Jorganxhi@osce.org</i>
Justad	Lars Otto	Norway	<i>Lars.Otto.Justad@konfliktraadet.no</i>
Kangur	Jaanus	Estonia	<i>jaanus@kangurkoolitus.com</i>
Kaptein	Hendrik		<i>h.j.r.kaptein@law.leidenuniv.nl</i>
Karnozova	Liudmila	Russia	<i>karnozova@yandex.ru</i>
Kearney	Niall	Scotland	<i>n.kearney@virgin.net</i>
Keeley	Peter	Ireland	<i>rjsi@eircom.net</i>
Keenan	Marie	Ireland	<i>Marie.keenan@ucd.ie</i>
Kilchling	Michael	Germany	<i>m.kilchling@mpicc.de</i>
Kinnunen	Aarne	Finland	<i>aarne.kinnun@om.fi</i>
Kniss	Sharon	USA	<i>skniss@nd.edu</i>
Konagai	Kayo	Japan	<i>zxe0624Member@nifty.com</i>
Konovalov	Anton	Russia	
Korsun	Olesya	Norway	<i>oko009@post.uit.no</i>
Kosonen	Minna	Finland	<i>minna.kosonen@sovittelu.fi</i>
Koss	Christoph	Austria	<i>christoph.koss@neustart.at</i>
Kremmel	Katrin	Austria	<i>katrin.kremmel@irks.at</i>
Krogstad	Bente	Norway	<i>Bente.Krogstad@konfliktraadet.no</i>
Kunyonga Kalonji	Jean-C. Kunyonga K.	DRC	<i>jdidiemboyo@gmail.com</i>
Lamb	Linda	N.Ireland	<i>Joanne.logan@pbni.gsi.gov.uk</i>
Lamont	Cheryl	UK	<i>Cheryl.lamont@pbni.gsi.gov.uk</i>
Lauwaert	Katrien	Belgium	<i>katrien@euforumrj.org</i>
Laxminarayan	Malini	The Netherlands	<i>malini@euforumrj.org</i>

Lazareska Gerovska	Radica	Republic of Macedonia	<i>radica_lg@yahoo.com</i>
Lechkar	Iman	Belgium	<i>Iman.Lechkar@hubkaho.be</i>
Lepri	Gian Luigi	Italy	<i>gianluigi.lepri@icloud.com</i>
Lien	Meng-Chi	Germany	<i>mengchi.lien@googlemail.com</i>
Lilloe-Olsen	Kjersti	Norway	<i>kjersti.lilloe.olsen@konfliktraadet.no</i>
Linde	Ilona	Latvia	<i>ilona.linde@vpd.gov.lv</i>
Loftus	Graham	Ireland	<i>loftus.graham@gmail.com</i>
Lyons	Olive	Ireland	<i>olive_lyons@hotmail.com</i>
Maenpaa	Pia	Finland	<i>pia.maenpaa@oikeus.fi</i>
Maguire	Harry	Ireland	
Mairs	Tim	N. Ireland	
Maksudov	Rustem	Russia	<i>makcrane@mail.ru</i>
Mallard	Tina	UK	<i>tina.mallard@kent.gov.uk</i>
Malovichko	Irina	Russia	
Marder	Ian	UK	<i>canadian_marder@yahoo.co.uk</i>
Marit	Ingrid	Belgium	<i>ingrid.marit@suggnome.be</i>
Marshall	Karen	N.Ireland	<i>KAREN.MARSHALL@DOJ.NI.X.GSI.GOV.UK</i>
Maruna	Shadd	N. Ireland	<i>s.maruna@qub.ac.uk</i>
McClory	Elizabeth	UK	<i>e.j.mcclory@durham.ac.uk</i>
McCorry	Geraldine	N.Ireland	<i>gerrimccorry@gmail.com</i>
McCready	Philip	N.Ireland	<i>mccready-p1@email.ulster.ac.uk</i>
McDonald	John	Australia	<i>jmcdonald@proactive-resolution.com</i>
McKenna	Julie	Canada	<i>juliemckennaMember@gmail.com</i>
McKnight	Janette	N.Ireland	<i>Janette.mcknight@quakerservice.com</i>
McStravick	Darren	Ireland	<i>darren.mcstravick2@mail.dcu.ie</i>
Meléndez-Pereto	Anna	Spain	<i>anna.melendez.pereto@gmail.com</i>
Mera	Alejandra	Chile	<i>alejandra.mera@mail.udp.cl</i>

Miceli	Mirko	Belgium	<i>mirko@euforumrj.org</i>
Mirceva	Stojanka	Republic of Macedonia	<i>s.mirceva@gmail.com</i>
Mitchell	Deborah	UK	<i>deborah@rjworking.co.uk</i>
Moreno Alvarez	Roberto	Basque Country	<i>ro-moreno@ej-gv.es</i>
Moroney	Shannon	Canada	<i>shannon@shannonmoroney.com</i>
Morrison	Mandy	N.Ireland	<i>mandy.morrision@dojni.x.gsi.gov.uk</i>
Morrow	Duncan	N.Ireland	<i>dmj.morrow@ulster.ac.uk</i>
Mouhsine	Alexandra	UK	<i>a.mouhsine@live.co.uk</i>
Moulaert	Ingrid	Belgium	<i>bal@alba.be</i>
Muldoon	Roisin	N.Ireland	<i>Joanne.logan@pbni.gsi.gov.uk</i>
Mullens	Kris	Belgium	<i>kirs.mullens@alba.be</i>
Mullin	Ellen	United Kingdom	<i>ellenmullin@gmail.com</i>
Munro	Mary	Scotland	<i>mary.munro@strath.ac.uk</i>
Murphy	Stephen	N.Ireland	<i>stephen.murphy2@psno.pnn.police.uk</i>
Myers	Mark	N.Ireland	<i>mark.myers@dojni.x.gsi.gov.uk</i>
Myklebust	Terje	Norway	<i>temy@konfliktraadet.no</i>
Negrea	Vidia	Hungary	<i>vidia.negrea@gmail.com</i>
Ntambwe Mulamba	Gerard	DRC	<i>jdidiemboyo@gmail.com</i>
O'Concubhair	Cian	Ireland	<i>oconcuc@tcd.ie</i>
O'Dowd	Virginia	Ireland	<i>emily@rjc.ie</i>
O'Dwyer	Kieran	Ireland	<i>holly@twcdi.ie</i>
O'Shea-Murie	Donna	N.Ireland	<i>donna.osheamurie@dojni.x.gsi.gov.uk</i>
Oines	Christina Aas	Norway	<i>christina.aas.oines@konfliktraadet.no</i>
Ollero Peran	Jorge	Spain	<i>mediacionpenalsevilla@f-enlace.org</i>
Orr	David	Scotland	<i>d.orr@strath.ac.uk</i>

Pali	Brunilda	Belgium	<i>brunilda.pali@law.kuleuven.be</i>
Park	Kirsten	Scotland	<i>kirsten.park@sps.pnn.go.uk</i>
Parosanu	Andrea	Germany	<i>aparasanu@web.de</i>
Paus	Karen Kristin	Norway	<i>karen.paus@konfliktraadet.no</i>
Pedersen	Henning. B.	Norway	<i>henning.b.pedersen@konfliktraadet.no</i>
Pelikan	Christa	Austria	<i>christa.pelikan@irks.at</i>
Pemberton	Antony	The Netherlands	<i>a.pemberton@uvt.nl</i>
Pentin	Andrey	Russia	<i>forpentin@gmail.com</i>
Peuraca	Branka	Croatia	<i>branka_peuraca@yahoo.com</i>
Pilitowski	Bartosz	Poland	<i>b.pilitowski@courtwatch.pl</i>
Pohjanvirta	Helena	Finland	<i>helena.pohjanvirta@sovittelu.fi</i>
Polis	Mary	Australia	<i>mary.polis@rmit.edu.au</i>
Preston	Nicola	UK	<i>nicola.preston@iirp.eu</i>
Purite	Irina	Latvia	<i>irina.purite@vdp.gov.lv</i>
Putinceva	Natalia	Russia	<i>nat-putinceva@yandex.ru</i>
Qafa	Ilir	Albania	<i>ilirqafa@yahoo.it</i>
Quinn	Geraldine	United Kingdom	<i>gq2@btinternet.com</i>
Ragazzi	Mario	Belgium	<i>m@ragazziconsulting.com</i>
Rayot	Ben	N.Ireland	<i>BENJAMIN.RAYOT@DOJNI.X.GSI.GOV.UK</i>
Reeves	Nicola	Ireland	<i>nicola.reeves@gmail.com</i>
Remnyova	Helen	Russia	
Resch	Katharina	Austria	<i>k.resch@makam.at</i>
Rigoni	Clara	Germany	<i>c.rigoni@mpicc.de</i>
Robertson	Laura	Scotland	<i>Lrobertson@research.gla.ac.uk; debbie.garrett@glasgow.ac.uk</i>
Robson	Julie	Scotland	<i>jerobson@blueyonder.co.uk</i>

Rossland	Gro	Norway	<i>gro.rossland@konfliktraadet.no</i>
Rossner	Meredith	UK	<i>m.rossner@lse.ac.uk</i>
Rowland	Ffiona Mari	Ireland	<i>ffionamari@gmail.com</i>
Russell	Lee	N.Ireland	<i>lee.russell@psni.pnn.police.uk</i>
Saarinen	Eeva	Finland	<i>eeva.saarinen@sovittelu.com</i>
Sambou	Saija	Finland	<i>saija.sambou@om.fi</i>
Sampers	Petra	Belgium	<i>petra.sampers@skynet.be</i>
Sara-Aho	Ulla	Finland	<i>ulla.sara-aho@hameenlinna.fi</i>
Segers	Antje	Belgium	<i>antje.segers@depatiovwz.be</i>
Shamlikashvili	Tsisana	Russia	<i>ir@mediacia.com</i>
Sheary	Emily	Ireland	<i>emily@rjc.ie</i>
Shestani	Leon	Albania	<i>lshestani@unicef.org</i>
Siedlecka-Andrychowicz	Agnieszka	Poland	<i>a.siedlecka@wpia.uw.edu.pl</i>
Singer	Laura	UK	<i>shetlandlaura@yahoo.co.uk</i>
Slattery	Elaine	Ireland	<i>ceimercheim@gmail.com</i>
Sletten	Bjorg	Norway	<i>bjorg.sletten@konfliktraadet.no</i>
Sl^gs	Pia	Finland	<i>pia.slogs@sovittelutoimisto.fi</i>
Slump	Gert Jan	The Netherlands	<i>gertjanslump@xs4all.nl</i>
Sopanen	Leena	Finland	<i>leena.sopanen@sovittelu.fi</i>
Spence	Melissa	N.Ireland	<i>Joanne.logan@pbni.gsi.gov.uk</i>
Spricigo	Biancamaria	Italy	<i>Biancamaria.Spricigo@unicatt.it</i>
Stack	Austin	Ireland	<i>adstack@gmail.com</i>
Stassyns	Meggy	Belgium	<i>meggy.stassyns@hca-ovl.be</i>
Stefanovska	Vesna	The Republic of Macedonia	<i>vesne_stojkovska@yahoo.com</i>
Storvik	Tale	Norway	<i>tale.storvik@konfliktraadet.no</i>
Szabo	Anamaria	Romania	<i>ana.szabo@gmail.com</i>

Szego	Dora Judit	Hungary	<i>dora.szego@foresee.hu</i>
Tomasek	Jan	Czech Republic	<i>jtomasek@iksp.justice.cz</i>
Torz	Edit	Belgium	<i>edit@euforumrj.org</i>
Treacy	Sarah	Ireland	<i>emily@rjc.ie</i>
Twist	Stephen	UK	<i>twist.stephen@gmail.com</i>
Urban Shipley	Rachel	Canada	<i>rurbansh@uwaterloo.ca</i>
Ushakova	Galina	Russia	
Väisänen	Harri	Finland	<i>harri.vaisanen@sovittelu.com</i>
Van Camp	Tinneke	UK	<i>t.vancamp@sheffield.ac.uk</i>
Van Der Wolf	Michiel	The Netherlands	<i>vanderwolf@law.eur.nl</i>
Van Dijk	Helene	France	<i>contact@questiondejustice.fr</i>
Van Driessche	Lore	Belgium	<i>Lore.VanDriessche@cawantwerpen.be</i>
Van Hoek	Anneke	The Netherlands	<i>anneke.van.hoek@gmail.com</i>
Van Roeyen	Sofie	Belgium	<i>sofie.vanroeyen@ughent.be</i>
Van Stokkom	Bas	The Netherlands	<i>b.vanstokkom@jur.ru.nl</i>
Vanderhoven	Isabelle	Belgium	<i>Isabelle.Vanderhoeven@just.fgov.be</i>
Vanneste	Nele	Belgium	<i>nele.vanneste@cjgb.be</i>
Vanseveren	Bie	Belgium	<i>bie.vanseveren@albe.be</i>
Vanspauwen	Kris	Belgium	<i>kris@euforumrj.org</i>
Verbeek	Pieter	Belgium	<i>pieter.verbeek@suggnome.be</i>
Villagra	Carolina	UK	<i>cv25@leicester.ac.uk</i>
Vrteska	Armine	Republic of Macedonia	<i>armine_vrteska@yahoo.com</i>
Wachtel	Ted	USA	<i>tedwachtel@iirp.edu</i>
Walsh	Scott	England	<i>scott.walsh@hotmail.co.uk</i>
Warner	Kevin	Ireland	<i>kevinwarner@gmail.com</i>

Watters	Debby	N. Ireland	
Weiner	Seth	USA	<i>s.weiner@porticus.com</i>
Weir	Stephanie	UK	<i>stephanie.weir@pbni.gsi.gov.uk</i>
Welsh	Jolene	N.Ireland	<i>jolene.welsh@victimsupportni.org.uk</i>
Whyte	Bill	?	<i>bill.whyte@ed.ac.uk</i>
Wielander	Georg	Austria	<i>georg.wielander@neustart.at</i>
Wiersma	Eric	the Netherlands	<i>egwier65@xs4all.nl</i>
Wilkinson	Nick	England	<i>nick.wilkinson@kent.gov.uk</i>
Willis	Roxana	England	<i>roxana.willis@law.oxa.uk</i>
Wilson	Derick	N.Ireland	<i>da.wilson@ulster.ac.uk</i>
Winkler	Irmgard	Austria	<i>irmgard.winkler@neustart.at</i>
Winn	Maisha	USA	<i>mtwinn@wisc.edu</i>
Winstone	Julia	UK	<i>jwinstone3762@gmail.com</i>
Winstone	Tom	N.Ireland	<i>TOM@ALTERNATIVESRJ.CO.UK</i>
Wolthuis	Annemieke	the Netherlands	<i>awolthuis@verwey-jonker.nl</i>
Wood	Amanda	N.Ireland	<i>amanda.wood@dojni.x.gsi.gov.uk</i>
Wright	Martin	England	<i>martin@phonecoop.coop</i>
Zeegers	Gaetane	Belgium	<i>gaetane.zeggere@mediante.be</i>
Zellerer	Evelyn	Canada	<i>evelyn@peaceofthecircle.com</i>
Ziedina	Diana	Latvia	<i>diana.ziedina@vdp.gov.lv</i>
Zinsstag	Estelle	Belgium	<i>estelle.zinsstag@law.kuleuven.be</i>

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