

Fifth conference of the European Forum for Restorative Justice
Verona, Italy, 17-19 April 2008

Building restorative justice in Europe



Cooperation between the public, policy makers, practitioners and researchers

Organised in cooperation with Istituto Don Calabria

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– Directorate – General Justice, Freedom and Security



Welcome

To the participants of the fifth conference of the European Forum for Restorative Justice!

Welcome to Verona!

We have found another beautiful and attractive city in Europe to host this conference. And we, the programme committee and the organisational staff in Leuven and in Verona, have tried hard to put together a programme that matches the place and the conference venue.

The title of this conference: 'Building restorative justice in Europe' refers once more to the aspiration of both broadening and deepening the scope and the impact of restorative justice in Europe. The first aspect has been especially set out for the AGIS 3 project on restorative justice in Southern Europe and on the contribution that the EU could make in further developing restorative justice. Secondly, we want to focus on issues of cooperation – between policymakers, practitioners and researchers and on the most pressing issue of how to 'address the public', as important prerequisites to achieve the aspiration envisaged.

You will see from the workshop programme that we cover a wide range of experiences but have also included opportunities to discuss more general and theoretical issues in the course of the workshops. The format of the workshop in connection with café-conferences is the dominant feature of the conference. It will – so we hope – make room for a lively and highly interactive atmosphere and for the result that you will be able to carry home something to think about and to further work with.

But you are the one to make this happen, therefore we want to thank you in advance.

We wish you good work and a good amount of enjoyment as well, here in Verona!

Christa Pelikan
Chair of the conference programme
Committee

Jaume Martin
Member of the Board of the
European Forum for Restorative
Justice

Members of the Board of the European Forum for Restorative Justice

Siri Kemény, Chair, Senior adviser at the National Mediation Service, Norway

Inge Vanfraechem, Vice-Chair, Researcher at the National Institute for Criminalistics and Criminology, Belgium

João Lázaro, Treasurer, Executive Director of the Associação Portuguesa de Apoio à Vítima – APAV, Portugal

Michael Kilchling, Secretary, Researcher at the Max-Planck-Institut für ausländisches und internationales Strafrecht, Germany

Jaume Martin, Adviser at the Secretaria de Serveis Penitenciaris, Rehabilitació i Justícia Juvenil, Spain

Frauke Petzold, Mediator and trainer for mediation at WAAGE Hannover, Germany

Vira Zemlyanska, Restorative Justice Project Coordinator at the Ukrainian Centre for Common Ground, Ukraine

Niall Kearney, Development officer of SACRO and teacher at the Criminal Justice Social Work Development Centre of Scotland, U.K.

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Conference programme

Thursday, 17th of April 2008

08.00-09.00	Conference registration
08.30-09.00	Meeting with the chairs of the workshops (Room 6)
09.00-09.30	<p>Opening of the conference</p> <ul style="list-style-type: none"> ❖ Address by Siri Kemény (Norway), Chair of the European Forum for Restorative Justice ❖ Address by Alessandro Padovani (Italy), Director of Istituto Don Calabria ❖ Address by Dott. Alberto Benetti (Italy), Adviser for Juvenile Policies, Verona ❖ Address by Carmela Cavallo (Italy), Head of the Juvenile Justice Department and Juvenile Judge ❖ Introduction to the conference programme by Christa Pelikan (Austria)
09.30-10.15	<p>Plenary session: <i>The development of restorative justice in Southern Europe</i> by Clara Casado (Spain) Chair: Ivo Aertsen (Belgium)</p>
10.15-10.45	Coffee break
10.45-11.30	Workshops
11.30-12.15	Café conferences
12.15-14.00	Lunch break
14.00-15.00	<p>Plenary session: <i>The needs of the European restorative justice scene</i> by Jolien Willemsens (Belgium) Chair: Inge Vanfraechem (Belgium)</p>
15.00-15.45	Workshops
15.45-16.15	Coffee break
16.15-17.00	Café conferences
17.00	End of the first day of the conference
18.00	General meeting of the European Forum for Restorative Justice

Friday, 18th of April 2008

09.00-10.00	Plenary session: <i>Involving policy makers</i> by Roman Koval (Ukraine) Chair: Martin Wright (UK)
10.00-10.45	Workshops
10.45-11.15	Coffee break
11.15-12.00	Café conferences
12.00-14.00	Lunch break
14.00-15.00	Plenary session: <i>Research informing practice – practice informing research</i> by Christa Pelikan (Austria) Chair: Frauke Petzold (Germany)
15.00-15.45	Workshops
15.45-16.15	Coffee break
16.15-17.00	Café conferences
17.00	End of the second day of the conference
17.30	Fringe meetings
20.00	Conference dinner (bus leaves at 19.00)

Saturday, 19th of April 2008

09.30-10.30	Plenary session: <i>Addressing the public</i> by Sir Charles Pollard (U.K.) Chair: Vira Zemlyanska (Ukraine)
10.30-11.15	Workshops
11.15-11.45	Coffee break
11.45-12.30	Café conferences
12.30-13.30	Closing plenary by Bill Whyte (U.K.) Chair: Christa Pelikan (Austria)
13.30	End of the conference

Workshop and café conference programme

Some explanation ...

Workshops and café conferences are a central feature of our conferences. The purpose of the latter is to create an opportunity for open, intensive and 'horizontal' exchange on the topics of the conference. But experience so far has shown that it is not easy to have a programme design that provides for both open and informal discussion 'coffee-house-style' and 'substance' and structure. We have therefore made another attempt to invent a design for workshops that become café conferences.

We have decided to have *each workshop followed by a café conference that involves the same participants* that have been present in the workshop. The café conference is accordingly dedicated to the same theme as the workshop.

Each single *presentation will be immediately followed by a short period for asking questions of understanding* to the presenter(s) and will then change to the 'café conference setting'.

The 'café-conference setting' is a spatial arrangement that allows for *informal discussion* and consists of tables distributed across the room with three to six people around them.

In the café conference setting one chair will be responsible for the whole workshop/café conference session. He/she can try to structure the café conferences a bit by preparing some questions to be discussed: questions that could guide reflection on the presentations (for example: What is new/exciting/stimulating for me about the presentation; What would we contradict; What would we like to know more about; What is strange, or doubtful; What will we 'take home' as relevant for our own work.)

SESSION I: Thursday 17th of April, 10.45-12.15

Plenary room	<p>Collaboration practitioners-policy makers: Possibilities to be explored – limits to be taken into account by Leo Van Garsse, Vicky De Souter and Hans Dominicus (Belgium)</p> <p>Building a domestic and international partnership for implementing RJ by Karen Paus (Norway), Rasim Gjoka and Merita Bala (Albania)</p> <p>Chair: Niall Kearney (U.K.)</p>
Room 1	<p>Restorative justice for victims of terrorism – Policy implications by Ines Staiger (Belgium)</p> <p>The politics of restorative justice in juvenile justice reform: a comparative analysis of two transitional states by Kerry Leigh Clamp (U.K.)</p> <p>Chair: Borbala Fellegi (Hungary)</p>
Room 2	<p>The conceptual roots of RJ in Italian legal tradition by Francesca Zanuso (Italy)</p> <p>Social representations of RJ by Fernando Carvajal (Colombia/Switzerland)</p> <p>Chair: Marta Ferrer (Spain)</p>
Room 3	<p>Cooperation between policymakers, researchers and practitioners in the centre of Youth Justice, Northern Ireland by Alice Chapman, Tim Chapman and William Mitchell (U.K.)</p> <p>Chair: Vira Zemlyanska (Ukraine)</p>
Room 4	<p>Evolution needs Evaluation by Véronique Dandonneau (France)</p> <p>Research and policymaking in Western Australia – hijacking of community-based RJ projects by the bureaucracy by Brian Steels and Dot Goulding (Australia)</p> <p>Chair: Inge Vanfraechem (Belgium)</p>
Room 5	<p>Cooperation between researchers, policymakers and the community in Brazil by Renato Sócrates Gomes Pinto (Brazil)</p> <p>Mobilising Human Rights to promote restorative justice by Ann-Claire Larsen (Australia)</p> <p>Chair: Marian Liebmann (U.K.)</p>
Room 6	<p>Building restorative justice through a case based and reflective dialogue between researchers and practitioners by Erik Claes and Bram van Drooghenbroek (Belgium)</p> <p>Developing evaluation protocols for the Catalanian VOM-programmes by Mariona Jimenez Garcia and Mercé Llenas Herbera (Spain)</p> <p>Chair: Simon Green (U.K.)</p>
Room 7	<p>Mediation and the Press: Friends or Enemies? by Kristel Buntinx (Belgium)</p> <p>The beginning of a wonderful friendship? Sports and RJ-Public Relations by Gerd Delattre (Germany)</p> <p>Chair: Martin Wright (U.K.)</p>

SESSION 2: Thursday 17th of April, 15.00-17.00

Plenary room	<p>Researching attitudes towards restorative justice and VOM: Comparing Qualitative and Quantitative approaches by Galma Jahic and Seda Kalem (Turkey)</p> <p>Knowledge management in the justice department of Catalonia's public administration by Pilar Fuertes (Spain)</p> <p>Chair: Ronald Hinch (Canada)</p>
Room 1	<p>New Council of Europe guidelines for the implementation of RJ and cooperation with the EU by Humbert de Biolley and Christoph Sajonz (Belgium)</p> <p>Chair: Ivo Aertsen (Belgium)</p>
Room 2	<p>Internal and external communication of VOM in Hungary by Borbala Fellegi and Edit Törzs (Hungary)</p> <p>Chair: Keith Simpson (U.K.)</p>
Room 3	<p>Building RJ: A journey through practice, organising, training and writing by Marian Liebmann (U.K.)</p> <p>Teaching RJ in the universities and beyond by Dobrinka Chankova (Bulgaria)</p> <p>Chair: Petra Guder (Germany)</p>
Room 4	<p>Media Support to the Development of Restorative Justice in Albania by Rasim Gjoka (Albania)</p> <p>'Selling' restorative justice to the media – how far can we go? by Gro Jorgensen (Norway)</p> <p>Chair: Per Andersen (Norway)</p>
Room 5	<p>Accepted or acceptable justice? The problem of rational control in Restorative Justice practices by Federico Reggio (Italy)</p> <p>How far can and should RJ distance itself from criminal justice? by Martin Wright (U.K.)</p> <p>Chair: Marko Bosnjak (Slovenia)</p>
Room 6	<p>Building elements and struggles in youth RJ projects in the Netherlands by Annemieke Wolthuis and Eric Wiersma (the Netherlands)</p> <p>Mediation in penal matters: strengthening the public aspects by Bas van Stokkom (the Netherlands)</p> <p>Chair: William O'Grady (Canada)</p>
Room 7	<p>Communication for Social Change: The Education-Entertainment Strategy in Theory and Practice by Anneke van Hoek and Martine Bouman (the Netherlands)</p> <p>Chair: Ian MacDonough (U.K.)</p>

SESSION 3: Friday 18th of April, 10.00-12.00

Plenary room	<p>Conceptual clarity and its impact on RJ-policies by Ian McDonough (U.K.)</p> <p>Problems of conceptualisation: RJ and peace-making by Rob Mackay (U.K.)</p> <p>Chair: Bas Van Stokkom (the Netherlands)</p>
Room 1	<p>Burning bridges: engaging communities and raising public awareness about restorative practices by John Bailie (U.S.A.) and Vidia Negrea (Hungary)</p> <p>Chair: Belinda Hopkins (U.K.)</p>
Room 2	<p>Meeting of the experts of the “Going South” part of the AGIS 3 project (closed session)</p>
Room 3	<p>The work of the National Commission on Restorative Justice: Promoting cooperation amongst society by Judge Mary Martin and Martin Haverty (Ireland)</p> <p>Chair: Bill Whyte (U.K.)</p>
Room 4	<p>Experiences of cooperation in a nationwide mediation service – the example of Norway by Terje Eimot and Kjersti Lilloe-Olsen (Norway)</p> <p>Relationship Building between Community Panel Members and Young People in the Referral Order by Jo O’Mahoney (U.K.)</p> <p>Chair: Vladyslava Kanevska (Ukraine)</p>
Room 5	<p>The participation of community representatives in mediation involving youth perpetrators by Juan Carlos Vezzula (Portugal)</p> <p>Community mediation as a form of conflict resolution between a group of juveniles and the community by Mila Volf and Ahmed Magouz (the Netherlands)</p> <p>Chair: Bruno Caldeira (Portugal)</p>
Room 6	<p>Community RJ in practice. A community partnership approach using volunteers by Carolle Gleeson and Alice Brisbane (Ireland)</p> <p>Beyond the offender. Cooperation for establishing a training for victims of crime by Katrien Smeets and Leen Muylkens (Belgium)</p> <p>Chair: Antony Pemberton (the Netherlands)</p>
Room 7	<p>Research and policy: competing or reconcilable agendas for restorative practice? by Simon Green (U.K.)</p> <p>Restorative justice as diversion from prosecution: evidence informing practice by Steve Kirkwood (U.K.)</p> <p>Chair: Brian Steels (Australia)</p>

SESSION 4: Friday 18th of April, 15.00-17.00

Plenary room	<p>Recent considerations of RJ-concepts and terminology in RJ related to RJ with serious crimes Panel: Lode Walgrave (Belgium), Siri Kemeny (Norway), Ivo Aertsen (Belgium) and Antony Pemberton (the Netherlands) Chair: Christa Pelikan (Austria)</p>
Room 1	<p>Building safer communities: cooperation between policymakers, the police and the community by Liz Frondigoun, Jan Nicholson and Annette Robertson (U.K.) Youth Justice Convenors – delivering a community based process within the framework of a legislated RJ scheme by Michaela Wengert and Jennifer Parke (Australia) Chair: Lisa Walters (Ireland)</p>
Room 2	<p>Research and practice – reflections from the Polish perspective by Beata Czarnecka-Dzialuk (Poland) Victims and mediation: the role of national and transnational research by Frederico Moyano Marques and Rosa Saavedra (Portugal) Chair: Rob Mackay (U.K.)</p>
Room 3	<p>The Catalan white book on mediation and conflict resolution: state of the art (involving policy makers) by Pompeu Casanovas and Jaume Martin (Spain) Policy decisions in Greece: introducing mediation as a court order by Panagiota Papadopoulou (Greece) Chair: Galma Jahic (Turkey)</p>
Room 4	<p>International cooperation and its impact on RJ policies in Italy by Elisabetta Ciuffo and Isabella Mastropasqua (Italy) Implementing VOM in a multi-ethnic context. Overcoming cultural barriers through RJ. A Southern European perspective by Mark Montebello (Malta) Chair: Sonia Sousa Pereira (Portugal)</p>
Room 5	<p>Conferencing with young offenders in Norway: cooperation between policymakers and practitioners by Ketil Leth-Olsen (Norway) Cooperation between policymakers and practitioners in providing VOM in Basque country – the experience of the first 50 cases by Xabier Etxebarria and Alberto Olalde (Spain) Chair: Eleonore Lind (Sweden)</p>
Room 6	<p>Are media a proper answer to the problem of the non-participating actor (the community) in mediation/RJ? by Martin De Loose and Bart Claes (Belgium) A new plan of the Czech Probation and Mediation Service (PMS) to improve and strengthen the delivering of RJ programmes by Ondrej Stantejski, Jitka Hruskova and Marketa Knillova Praskova (Czech Republic) Chair: Aarne Kinnunen (Finland)</p>
Room 7	<p>Research on restorative justice in Europe by Inge Vanfraechem (Belgium) and Michael Kilchling (Germany) Chair: David Miers (UK)</p>

SESSION 5: Saturday 19th of April, 10.30-12.30

Plenary room	<p>Action-research in the field of restorative justice: an opportunity or a risk? by Inge Vanfraechem, Ivo Aertsen and Leo Van Garsse (Belgium)</p> <p>Monitoring and evaluation – practice and research working together: a National Model by Murray Davies (U.K.)</p> <p>Chair: Karen Paus (Norway)</p>
Room 1	<p>“Parallel mediations”: why organized crime trends ‘mediate’ conflicts and to reject institutional victim-offender mediation by Grazia Manozzi (Italy)</p> <p>Knots of an Italian inattention (conceptual obstacles) by Anna Sironi and Maurizio Vico (Italy)</p> <p>Chair: Marko Bosnjak (Slovenia)</p>
Room 2	<p>Rehabilitation and restorative justice: building community connections through the SPR:OCKET Research. by Anne Killelt, Fiona Poland, Gwyneth Boswell, Simon Woodbridge and John Cross (U.K.)</p> <p>Chair: Cornelia Riehle (Germany)</p>
Room 3	<p>Cooperation between agencies to facilitate VOM – the Swedish experience by Eleonore Lind (Sweden)</p> <p>Implementing VOM in Finland – cooperation between policy makers and practitioners by Aarne Kinnunen (Finland)</p> <p>Chair: Carolle Gleeson (Ireland)</p>
Room 4	<p>National and international legislation on RJ By David Miers (UK) and Jolien Willemsens (Belgium)</p> <p>Chair: Michael Kilchling (Germany)</p>
Room 5	<p>Restorative justice, the crime-victim paradigm and the CoE guidelines for a better implementation of the Recommendation ‘Mediation in Penal Matters’ by Anna Wergens (Sweden)</p> <p>Private versus public features of restorative justice: the cases of terrorism and intimate partner violence by Antony Pemberton (the Netherlands)</p> <p>Chair: Sonia Sousa Pereira (Portugal)</p>
Room 6	<p>Raising public awareness by training multicultural ‘agents’ by Ilaria De Vanna (Italy)</p> <p>Legislative choices in Greece: the case of domestic violence by Sophia Giovanoglou (Greece)</p> <p>Chair: Angelica Katsadima (Greece)</p>
Room 7	<p>Public support for RJ: Creating a restorative society by starting young – Restorative practices in schools by Belinda Hopkins (U.K.) and Bruno Caldeira (Portugal)</p> <p>How can a school using the peer mediation system, in cooperation with a local VOM-office and police, increase the understanding of restorative practices by Maija Gellin (Finland)</p> <p>Chair: Michael Kilchling (Germany)</p>

Fringe meeting programme

Thursday, 17th of April 2008
General Meeting of the European Forum for Restorative Justice

Time: 18.00-20.00

Location: Plenary room

We hope to welcome many members at the meeting, but non-members are also welcome to attend (although they will not have voting rights).

18.00: Opening of the General Meeting
1. Formal issues

- 1.1. Approval of the report of the previous General Meeting (10 May 2007)
- 1.2. Approval of the annual accounts (2007) and budget (2009)
- 1.3. Approval of the annual report
- 1.4. Approval of new membership applications and other membership matters
- 1.5. Report of the activities of the Board
- 1.6. Report of the activities of the Secretariat
- 1.7. Report of the activities of the Committees
Practice and Training Committee, Communications Committee, Information Committee,
Newsletter, Research Committee, Committee on Restorative Approaches in Schools
- 1.8. Election of three new members of the Board

2. The functioning of the Forum, evaluation and activities

- 2.1. Project activities:
 - a) "Restorative justice: an agenda for Europe"
 - b) "Developing standards for assistance to victims of terrorism"
 - c) "Building social support for restorative justice"
 - d) Assistance to research project in Turkey "Promoting the practice of VOM"
 - e) Any other projects in which the European Forum is involved
- 2.2. Financial concerns and fundraising
- 2.3. Policy work and the relation to international organisations such as the EU and the Council of Europe
- 2.4. First results of the strategic planning exercise

3. Proposals

- 3.1. Proposal by the Board to raise the membership fees
- 3.2. Proposal to create a "European day of restorative justice"
- 3.3. Proposal for a resolution that restorative justice goes beyond the criminal justice system

4. Next General Meeting
5. Communications
20.00: Closure of the General Meeting

Friday, 18th of April 2008

Meeting of the steering group of the “Building Social Support for Restorative Justice” project

Time: 17.30-19.30

Location: Room 1

Abstracts of plenary presentations

Clara Casado (Spain): *The development of restorative justice in Southern Europe*

The 3rd AGIS project awarded to the European Forum 'Restorative justice: an agenda for Europe' has the objectives, on the one hand, of realising effective support the development of restorative justice (RJ) in Southern Europe (SE) ('Going South') and, on the other of researching the potential role of the European Union in the further development of RJ ('EU policies'). The project started in June 2006 and the conference in Verona will lead to the final stage of the project.

This presentation will focus on the 'Going South' part of the project in which experts from Turkey, Spain, Portugal, Malta, Italy, Greece, France and Belgium have been involved.

Restorative justice has followed very different implementation processes in each of these countries. In some of them a law provides formal recognition to victim-offender mediation, in others, although without a legal base, the practical experience acquired over the years, gives credibility and know-how in the field of restorative justice. Nevertheless, these countries found important room for improvement in common areas and a high potential for exchange.

Over the different stages of the project, the experts have been working on the establishment of networks and building cooperation in order to exchange experiences, learning and developing mutual support in the field of restorative justice.

Simultaneously the experts have also studied the possibilities currently available for RJ in the legal, the institutional and the social context of these countries. The needs that should be met in order to consolidate and expand the implementation of restorative justice in these countries have also been identified. This presentation will outline some of the main issues and opportunities discussed.

But how to go about all this in practice? Which are the priorities and pitfalls for policy development in Italy, Portugal or Turkey? Are these very different from the ones in Malta, Spain or Greece? And the ones in France and Belgium? And most importantly, which are the tools and strategies that can work better in each context?

Very practical aspects have also been addressed during the project. This presentation will provide an overview of the main targets of policy development that these countries have identified in order to further the development of restorative justice as well as some examples of the tools and strategies that these countries plan to carry out in order to accomplish their objectives in the coming years.

Through the exchange of experiences and lessons learned, very clear and effective steps forward have been made in the development of restorative justice practices in each of these countries. Inevitably at the same time, fundamental questions have arisen. Hence while attempting to draw the conclusions, the points that are still open will also be shared for further discussion.

Clara Casado is the project officer of the AGIS project 'Restorative justice: an agenda for Europe', concerned with the 'Going South' part of the project.

Jolien Willemsens (Belgium): *The needs of the European Justice scene*

The second part – on 'EU policies' – of the AGIS 3 project, had as its main objective to study the possible role of the European Union in the further development of restorative justice. Since restorative justice is a newly developing field, there are common needs and questions in all countries: Which cases are appropriate for mediation? How does the mediation process relate to the criminal justice procedure? How should the need for legal safeguards be met? What are the criteria for training and supervision of (volunteer) mediators? How to improve the cooperation between mediation services and judges, prosecutors and lawyers? Etc. Most countries are working on these issues in relative isolation, sometimes replicating the efforts of people in neighbouring countries. But, would it be possible to devise common instruments and strategies, and to adapt these to national circumstances? And, if so, does this belong to the field of competence of the European Union? And if so, what should be regulated, by which instruments and what should be the basic principles?

In the course of the research project, a number of different approaches have been used to answer these questions. Next to the analysis of the national legislation of all EU Member States, and the analysis of existing international regulations of the European Union, the Council of Europe, and the United Nations, a questionnaire has been launched on the needs of the European restorative justice scene. This presentation will focus mainly on the results of this questionnaire and what these results tell us about the need to take further initiatives at the international – or supranational – level.

Jolien Willemsens is the Executive Officer of the European Forum for Restorative Justice and has acted as researcher and project manager in the AGIS 3 project.

Christa Pelikan (Austria): Research informing practice – practice informing research

This plenary presentation will give an account of research experiences and of cooperation experiences and will try to envisage an agenda for further research and further cooperation in this field. It will focus on qualitative research, and especially on micro-dynamics of restorative justice processes.

The presentation will contain the following parts

- The research experience that constitutes the basis of my thinking.
- What has research to offer to the practitioners?
- What are the conditions for research to become useful?
- In which way could and should researchers and practitioners cooperate.

Starting from the concrete example of a mutually rewarding cooperation on the one hand and of failed or non-cooperation on the other, I will then attempt to analyse the main qualities and achievement of research and that is, of scientifically grounded cognition. We will see that the qualities of a second-order observation and of the use of theoretical concepts and differences call for 'bringing home' those scientifically grounded perceptions and interpretations to the practitioners. Only by initiating a real discourse and by actively participating in this discourse do the research results stand a chance to become relevant for the practical work.

I will illustrate this by more examples and will use the concepts of recognition and empowerment, to investigate the potential of research and of scientifically grounded cognition for better understanding restorative justice processes and for deriving guidance for restorative justice practices.

Finally, we will survey the possibilities to establish those modes of cooperation between research and practice that can make for this potential to be realised.

Christa Pelikan is a researcher at the Institute for the Sociology of Law and Criminology in Vienna. She has been working in the field of criminal law, especially victim-offender mediation and in the field of family law. She is a founding member of the European Forum for Restorative Justice.

Roman Koval (Ukraine): Involving policy makers

Restorative justice practitioners always face a challenge of developing relations with policy makers, government officials and other decision makers, while promoting restorative justice principles and practices. The Ukrainian Centre for Common Ground has started its initiative in institutionalizing restorative justice in the Ukrainian legal system in 2003 and in these four years it has been able to achieve considerable success in promoting its mandate and establishing substantial institutional support of new ideas and practices. A few strategic and tactical decisions have probably contributed to the success of this uneasy mission in a newly born post-soviet, rather punitive and corrupt society. While developing a strategy three important objectives have been identified to achieve the goal: 1) Fostering the leadership within the legal system as well as restorative justice movement that will constitute the driving force for positive change; 2) Developing new systems and mechanisms that will describe the way new innovative practices will correlate with the existing system; 3) Building capacity and skills necessary for successful and effective practice development. Each of these may be per se a huge challenge to be addressed. However if one practices a restorative approach by having

faith in its values and principles one would be able to find the right answer about how to reach the achievement once decisions have been made. The first and simplest secret in approaching policymakers (which is in fact a “Punchinello secret” for any restorative justice practitioner) – is to consider the interest of “the other side”. Being heavily concerned with our own agenda very often we tend to view a target official as an opponent, if not as an enemy, in a battle between restorative and punitive (or authoritarian) approaches. Another key secret of successful cooperation with authorities lies in the core values of restorative justice itself. It is just a simple task of finding an easy way of sharing those with a person one is dealing with. A number of tips may be found helpful in this regard.

Roman Koval is Country Director of the Ukrainian Centre for Common Ground (www.sfcg.org). He is a mediator, facilitator and trainer and has been practicing conflict resolution since 1996. He is leading UCCG's strategy in Restorative Justice institutionalisation in Ukraine since 2003 and has conducted numerous forums, trainings and restorative processes along that way.

Sir Charles Pollard (U.K.): Addressing the public

Raising public awareness about restorative justice (RJ) is critical if it is to become a daily part of life in Europe and if citizens are to be actively involved.

Yet communicating with the public on RJ is notoriously difficult. RJ is a difficult concept for people to understand, particularly in countries with an adversarial culture like the U.K.. This is exacerbated on radio and television where communication is done in short sound bites. Further, if not carefully managed RJ can easily be ridiculed by the right wing media obsessed with heavy punishment and prison.

Key elements of successful communication, particularly when time is limited, are

- Choosing the message carefully – stick to a narrow, practical application of RJ such as criminal justice, schools or RJ for community problem-solving rather than RJ as a concept.
- Use language that ordinary people can understand, not ‘RJ-speak’. Face-to-face RJ is the most easy to explain, with well-evidenced results. Conversely, using the term ‘mediation’ in a criminal justice context is unlikely to be well-received.
- The most effective form of communication is through case studies: hearing a victim’s or perpetrator’s experience of RJ, ideally both from the same case, gets the best results.
- Outline the myths around RJ and expose them with facts and evidence!

Communicating with government officials and ministers, criminal justice system professionals and opinion-formers is best done by enabling them to sit in on and observe a face-to-face restorative conference, obviously with the consent of all present. Experiencing & observing RJ directly is worth a thousand words!

Involving and engaging citizens in RJ must be the ultimate goal. Achieving a critical mass in local communities, where RJ becomes commonly used and understood, must be the goal. Once people understand RJ, ideally from experience, observation, first-hand from friends or from hearing case studies, it is a win-win-win situation!

Charles Pollard was Chief Constable of Thames Valley Police, the U.K.'s largest non-Metropolitan force, for eleven years up to February 2002 following service in London and Sussex. During that time Thames Valley Police became the first police organisation to develop the use of restorative justice for dealing with young offenders and in community policing.

A board member of the Youth Justice Board for England & Wales from its inception in 1999 to August 2006, he led on restorative justice and was Acting Chairman in 2003/2004. He is now Chairman of Restorative Solutions CIC, a not-for-profit enterprise set up for the public good providing the police, criminal justice agencies and community based organisations with training and technical support to implement restorative justice. In a voluntary capacity he is involved with a number of other RJ organisations. Among these, he is a Board Member of the Restorative Justice Consortium U.K. and chairs its Media Committee.

Charles is a Law Graduate of Bristol University. He was a Visiting Fellow of Nuffield College, Oxford, from 1993-2001 and has Honorary Doctorates in Law from the Universities of Bristol & Buckingham. He was Knighted in 2001 by Her Majesty the Queen for services to policing and criminal justice.

Workshop abstracts

SESSION I: Thursday 17 April, 10.45-12.15

Plenary room

Leo van Garsse, Vicky De Souter and Hans Dominicus: *Collaboration practitioners-policy makers: Possibilities to be explored – limits to be taken into account*

The development of restorative justice does not depend only on the quality of the performed practice. The chances of practice to survive and to grow largely have also to do with networking and structural collaboration.

In this workshop, we try to explore the possibilities and risks and possible pitfalls.

Our “case” is the Belgian development of victim-offender mediation for adults, from a humble experiment to a generalised offer, recently foreseen by law.

To open the discussion, representants of the Belgian Ministry of Justice at the one hand, the Flemish mediation service ‘Suggnomè’ on the other hand, will present a critical reflection on the way they have been trying during the past ten years, to complement their efforts and insights to influence this development.

Their starting point will lay in the following list of questions:

Who is the relevant ‘policy-maker’? Who is the relevant ‘practitioner’?

What kind of motives and circumstances lead to this collaboration? Is there a possible pattern that can be determined or can it be resumed to the hazardous circumstance of the ‘right person at the right place at the right moment’?

What kind of resistances had to be overcome?

Who and what determines the agenda? Who initiates the process?

Collaboration and dependency.... How to deal with (in) balances in power?

The ‘status’ of the outcome: decision, provisional ‘standpoint’ or just a proposal?

To what extent practice can determine policy and vice-versa? Where are the limits? How far can this ‘collaboration’ go?

Participants on this workshop will be invited to discuss each of those themes, enriching the discussion with their own insights and experiences.

Leo van Garsse holds a master-degree in pedagogy (Leuven 1980). Since ’87 he has been actively involved in the practice and the implementation of several applications of victim-offender mediation in Flanders. Since 1998 he’s employed by ‘Suggnomè, Forum for Mediation and Restorative Justice’, an umbrella-organisation for the promotion of restorative justice in Flanders. From 2004 on, as a representative of Suggnomè, Leo Van Garsse was closely involved in the preparation of a legal framework for victim-offender mediation in Belgium.

Vicky De Souter is since 2000 working as attaché at the Belgian Federal Public Service Justice, Directorate General of Legislation, Fundamental Rights and Freedoms, more specifically at the Section ‘Principles of Criminal Law and Criminal Procedural Law’ where she is, among other things, occupied with topics as victims of crime, alternative measures, mediation and the relationship of restorative justice to criminal justice. Previously she worked as a researcher at the Leuven Institute for Criminology, Catholic University of Leuven on the topic of professional secrecy in the relationship between police, justice and the welfare sector. She holds a Master degree in Law (1996) and in Criminology (1998) from the Catholic University of Leuven.

Hans Dominicus (criminologist and social worker) is Attaché in the Directorate-General Houses of Justice of the Federal Public Service of Justice (Ministry of Justice) in Belgium. He is mainly involved in the areas of community penalties (probation, community service, offender-programs, etc.) and victim-offender-mediation (preparation of policy decisions, follow-up of experiments and projects, support of practitioners, relationship with NGO’s, financing, etc.).

Karen Paus (Norway), Rasim Gjoka and Merita Bala (Albania): Building a domestic and international partnership for implementing RJ.

Building communication and partnership with governmental institutions for development of victim-offender mediation and restorative justice in juveniles in Albania:

The efforts taken in Albania to develop and institutionalize restorative justice models, particularly victim-offender mediation in juveniles, coordinated by *The Albanian Foundation for Conflict Resolution and Reconciliation of Disputes (AFCR)* in collaboration with UNICEF, Norwegian Mediation Services (NMS) and The Albanian Ministry of Justice, Police Directorate and other interested stakeholders will be introduced. We will focus on the actors involved, the achievements and challenges faced in this process.

The process of building communication and partnership with governmental institutions for the development of restorative justice for juveniles is part of the Juvenile Justice Reform that is underway in Albania (2006-2008). It is being implemented by UNICEF and the Albanian Ministry of Justice, and supported by the European Commission and SIDA. Being part of the alternatives to detention, developing restorative justice for juveniles is considered as an important element in this reform. AFCR is the agency contracted by UNICEF to implement a program of victim-offender mediation and restorative justice in penal cases where juveniles are involved. This project is also supported by the Norwegian Mediation Services Solidarity project in Albania (funded by The Norwegian Royal Ministry of Foreign Affairs). Besides practical implementation of the restorative justice and VOM, AFCR is coordinating work aiming at developing all components to institutionalize this new approach to conflict resolution: advocacy for amendments in the legislation to make it compatible to the international relevant documents and institutional capacity building in the area of restorative justice.

Bilateral support projects:

How can experiences from different societies become useful for the practical implementation and developments in each country? How did we experience this? Some key points: Importance of inter-professional approaches where colleagues meet colleagues. Time to build trust, understanding and insights in order to develop useful project activities, achieve real investments in human resources and further developments in the RJ field. Ways of cooperation: Exchange of knowledge and sharing discussions can give better outcome than the typical teacher-student approach. The main outcome of the bilateral cooperation can be to increase the awareness raising of ones owns country's domestic situation What have we learned from each other about ourselves? Perspectives on RJ in our different societies: Looking at social capital in Albania and in Norway in regard to restorative justice. Seeing RJ activities in a cultural perspective helps seeing how your own RJ system could better adapt to local cultures, and thereby develop solid bases for the activities.

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Rasim Gjoka Executive Director of "The Albanian Foundation for Conflict Resolution and Reconciliation of Disputes (AFCR)". E-mail: gjoka@albaniaonline.net. Mobil: 00 355 682023882.

Merita Bala - Project Coordinator for the Albanian Foundation for Conflict Resolution and Reconciliation of Disputes (AFCR)" - in regard to 3 year project with UNICEF-Albania on RJ for Juveniles. -mail: gjoka@albaniaonline.net

Room I

Ines Staiger (Belgium): Restorative Justice for victims of terrorism – policy implications

In this workshop, the possible role of restorative justice for victims of terrorism shall be discussed. A short outline of restorative justice principles and values for a framework of restorative justice at the micro-, meso- and macro-level is presented. Against the background of restorative justice processes in cases of other forms of serious violent crime, like victim-offender mediation, family group conferencing, circles and victim impact panels, the relevance of these practices in the context of terrorism is analysed. Comparable situations with terrorism (such as hate crime and large-scale

conflicts) are highlighted, and the specific dimension of terrorism is addressed. Finally, two special types of terrorism (that is suicide and religious terrorism) are discussed in order to learn from these approaches for the applicability of restorative justice in cases of terrorism. The main focus is placed on primary and secondary victims of terrorism. Further, additional focus is put on the impact of mass terrorist victimisation on vicarious victims. Examples of restorative justice practices at the micro-, meso- and macro-level are presented, on the basis of which a conceptual framework for restorative justice practices for victims of terrorism in the EU shall be developed with the input of the workshop participants.

Ines Staiger works as a researcher and project manager of the EU project “developing standards for assistance to victims of terrorism” at the Catholic University of Leuven, Belgium and the European Forum for Restorative Justice. She is a jurist and holds an M.A. in European Criminology.

Kerry Leigh Clamp (U.K.): The politics of restorative justice in juvenile justice reform: A comparative analysis of two transitional states

While restorative justice has been successfully implemented in a number of countries and cultural contexts, there still remains an unanswered question about the transferability of the approach, and the conditions under which it is likely to work in different jurisdictions. Within many transitional societies, criminal justice reform plays a pivotal role in helping to foster reconciliation and peace-building. Both Northern Ireland and South Africa, in the wake of their respective political transitions, have formulated proposals for reform of their youth justice systems based upon restorative principles. This paper compares and contrasts the attempts to roll out these reforms in both jurisdictions, and attempts to unpick some of the reasons why they have largely been well received in Northern Ireland, yet have struggled to be implemented successfully in South Africa.

Kerry Leigh Clamp is currently studying for her doctoral thesis at the University of Leeds in the United Kingdom. Her research considers the factors that promote and stunt the development of restorative justice policy in three transitional jurisdictions, namely: Northern Ireland, South Africa and the Czech Republic. Very little is known about what makes jurisdictions receptive to restorative justice and her research aims to fill this gap of knowledge.

Room 2

Francesca Zanuso (Italy): The conceptual roots of RJ in the Italian legal tradition

Restorative justice in the Italian legal tradition has been commonly theorized as an alternative way for sentencing or punishing in criminal justice matters; or, at most, it has been ‘bordered’ to the sector of juvenile justice or to misdemeanours (minor crimes).

Nevertheless, I believe that restorative justice represents the only, authentic way to conceptualize and approach the problem of punishment. ‘Punishing’ can be philosophically justified only if it aims to a reparation of the harm done, in order to restore the dialogical relationship that has been damaged by crime. To make this goal fully possible it is necessary that restorative behaviours go with an authentic ‘dialectical’ activity of mediation.

Francesca Zanuso is currently teaching Philosophy of Law at Verona University’s School of Law. Her Academic degree is ‘professore ordinario di prima fascia’. Her teachings and research-lines specialize in: the philosophical critics to utilitarianism, bioethics and criminal law (where she specialized in modern and post-modern retributive and restorative justice.

Fernando Carvajal (Columbia/Switzerland): Social representations of RJ

From a research combining qualitative and quantitative methods, this contribution seeks to explore some social representations of restorative justice. The research highlights the overlapping between emergent restorative justice and dominant punitive justice. Moreover, the contribution will show the penetration of modern penal rationality in the social representations of persons having knowledge in this field as in those of people without any familiarity in it. Other important aspects underlined by this research relate to the roles of the concept of gravity, in the evaluation of the social answer which it is advisable to adopt in the face of the offences.

Fernando Carvajal became a lawyer in Colombia before emigrating to Switzerland where he received a Master degree in the Faculty of Psychology and Sciences of the Education (FPSE) of the University of Geneva. Currently he works in the FPSE and drafts a thesis on restorative justice and penal mediation.

Room 3

Alice Chapman, Tim Chapman, and William Mitchell (U.K.): Cooperation between policymakers, researchers and practitioners in the in the centre of Youth Justice, Northern Ireland

Northern Ireland's success in moving restorative justice from the margins to the mainstream in the way both the state and the community engage with young people who offend in Northern Ireland may be unique in the world. This is in part due to new policies emerging from the political peace process. It is also due to the commitment of individuals and organisations and their success in overcoming public and institutional resistance. Representatives from the community, the Police Service and the Youth Justice Agency will identify the mechanisms for overcoming the key obstacles to the development of restorative practices and those in developing best practice. When striving to establish and sustain radical new practices, the University representative will explain the importance of robust research based practice models, of highly skilful practitioners who have participated in accredited training and of research into outcomes.

Alice Chapman is Director Youth Conference Service Youth Justice Agency. For over twenty five years Alice Chapman worked in the Criminal Justice System through the Probation Board of Northern Ireland. In the subsequent five years she was Director of the Community Safety Centre. In this post she was instrumental in establishing community safety through local government partnerships culminating in their statutory implementation through the Justice (N I) Act 2002. For the past 4 years she has been Director of the Youth Conference Service, focusing on establishing and implementing restorative youth justice. Alice Chapman is also on the Sector Skill Council Northern Ireland Group and National Training Organisation and has contributed to the development of learning opportunities in Northern Ireland for crime prevention and restorative justice.

Tim Chapman is a consultant in restorative practices advising organisations on policy and practice and delivering training in conjunction with the University of Ulster. He has published widely in the field of youth justice.

Room 4

Veronique Dandonneau (France): Evolution needs Evaluation

Evaluation is a way to show objectively and scientifically the practice and the usefulness of mediation in penal matters, which is the main and most significant measure of restorative justice in France.

Actually, to prove the social effectiveness of this measure and its consequences, we need to assess and to analyse it in order to understand the challenges or the supportive factors.

For Citoyens et Justice, it was clear that VOM's future, its impacts on the judiciary environment, on social integration and on recidivism prevention needed an evaluation. It was the only way to collect quantitative and qualitative data on the impact of this measure.

It was in this context that the federated associations of our network got involved in this action-research with the aim of developing and improving our practices.

This evaluation was operated in a collective process in collaboration with policy makers (mainly French ministry of justice) practitioners and citizens.

Citoyens et Justice will present the methodology chosen and applied by the independent university team who realised this research. We will also present the main elements and conclusions rising from this study.

The interest of this presentation is to highlight the importance of evaluation in order to prove to policy makers the usefulness of this measure and to allow the evolution of restorative justice's measures.

Véronique Dandonneau is the legal expert who manages European projects within Citoyens et Justice, (Federation gathering the associations doing mediation in penal matters in France). She used to be a mediator in penal matters in a victim support association for several years.

Brian Steels and Dot Goulding (Australia): Research and policymaking in Western Australia – hijacking of community-based RJ projects by the bureaucracy

Brian Steels and Dot Goulding have developed, serviced and researched a communitarian model of restorative and transformative justice in local Magistrates' Courts in Perth Western Australia. They have completed two major restorative justice research projects in the Perth metropolitan area and in a remote Indigenous community. Both projects had socially significant results in terms of community involvement, victim satisfaction and heightened levels of responsibility taking by offenders. However the bureaucratic paradigm hijacked both projects thus negating the underpinning ethos of restorative justice. In the first project the bureaucracy tried to replicate the methodology however was unsuccessful in terms of victim participation and the other project was directed in a 'top down' manner by the government based funding body, effectively diminishing local Indigenous involvement. With these experiences in mind, the researchers pose the question: 'Where to now for restorative justice in a bureaucratized world where the language of RJ is misappropriated and RJ is in danger of becoming a net widening tool within criminal justice systems?'

Brian Steels and Dot Goulding have extensive experience as academic researchers and practitioners of restorative justice processes. They have studied various restorative justice models in New Zealand, the United Kingdom, and the European Union. They are Research Fellows at the Restorative Justice Research Unit, Centre for Social & Community Research, Murdoch University.

Room 5

Renato Sócrates Gomes Pinto (Brazil): Cooperation between researchers, policymakers and community in Brazil

The presenter intends to address the issue of cooperation between the main actors of restorative programmes carried out in Brazil, particularly with regard to the expectations from researchers, policymakers and communities for a successful restorative project in the criminal system.

The workshop plan is to introduce an updated overview of restorative justice developments in Brazil (ongoing pilot projects and programmes) and to discuss the problems concerning cooperation, covering strengths and weaknesses found over the past 5 years.

It has been widely agreed in the various conferences and presentations in Brazil that there is a growing restorative movement – a dream being made true by real action – but obstacles and failures also exist, such as insufficient evaluations, unpublished research reports, disconnection of pilot projects supported by the Ministry of Justice. There still exists in the country a lack of restorative awareness and sensibility

It is believed that obstacles and failures are also due to both theoretical and practical diversity which pervades restorative justice rationale.

However, since its rise in Brazil, Restorative Justice has experienced considerable developments and we have learned much from the experiences and debates so far, but we are just in the initial stage of a new era to deal with conflicts as a bridge to peace.

Renato Sócrates Gomes Pinto has a Law degree and a postgraduation in human rights and civil liberties (Univ. Leicester, U.K.) and State and Law (Univ. Brasilia, Brazil). He has worked as public lawyer (legal aid), president of the Human Rights Commission of the Attorney General Department, prosecuting lawyer and appeal court amicus curiae in criminal and civil matters (member of publico ministero) and he recently retired. He is also Lecturer in Law at the Brasilia University Center (Uniceub) and at the Superior College of Attorney General Office, in Brasilia.

Currently, he works as human rights lawyer and he is involved in the building of restorative justice in Brazil, in the position of president of the recently founded Brazilian Institute of Restorative Justice (Instituto Brasileiro de Justiça Restaurativa).

He was also former president of the Institute of Comparative and International Law of Brasília (Instituto de Direito Comparado e Internacional de Brasília – www.idcb.org.br).

Ann-Claire Larsen (Australia): Mobilising Human Rights to promote RJ

Restorative justice is an old approach to justice in a new guise. Its development over the last decade as a complement to the adversarial system of law demands that offenders are accountable for harms they inflict on victims and communities. This paper explores the international human rights position on restorative justice reforms in light of Roach's discussion of models of the criminal process. The international community appears to challenge the crime control and due process models that arguably have dominated the adversarial system of law since the 1960s. This paper argues that restorative justice practice have much to gain from advances in human rights.

Ann-Claire Larsen is a sociologist who has a keen research interest in human rights, which she teaches at Edith Cowan University in Western Australia. She is adding another dimension to her academic work by studying law.

Room 6

Erik Claes and Bram van Drooghenbroek (Belgium): Building restorative justice through a case based and reflective dialogue between researchers and practitioners

This workshop starts from a particular field experience in Belgian restorative justice practice for juveniles. A researcher (Claes) assisted as an observer several mediation sessions organised and guided by a mediator (Van Drooghenbroek). During intense feedback moments, both partners discussed the key-moments of the sessions, the interventions of the stake-holders, their emotions, attitudes, processes of changes. They unraveled the evolving relations between the parties, but also payed attention to the attitude of the mediator. This intensive reflective dialogue resulted in the redaction of a joint paper on responsibility and accountability in restorative justice programmes for juveniles.

In the first part, the initiators of this workshop will address their story to an audience of scientists and practitioners. They will report briefly on their dialogical experiences, and will thereby focus on two issues, each raised from a distinct perspective: 1. From the point of view of the mediator, the question 'How did this dialogue with a normative theoretician affected the self-understanding of the mediator?' will be raised 2. From the perspective of normative theory the issue 'How does the assesment of normative concepts and principles (such as responsibility, accountability, checks and balances, proportionality) in practice bear on the more theoretical debate around restorative justice and its underlying values?' will be addressed.

In the second part of the workshop, the initiators will launch two questions to the audience, which will be discussed in plenum, after short deliberation in groups.

Prof.dr. Erik Claes is an associate professor at the KULeuven (Belgium) where he teaches Introduction to law, criminal law theory and professional ethics for criminologists. His research interests revolve around restorative justice and the philosophy of the criminal law.

Bram Van Drooghenbroek works as a mediator for the Flemish mediation office Suggnomè. His field experience relates to victim offender mediations for juveniles as well as for adults.

Mariona Jimenez Garcia and Mercé Llenas Herbera (Spain): Developing evaluation protocols for the Catalanian VOM-programmes

Since 1998, the Department of Justice of the Autonomous Catalan Government has been running the 'Mediation-Reparation Programme' for adults. This project had been a pioneer experience in Spain in the implementation of the European recommendations with regard to the position of the victim in criminal proceedings and the implementation of alternative measures.

In 2006, the updated framework guidelines of the project 'Mediation-Reparation Programme' were drawn in collaboration with the mediators' team of the programme. Over these years, the

collaboration with courts of different judicial districts of Catalonia as well as the number of mediation referrals have increased.

In 2007, collaboration protocols were elaborated and signed with several courts to refer cases at both the prosecution stage and at the pre-trial and trial stages of the penal procedure.

At the end of the first 6 months of implementation, an evaluation will be carried out with all professionals involved.

We would like to present these protocols with the intention to share our first reflections and discuss on the questions that have already come out.

Mariona Jiménez García, university degree of Sociology of the Universitat Autònoma de Barcelona and European master of intermediterranea mediation of the Universitat Autònoma de Barcelona, Universitat Ca'Foscari de Venecia and the Universitat Paul Valery de Montepellier. She has worked in the city council of Tàrrrega in the department of equality policies. Since 2006 she is working in the Penal Mediation Programme of the Department of Justice.

Mercè Llenas Herbera, university degree of contemporanea history of the University of Barcelona, masters of management of conflicts: mediation, of the Fundació Bosch Gimpera Universitat de Barcelona. She has worked as a community mediator in the city council of Granollers and the local advice of the city La Selva, both in Barcelona. Since 2006 she is working in the Penal Mediation Programme of the Justice Department.

Room 7

Kristel Buntinx (Belgium): Mediation and the Press – Friends or Enemies?

In the development of mediation in Belgium we have had several contacts with the press. There has been an evolution in our relationship with the press, from lots of resistance towards cooperation. Therefore we worked out a proposal of arrangements required in case of contact with the press.

The workshop will throw a light upon the possibilities and opportunities of cooperation with the press as well as pointing out its risks. Which things do we have to consider, which choices do we have to make, how do we have to prepare the clients,...

In the case of cooperation with the press, one also has to consider some deontological or ethical elements. A conflict of interest can be possible.

The aim of the workshop is to create the appointments we have to consider if we cooperate as well with the written press as with the broadcast media.

In the café conference after the workshop we will try to start a discussion on the theme of cooperation with the press through an interactive method. We will give the participants thesis or questions about this theme and divide them in supporters and opponents. They have to prepare their points of view or answers in little groups and than give feedback to the whole group.

Kristel Buntinx studied criminology and law and currently she is working since six years for the mediation service Suggnomè in Belgium as a mediator between victims and offenders in the stage of the execution of punishment. Besides the individual mediations Suggnomè also works on a structural level to implement mediation.

Gerd Delattre (Germany): The beginning of a wonderful friendship? - Sports and RJ-Public Relations

Every weekend, about 80,000 football matches are held by the German Football Association. About 1,500 matches are accompanied by more or less fierce excesses, which are dealt with by both criminal courts and sport courts.

Usually, the sports associations and their own jurisdiction respond to offences occurring during their matches with very little creativity. Fines or bans are often used and other kinds of reactions are very rare.

Hence, it is not surprising that progressive functionaries looking for other more nuanced and repacifying solutions have come across restorative justice.

The paper describes the situation and deals with the following questions:

When is it possible to confer the basics of restorative justice upon the sports jurisdiction?

How can restorative justice be implemented in the field of sports jurisdiction?

Is it possible that sports given their great publicity can attribute to spreading knowledge about restorative justice?

Between 1985 and 1996 Gerd Delattre worked as a mediator (victim-offender mediation), and trainer of mediators, prosecutors and police officers. He also initiated the foundation of KOMED, a private agency for mediation and conflict settlement.

Since 1996 he is head of the Servicebuero for Victim-Offender Mediation and Conflict Settlement, based in Cologne, Germany. He has also been participating as a lecturer in several conferences and seminars in Germany and other European countries and is author of various articles related to victim-offender mediation.

SESSION 2: Thursday 17 April, 15.00-17.00

Plenary room

Galma Jahic and Seda Kalem (Turkey): Researching attitudes towards restorative justice and VOM: Comparing Qualitative and Quantitative approaches

In this workshop, qualitative and quantitative ways of studying attitudes towards restorative justice and victim-offender mediation will be discussed, drawing from three different research projects addressing RJ and VOM in Turkey. Those include:

- Quantitative research on judges and their understanding of the purpose of punishment and how they perceive the restorative value of punishment;
- Qualitative research on judges, prosecutors, and lawyers, including in-depth interviews on their understanding of VOM;
- and quantitative research on how aware the general population is of VOM possibilities in Turkey.

These three research projects highlight how different approaches can provide us with different information on how restorative justice is understood, each in its own way, with each approach leaving some questions unanswered. Different methodological problems and suitability of these methods for different types of questions will be discussed. Participants will be encouraged to share their experiences with different methodologies used, or different populations addressed, in order to gain a broader picture of methodological issues in researching on awareness and understanding of restorative justice.

Galma Jahic is a lecturer and a researcher at Istanbul Bilgi University Faculty of Law. She has obtained MA in Criminal Justice from Rutgers University School of Criminal Justice in Newark NJ, and is currently working towards her PhD in Criminal Justice.

Seda Kalem is a PhD student in sociology at New School University Graduate Faculty, NY. She is a lecturer and a researcher at Istanbul Bilgi University Faculty of Law. Her main area of interest is law and society research, with a special focus on courts and perceptions of justice.

Pilar Fuertes (Spain): Knowledge management in the justice department of Catalonia's public administration

In our knowledge and information society, the more developed organizations give importance to continuous progress and corporate learning in cooperation with colleagues in the same situation. The model develops learning and cooperation habits, which will be crucial for organizational change.

The Sharing programme is an idea of the Justice Department, through the Center for Legal Studies and Specialist Training, in order to create fields of co operational work. Improvement comes from new ideas, good practice and common thinking.

Every professional group (practice community) has to pick an issue to be improved. Cooperational work is done through meetings in small groups. These meetings are complemented with on-line work encouraging communication. A coordinator (e-moderator) is available for help as well as external experts for guidance through the process.

Co operational work tools are available to discuss about working experiences or debate on specific questions. A digital file is made available to publish all contents and documents generated by every community.

M^o Pilar Fuertes is a psychologist. Since 2001 she has worked as a victim-offender mediator within juvenile justice.

During this year, she has begun one of these projects, in an "enthusiastic" group to study about victim profile related with crimes and the best intervention in mediation.

Room I

Humbert de Biolley and Christoph Sajonz (Belgium): *New Council of Europe guidelines for the implementation of restorative justice and cooperation with EU*

The Council of Europe, through the CEPEJ¹, has recently issued new guidelines on the implementation of a series of existing recommendations addressed to the CoE member States in the field of mediation. These are:

- Recommendation Rec(98)1 on family mediation,
- Recommendation Rec(2002)10 on mediation in civil matters,
- Recommendation Rec(99)19 concerning mediation in penal matters,
- Recommendation Rec(2001)9 on alternatives to litigation between administrative authorities and private parties,

The guidelines aim at supporting the Member States' efforts in concretely implementing the recommendations developed since the late nineties.

Particular attention will be given to Recommendation Rec(99)19 concerning mediation in penal matters. Since the adoption of the Recommendation, the concept and scope of mediation in penal matters has developed, and a broader concept of 'restorative justice' has emerged, including 'victim-offender mediation'². Therefore, it was suggested that further work should be undertaken on updating the Recommendation. Before doing so, it was necessary to have a fuller evaluation of the impact of restorative justice in member states based on up-to-date and comparable data.

As it might be expected, there are considerable differences between member states in the way that victim-offender mediation has advanced, particularly because of the following obstacles:

- lack of awareness of restorative justice and mediation,
- lack of availability of victim-offender mediation before and after conviction,
- power to refer parties to mediation limited only to a single criminal justice institution,
- relatively high cost of mediation,
- lack of specialized training and disparities in qualifications of mediators.

In the light of these obstacles and in view of the fact that restorative justice processes may serve as an alternative to conventional justice, and as a tool for conflict management, but also in view of its potential to repair harm and to reduce re-offending, the CEPEJ has drawn up non-binding guidelines to help member states to implement the Recommendation concerning mediation in penal matters.

The conference, through the presentations and through the workshops discussions should help in two ways:

- 1- clearly identify what is expected from European organisations? The voice of researchers, practitioners and from civil society would be very useful in this regard;
- 2- identifying a few concrete and feasible actions that could be undertaken either jointly by the CoE and the EC or respectively by the two individual organisations.

¹ The working documents of the CEPEJ's working Group on mediation are available on : http://www.coe.int/t/dgl/legalcooperation/cepej/mediation/default_en.asp

² See also UN Basic principles on the use of Restorative justice Programmes in Criminal Matters ECOSOC Res 2000/14 and Res 2002/12. The term "offender" which is, for practical reasons, used throughout the recommendation and these guidelines would also cover the alleged offender, for example, the accused or any person charged with a criminal offence.

Room 2

Borbala Felegi and Edit Torzs (Hungary): *Internal and external communication of VOM in Hungary*

How to improve the efficiency of a centrally structured VOM service? How to develop the methodological and communicational aspects of mediation after not more than 1.5 year of practice? How to concretize some changes in the professional culture of a Central European country having strong centralised and legalistic legal traditions? Presenters of this workshop intend to share some of the experiences gained in Hungary since the operation of VOM has started in January 2007, with special focus on the internal and external communicational activities. Firstly, some background information will be presented about the organisational and legal background of the Hungarian VOM service, followed by an overview of the first year's main results. Secondly, the focus will be put on the main aspects of the in-service communication: the presenters will explain in details the 'mentoring system' of the VOM service as one of the innovations of the Hungarian model. Thirdly, emphasis will be put on the external communication: that has been done and on how to effectively inform and strengthen the cooperation with the criminal justice professionals?

During these overviews, a special attention will be paid to the roles of the practitioner, the policy maker, the researcher and the trainer throughout these communicational activities. The presenters intend also to point out the main challenges that Hungary is facing concerning the communication of VOM.

During the café conference part the presenters will be happy to apply an interactive method that they often use for raising awareness of criminal justice professionals in Hungary.

Borbala Fellegi is a researcher, consultant and trainer in restorative justice. Besides her PhD research she is lecturing at universities, regularly provides training for criminal justice professionals, working as a consultant for the Ministry of Justice and chairing the European Forum's Research Committee. Her publications can be downloaded from her website: www.fellegi.hu.

Edit Törzs is a professional consultant at the Methodological Department of the Hungarian Probation Service which is one of the Services of the Hungarian Office of Justice. She is responsible for victim-offender mediation, which have been introduced in Hungary in 2007. Besides her work, she is a PhD student in Criminology at the ELTE University, Budapest.

Room 3

Marian Liebmann (U.K.): *Building restorative justice: A journey through practice, organising, training and writing*

This workshop will describe how RJ practice, organising, training, research and writing can all link together to build RJ – indeed it is essential that they do. The workshop will draw on the presenter's experience in these areas, with examples of ways in which each element can contribute positively; and also some stories of failure and lessons learned. There will be reference to ways in which research can be used (and misused); ways of influencing policy makers; ways of engaging the public; working with the media; uses of different kinds of writing. This can lead to a practical exercise in the following session, if participants wish, to develop a mini-strategy involving several elements.

*Marian Liebmann has worked with offenders and victims of crime. She was director of Mediation U.K. for several years, and since 1998 has worked as an independent RJ consultant and trainer in the U.K., and in several African and East European countries, including a 3-year project in Serbia. She has written/edited ten books, the latest being *Restorative Justice: How It Works*, published in April 2007.*

Dobrinka Chankova (Bulgaria): *Teaching restorative justice in the universities and beyond*

Restorative justice (RJ) has been a part of the university curricula in several Bulgarian universities since 2000. Although not a separate subject of study, RJ ideology, principles, values and models have been taught with remarkable success in several university programmes and departments. RJ is well received by the majority of students, studying in different faculties and having different educational

backgrounds. This could be summarized by saying that the universities are a fertile ground in which the idea of RJ can grow.

In Bulgaria RJ is a part of the training program of mediators as well. It is a key element of the compulsory syllabus but the Institute of Conflict Resolution has developed a specialized module as well. The 3 year-experience showed that the candidates for mediators- most of them practising lawyers and other qualified professionals- also accept RJ philosophy but they are more sceptical, especially at the beginning, and need more evidence of the benefits of RJ.

The ICR has experimented teaching RJ in a middle school, as a part of a project against violence. Although this was a demanding and challenging task, it was worth the effort. In fact, teaching RJ to the teachers was the biggest problem, while the pupils were a more favourable audience. However, the most difficult audience undoubtedly are the criminal justice practitioners.

Several questions remain: How to create a restorative culture, which we desperately need, especially in my country? Is it more important - and cost-effective, and socially justifiable - to concentrate efforts on teaching RJ in schools, or in elite universities, or on the training of a limited number of professionals? How should it be done, and by whom? We at the Institute of Conflict Resolution would be glad to discuss these issues with you.

Dobrinka Chankova is an Associate Professor of Criminal Procedure Law at South-Western University, Blagoevgrad, Bulgaria and the Chair of the Institute of Conflict Resolution- Sofia. She has researched a number of projects at both national and international level and has published widely in the areas of restorative justice and victim-offender mediation.

Room 4

Rasim Gjoka (Albania): Media support to the development of restorative justice in Albania

The strategy of the Albanian Foundation for “Conflict Resolution and Reconciliation of Disputes” (AFCR) in evaluating social actors, particularly the electronic and written media in supporting restorative justice and mediation in Albania will be presented.

The presenter will address the following questions: *What are the main points of using the media in this process? Where does the use of electronic and written media consist in introducing the program of RJ and mediation?*

Finally the presenter will discuss some of the forms which are used in presenting RJ and mediation in Albania:

- 1) Cooperation with the TV studios, local and international institutions in preparing two films on live stories of penal cases settled and also presenting the peaceful ways to settle them. Broadcasting these films on the Albanian TV channels (reflections about those films).
- 2) Preparation and presentation of a video program on TV about the goals and achievements of the project of implementing RJ and Mediation in Albania by AFRCR in cooperation with partners involved in this program (AFRCR-NMS-UNICEF-Police, Prosecution Office, etc.).
- 3) Debates and open discussions with specialists about legal spaces of applying RJ, real cases handled and settled through restorative practices and mediation. People invited in such discussions were jurists, experts, mediators, psychologists, etc.
- 4) Articles and information published on the print media about the program extension and the outcomes of the implementation of RJ and mediation.

Rasim Gjoka is the Executive Director of “The Albanian Foundation for Conflict Resolution and Reconciliation of Disputes (AFCR)”. E-mail: gjoka@albaniaonline.net. Mobil: 00 355 682023882.

Gro Jorgensen (Norway): ‘Selling’ restorative justice to the media – how far can we go?

Those of us who have practical experience with the idea of restorative justice know that it is brilliant – it works! We know that a restorative justice approach can make an important difference for victims, offenders and the community. It is our duty and deep-felt wish to inform the public, the

politicians and the authorities about the potentials of restorative justice. In this work we need help from the media. How do we do that? How do we even get in contact with them? Do we think about the press as a friend or a foe? Maybe the answer to more publicity lies in how we present our statistics - or in our courage to take part in public discussions relating to the criminal justice system and restorative justice.

We have something that the media want. The good stories about juveniles who break the law in a moment of stupidity and want to meet their victims and set things right! And we have the victims who want to ask the juveniles why they did it – and despite all troubles – they want to give them a second chance. When the result is successful – media love it and it is easy to get a story like that in the newspaper or in the radio or on television. The problem is - the journalists want the stories by interviewing the parties and they want to know what happens inside the mediation room. How far can we go in “selling” the good results of restorative justice? No doubt we are bound by professional secrecy in our mediator-role – but perhaps we are more cautious than needed?

The Norwegian Ministry of Justice has instructed the National Mediation Service to work out a strategy for – among other things - how we should communicate with the media.

In this workshop you are invited to hear about the Norwegian experience – and to discuss what the relationship to media should be like.

Gro Jørgensen, educated as a journalist in 1984. She has worked in different newspapers, and from 1991 for the Norwegian Broadcasting Corporation as a newsreporter both in radio and television. Since April 2002 she has been working in the National Mediation Service as head of office in the district of Telemark – and has since November 2005 had the title Director of Information.

Room 5

Federico Reggio (Italy): Accepted or acceptable justice? The problem of rational control in Restorative Justice practices

Can there be a difference between an *accepted* solution and an *acceptable* one? Which are the criteria under which ‘acceptability’ can be drawn? More specifically: are there any procedures or forms of rational control that can help to analyse when an agreed solution of a conflict is ‘acceptable’ and why?

The preference that restorative justice advocates accord to consensus-based conflict resolutions shows a connection between restorative justice practices and the field of ‘negotiated justice’. Agreed-upon solutions, even if apparently more ‘acceptable’ than decisions taken from a third party – as, for instance, a judge may be – don’t necessarily prevent from an arbitrary practice, at least until the reasons and the arguments that brought to the agreement aren’t put under forms of rational control. In my brief presentation, I would like to reflect on the nature of such connections between restorative practices and negotiated justice, in order to help the reflection and debate about the possible dangers of an uncontrolled use of consensus-based conflict-resolutions, and about the ‘structure’ of mediation.

Federico Reggio, lawyer, PhD in Philosophy of Law, is currently working under a research contract at Padua University. After working on Vico’s approach to law, his research and publications have been focused on restorative justice. He is vice-president of a newborn association for the assistance of crime victims in Verona.

Martin Wright (U.K.): How far can and should RJ distance itself from criminal justice?

Many advocates of restorative justice see it as a new philosophy of justice, based on reparation and dialogue. To the extent it had been implemented, it has shown very promising results: the great majority of victims are satisfied, offenders feel that the method is fair, and re-offending rates as good or better in almost all cases. But in some countries restorative justice is being put into effect in a very piecemeal fashion, omitting many of the features that the full-blown philosophy would require: for example, victims are often not involved, or if they are, they are not empowered. Some do not involve members of the public. The workshop will invite participants to take on the roles of researchers, practitioners and policy-makers, and explore how they could work together to consider the uneasy relationship between restorative justice and the established criminal justice system. Can

they be combined, or is there a fundamental division between them? An alternative model will be considered in which the service would be provided by a network of voluntary organizations, with an ethos and standards governed by a national NGO. It has been suggested that such model would inevitably remain marginalized – can that be overcome, or would it be a price worth paying for holding to the core restorative principles? Cases which could not be dealt with in this way would have to go to the conventional system; is it conceivable that it too could, in time, operate on restorative lines, in ‘restorative prisons’ as John Blad has called them?

Martin Wright studied modern languages (M.A., 1954) at the University of Oxford, and obtained a PhD in criminology at the London School of Economics in 1990. He has been librarian at the Institute of Criminology, University of Cambridge; director of the Howard League for Penal Reform; and policy officer for Victim Support. He is a senior research fellow at the Faculty of Health and Life Sciences, De Montfort University, Leicester. He was a founder member of the European Forum Restorative Justice and until 2006 a member of the board, and is currently a board member of the Restorative Justice Consortium. He is a volunteer mediator in Lambeth, south London. Publications include Making good: prisons, punishment and beyond (1982, reprinted 2008), Justice for victims and offenders: a restorative response to crime (2nd ed. 1996), and Restoring respect for justice (1999, 2nd ed. 2008). He has an honorary diploma from the Polish Centre for Mediation, and is an Honorary Fellow of the Institute for Conflict Resolution, Bulgaria, 2005.

Room 6

Annemieke Wolthuis and Eric Wiersma (the Netherlands): Building elements and struggles in youth RJ projects in The Netherlands

Restorative practices have grown in the Netherlands, but it is too early to be really optimistic. The EU Framework decision has led to some new steps. After two evaluations on victim-offender mediation and youth mediation projects, the Minister of Justice decided to create the possibility of victim-offender conversations for all victims of crime. These VOMs are coordinated by a special department of Victim Care in the Netherlands, and are seen as possible extensions of the normal criminal procedure, but not more than that. It is important to question whether their current practice is in line with the framework decision. The government is still reluctant to take more long term decisions on the continuation of the successful projects and experiments which have already been done, for example in the youth detention centres.

The presenters will give an overview of the recent (political and practical) developments in the Netherlands on restorative justice practices for juveniles, including Halt initiatives. They will also focus on how to use cooperation to bring the practice further.

Annemieke Wolthuis will give an overview of the current Dutch policy and available projects, problems and challenges.

Eric Wiersma will talk about the Halt method, and about the evaluations and the new directions of Halt Netherlands, including restorative elements.

E. Wiersma, Eric is a project coordinator at the national bureau of Halt Netherlands, where he is building bridges between regional halt bureaux. Furthermore he is a member of the editorial board of the Dutch Journal on Restorative Justice.

A. Wolthuis, Annemieke is a researcher at the Law faculty of the Open University of the Netherlands, where she works on a PhD on restorative justice for youngsters from an international and comparative law perspective. She is also a member of the editorial board of the Dutch Journal on Restorative Justice and affiliated with the Verwey-Jonker Institute in Utrecht.

Bas van Stokkom (the Netherlands): Mediation in penal matters: strengthening the public aspects

Mediation in penal matters occurs in a confidential, private setting, but at the same time it is regulated by public law. It generally contains clear public aspects such as the presence of a police officer (or another official), while the persecutor or judge ratifies the agreement (and if necessary corrects disproportional obligations, for instance by adding a sanction).

To broaden the societal status of restorative justice, instruct the public and incorporate principles of law, it might be worthwhile to extend these public aspects. One possibility is to improve external publicity: mediation outcomes could be published. Analogous to jurisprudence it could develop a 'socioprudence', informing about social and pedagogical aspects of the case, the agreed redress or restorative obligations and possibly reasons why the agreement is not or only partly accepted.

Maybe of greater interest is to give more scope to public norm-confirmation. One might reason that – contrary to negotiating reparation – morally addressing the offender should be a public act. The victim's justified resentment and the reasons for it may provide significant information to the community, especially about the human impact of the crime. The victim's 'truth' is not merely a subjective report on the harm suffered, but a report on the status of the community as a moral order.

Moreover, the apology could be expressed publicly. The victim, supporting persons and the public want a validation that the offender's behaviour was unacceptable. Another reason to transfer the apology to a public setting is to prevent strategic use of expressing regret. If the apology is tied to discussions about redress, it easily gets the contours of a 'buy off'. A formal apology, read aloud in public and containing specifications, could better meet the expectations of the victim and the public. Discussions whether the apology was sincere or not can be avoided.

In sum, it is conceivable that mediation in penal matters needs a public forum, for example at the final stage of mediation or preceding the sentence in court, in which both parties communicate "private" feelings, thus contributing to public norm-confirmation.

Bas van Stokkom is a research fellow at the Centre for Ethics, Radboud University Nijmegen, the Netherlands. His research topics include punishment ethics, police ethics, restorative justice, citizenship and deliberative democracy. He is co-editor of the currently published volume Images of Restorative Justice Theory (Verlag für Polizeiwissenschaft, Frankfurt 2007), and also Considerations on Reassurance Policing in the Lowlands (to be published in 2008; The Hague, Boom Juridische Uitgevers).

Room 7

Anneke van Hoek and Martine Bouman: Communication for Social Change: the Entertainment-Education Strategy in Theory and Practice

Worldwide a number of groups have sought ways to incorporate social change messages into radio and television entertainment like popular drama- and soap serials. This so-called entertainment-education (EE) strategy is defined as "...the process of purposively designing and implementing a mediating communication form with the potential of entertaining and educating people, in order to enhance and facilitate different stages of prosocial (behavior) change". An essential element in this definition is constituted by the words "purposively designing and implementing". There is a need to develop a wider variety of effective and efficient strategies to bridge the gap between cognitive and affective approaches in communication for social change. More affective and heuristic principles appealing to emotions and human interest need to be integrated in this communication strategy.

E-E is a field of scholarly analysis, but its professional practice is strongly linked to the entertainment industry. This 'marriage' between communication scholars and television professionals offers a challenge: How can both collaborate in entertainment projects without short-changing the other party?

In this workshop, the principal theoretical notions of the EE strategy will be discussed and given a practical perspective through the presentation of an EE-radioproject in Rwanda aimed at the prevention of ethnocentric violence, reconciliation and trauma healing. The workshop will close with a discussion about the question whether the EE-strategy can also be of help in informing the public about restorative justice.

Dr. Martine Bouman is the founder and director of the Center for Media & Health and Associate Professor of the Faculty of Behavioural Sciences of the University of Twente in the Netherlands (see www.enter-educate.nl). Bouman has been a pioneer in the field of the entertainment-education strategy (the use of popular entertainment media for prosocial change) since the late eighties. In 1999 she published her book called 'The Turtle and the Peacock'; the entertainment-education on television: collaboration for social change, which was nominated for the ICA dissertation award in 2000. She is author of several articles and

publications about entertainment-education and member of honour of the Dutch Society for Health promotion and Prevention.

Drs. Anneke van Hoek is a criminologist and co-founder and manager of Radio La Benevolencija, an NGO who's mission it is to educate populations in (post) conflict areas on how (group) violence evolves, how it can be prevented and how trauma healing can be stimulated. La Benevolencija develops, produces and implements educational radio programs (soaps, journalistic magazines) and grassroots activities based on the academic work of a.o. genocide scholar prof. Ervin Staub and trauma-expert dr. Laurie Pearlman. In it's project Great Lakes Reconciliation Radio, which runs since 2003 in Rwanda, Burundi and Eastern Congo, it employs the EE-communication strategy.

SESSION 3: Friday 18 April, 10.00-12.00

Plenary room 8

Ian McDonough (U.K.): *Conceptual clarity and its impact on RJ-policies*

This workshop will show how different concepts and models of intervention are easily confused by policy makers and practitioners. We will argue that confusion between Restorative Justice and Mediation is commonplace and can have unjust and inappropriate results.

We are concerned to make sure both Restorative Practitioners and Mediators are clear about the purpose of their intervention in situations which involve conflict. Many practitioners still consider the terms "restorative justice" and "mediation" to be synonymous or interchangeable. In this workshop, we will argue that there are good theoretical and practical reasons to question this assumption, and that a clear understanding of the differences between Restorative Justice and Mediation is essential for those who are evaluating, funding or commissioning work in this field. Above all, clarity is critical for practitioners, as confusion between the two processes could potentially harm those with whom they are working. This is particularly important in schools where children and young people can be involved both as participants in the process and as facilitators (i.e. peer mediators)."

Ian McDonough is Sacro's Mediation Adviser and manages their Community Mediation Consultancy and Training Service, which assists local authorities in providing mediation services. He is an experienced mediator and trainer and a previous Chair of both the Scottish Mediation Network and Mediation U.K.

Rob Mackay: *Problems of conceptualisation - restorative justice and peacemaking*

This paper addresses the question: 'What do we mean by restorative justice', and what happens when we survey the answers.

This simple question has a range of answers, many of which are, apparently, mutually contradictory. It does, however, expose real differences within the restorative justice movement.

The author is not interested in trying to resolve the problems by coming up with a new definition, but is instead concerned to explore common underlying themes which, in his view, lead to a more powerful conceptualisation of what is going on in the 'restorative justice' movement. He argues that the most satisfactory account of what is happening is that *restorativistas* are, at bottom, concerned with peacemaking. The author maintains that 'restorative justice' is a limited but valuable concept within the arena of legal action, but that peacemaking, underpinned by a 'constitutive' principle of justice, makes greater sense of the plurality and heterogeneity of 'restorative' practice and thinking.

Rob Mackay set up the first victim-offender mediation project in Scotland. He has worked on a theoretical basis for restorative justice using legal and ethical theory. He was Vice-chair of the COST Action on 'Restorative Justice - Developments in Europe', and convenor of the Action's Theory Working Group. He is Chair of Restorative Practice Scotland. He is an Honorary Research Fellow at Perth College, Scotland and Youth Justice Co-ordinator with Perth and Kinross.

Room 1

John Bailie (US) and Vidia Negrea (Hungary): *Burning Bridges: Engaging Communities and Raising Public Awareness about Restorative Practices*

This workshop will explore innovative ways to actively engage affected community stakeholders in restorative practices while raising public awareness about the effectiveness and legitimacy of restorative options. This presentation will include interactive discussion and a showing of the IIRP-produced documentary "Burning Bridges".

"Burning Bridges" is a documentary about the arson of Mood's Bridge, a historic covered bridge in Bucks County, Pennsylvania, USA, and the restorative conference held in its wake. The International Institute for Restorative Practices facilitated this emotional conference, which brought together the six young men who burned down the bridge with their families and members of the community.

Using news footage, interviews and video of the actual conference, the documentary tells the story of a community moving through grief and anger to healing.

The presenters will discuss how advocates for restorative practices can accomplish the dual aims of providing effective processes that meet the needs of a wider circle of stakeholders while effectively educating policy-makers and the general public. Both presenters bring a wealth of experience as practitioners, community organizers and as international advocates for restorative practices.

John Bailie is a Training and Consulting Coordinator at the International Institute for Restorative Practices (IIRP). He provides restorative practices training and consulting in the United States and internationally – including schools, juvenile justice agencies and youth serving organizations. He is an experienced restorative conference facilitator in adult and juvenile cases, including those involving felony-level offences. He is also a counselor for troubled-youth and experienced community organizer.

Vidia Negrea has been a teacher, clinical psychologist in a reformatory school and juvenile justice researcher. After a year learning about restorative practices while working with the IIRP in the USA, she founded CSF Hungary, a school for troubled youth, in Budapest. She is a trainer for the IIRP in Europe.

Room 2

Meeting of the experts of the “Going South” part of the AGIS 3 project

Room 3

Judge Mary Martin and Martin Haverty (Ireland): The work of the National Commission on Restorative Justice: Promoting cooperation amongst society

In March 2007 the National Commission on Restorative Justice was established in Ireland and its main task over the coming months is to consider the application of the concept of restorative justice with regard to persons brought before the Courts on criminal charges. The Commission will also be considering the wider application of restorative justice in Ireland and also in the context of Community Courts.

The Commission is currently exploring the complexities of implementing restorative justice on a national level and is currently assessing domestic and international evidenced-based research and best practice on restorative justice, specifically in terms of how it can be translated into and applied in an Irish context.

At a wider level the Commission is assessing the most appropriate means of how to inform the public on restorative justice, promote co-operation amongst society, and participation of individual citizens.

The Workshop will comprise of a general overview of existing restorative justice measures currently in operation in Ireland. Following on from this the workshop will highlight aspects of restorative justice currently that warrant further consideration.

The Workshop will conclude with some observations on how the Commission plans to develop its understanding of restorative justice.

Judge Mary Martin obtained her BCL degree at the National University, Dublin in 1971 and qualified as a solicitor in 1972. From 1972 to 1983 she practised in Criminal and Family Law. She became a Judge of the District Court in November 1983.

Martin Haverty obtained his BA, LLB and LLM degrees at University College Galway in 2005. In 2006 he tutored law at University College Galway and in November 2007 he joined the National Commission on Restorative Justice as a Legal Researcher.

Room 4

Terje Eimot and Kjersti Liloe-Olsen (Norway): Experiences of cooperation in a nationwide mediation service – the example of Norway

Based on the act passed by the Parliament in 1991 Norway established a nationwide mediation service from 1993. "It is the duty of the Mediation Service to mediate in disputes arising because one or more persons have inflicted damage or loss on or otherwise offended another person." (Section 1 in the Mediation Service Act, 1991.) The mediation service is fully funded by the government.

Even with a good infrastructure, and 100 % funding from the government, it is our experience as practitioners that the development of the mediator service is an ongoing process or a never ending story. In our daily work we are regularly facing different types of challenges.

In this workshop we would like to highlight some of those:

- Information
- cooperation
- dissimilarities
- obstacles working against the system
- development in type of cases
- need of research
- lay person mediators

At the end of this workshop, participants will:

- understand the challenges and opportunities presented by a state funded system
- gain ideas about service development in their own countries.

Terje Eimot was graduated in public administration in 1984. He has been head of office for health care and social affairs Råde municipality during 1989-1993, and head of office for education and culture Råde municipality during 1998-2000. Since 1993 head of office at the National Mediation Service, Østfold County, and a national instructor in training of mediators. He has been working for UN – Middle-East in 1997 and in southern Sudan in 2006

Kjersti Liloe-Olsen is an adviser at the National Mediation Service, Oslo and Akershus County, a mediator since 1992, a national instructor in training of mediators, and also a facilitator and trainer in conferencing. She has been giving lectures at the Police Academy and the academy for child care. Her main responsibility is the cooperation between the police and the Mediation Service.

Jo O'Mahoney (U.K.): Relationship building between community panel members and young people in the referral order

Significant world-wide interest in restorative justice resulted in reforms to the youth justice system in England and Wales, which included restorative features. The most explicitly restorative of these reforms was the referral order, introduced into legislation by the *Youth Justice and Criminal Evidence Act 1999* rolled out nationally in April 2002. Drawing on data gathered from observations and semi-structured interviews with practitioners and young people, my research explored the strengths and weaknesses of the way the referral order was being implemented. Set in the context of the theoretical underpinnings of restorative justice, a key aim of the research was to inform policy and practice. This presentation looks at the interaction between voluntary community panel members and young people in referral order panels. It explores how the age and gender of panel members and the process of following through contract agreements affected relationship building. It describes how co-operation and dialogue with youth justice practitioners impacted on policy, resulting in changes to local working parties.

Jo O'Mahoney's research interests are restorative justice, youth and crime, and criminal justice policy and practice. She is currently engaged in a project which examines how the youth justice system is implicated in the actions of parents who are the victim of their child's offence.

Room 5

Juan Carlos Vezzula (Portugal): *The participation of the community representative in mediation involving youth perpetrators*

The Convention on the Rights of the Child by the United Nations dated 20 November 1989, adopted the principle of integral protection of children and youths.

The infraction occurs when the family, community and state do not keep this principle.

So, the victim reparation must be connected with the intervention of the court and community representative.

The court and community representative can play an important role enabling the young perpetrator to become aware of his act and giving him the possibility of integral development and social emancipation.

Instead of the anonymous Justice the young perpetrator usually finds in courts, he can meet someone who not only acts as a symbol of law and community feelings towards his behaviour but mainly as a person who can help providing him, whenever necessary, with the adequate means to satisfy his needs such as health, education and welfare.

This experiment was developed in Brazil and is now being implemented in Portugal.

Juan Carlos Vezzula is a Mediator, coordinator of the Mediation Service for adolescents of the Courts of Joinville (Santa Catarina, Brazil). He is a trainer since 1987 of the first mediators in Argentina, Brazil, Paraguay, and Portugal. Furthermore, he is Cofounder and Scientific President of the IMAP (Institute of Mediation and Arbitration of Portugal) and author of books about mediation.

Mila Volf and Ahmed Magouz (the Netherlands): *Community mediation as a form of conflict resolution between a group of juveniles and the community*

Spirit is a youth care organisation in Amsterdam and surroundings. One of the programmes of Spirit in the field of juvenile justice is *Herstelbemiddeling* (Restorative Justice), which is organised in accordance with the Real Justice principles. One of the different forms of Restorative Justice within Spirit is community mediation as a form of conflict resolution between a group of juveniles and community.

Next to Restorative Justice in the usual sense of community mediation (neighbour vs neighbour), the project manager *Herstelbemiddeling* of Spirit started to get requests for community mediation where whole groups of youngsters were involved who seemed to have a hold on the community and where neighbourhoods lost their confidence in all kinds of organisations. In response to that, about three years ago, Spirit started its first case on a special form of community mediation and has had several cases from then. In these cases the amount of juveniles involved per case was no less than six and up to 28.

Community mediation in this way is a real justice form of conflict resolution between a group of juveniles causing trouble in the vicinity, and the (harmed) community. What makes this approach special is that the emphasis is not – as in victim-offender cases – on the relationship between the victim and the offender but on the neighbourhood, the community. And this, the community, concerns all. In these kind of cases, not only people in the community feel victimised, also the (trouble causing) youngsters, who are part of that community, see themselves as victims. There is a tendency of ignorance towards experiences of others and a thinking in terms of “we” and “they” which makes a conversation between community members as good as impossible.

The presentation is concentrated around community mediation as a practised form of conflict resolution between a group of juveniles and the community. On the basis of a recent case, the specifics of this form of conflict and of community mediation will be addressed. Special attention will be drawn to close collaboration between parties involved which is needed and practised. As far as we know, Spirit is the only organisation in the Netherlands practising this kind of community mediation. The aim is to present a good practise of conflict resolution between youngsters and

community, to learn about other practises in this field and to engage in a debate on difficulties encountered when practising this kind of community mediation.

Ludmila M.Z. Volf received in 1996 her Master of Law degree (University Maastricht). Since 2007 she works at Spirit Amsterdam (youth care organisation) as legal advisor and policy maker in the field of juvenile justice. Her work in between is summed up as research and education in the field of juvenile justice and legal advise for children.

Ahmed Magouz worked in the field of juvenile justice for ten years and noticed that the youngsters they worked with hardly thought about what they had done. They tried a lot while they hardly thought about, nor took responsibility for, the things they had done. This is why in 2002 he started as Project Manager for Restorative Justice: taking responsibility!

Room 6

Carolle Gleeson and Alice Brisbane (Ireland): Community Restorative Justice in practice. A community partnership approach using Volunteers

The Nenagh Community Reparation Project is unique in Ireland in that it deals solely with adults and it operates through the Criminal Justice System using community volunteers.

It is a partnership of, the Probation Service, Judiciary, Gardai, Solicitors, Voluntary and Statutory agencies, whose focus is on Victims, enhancing public safety and reintegration of the offender back into the community.

The presentation will include a brief outline of the reparation process in practice and its success rate to date. We will also highlight the obstacles to its further development.

Topics for discussion will include:

- The problems of operating on a non statutory basis
- We ask, is this model suitable only for specific types of community or can it be expanded to cater for a developing, multicultural society and indigenous minority groups?
- How feasible is it, in the long term, to rely on unpaid volunteers?
- The role of Volunteers working alongside professionals and their contribution to the Reparation Process
- - Delegates will also be asked to give their views on the importance, or otherwise of recidivism rates in the evaluation of such projects.

Carolle Gleeson is a Probation Officer and also Co-ordinator of the Nenagh Community Reparation Project. She has worked in Probation both in the U.K. and Ireland and has been involved with The Restorative Justice Project since August 2003. Her responsibilities include the training of Project volunteers and reporting to the various Oireachtas Committees, the latest being the Joint Commission on Restorative Justice.

Alice Brislane is the Cathaoirleach of the Nenagh Community Reparation Project and has been involved as a volunteer in the Nenagh Community Reparation Project since its commencement in 1999. She is a Housing Officer for the North Tipperary County Council and is also active in her own community as Chairperson of the local school Board of Management

Katrien Smeets and Leen Muylkens (Belgium): 'Beyond the offender'. Cooperation for establishing a training for victims of crime

The training 'Slachtoffer in Beeld' (Victim in Focus) has been working with offenders for the past 12 years. Like most of the initiatives who are working according to the idea of Restorative Justice, the focus is often too unilaterally aimed on the side of the offenders. From this shortage 'Slachtoffer in Beeld' (Victim in Focus) came up with the idea of organising a training for victims to create a place where they can think about the crime, the offender and how to deal with their feelings. The training takes place in small groups of victims to secure openness in a safe environment and is meant for the direct victims of crimes and for their relatives.

The first training of 'Uit de schaduw van de dader' (Beyond the offender) took place in February 2008 and originated from the cooperation between Slachtoffer in Beeld (Victim in Focus), the Federal Department of Justice, the Flemish Government, Victim Support and Vormingplus (a training service). This cooperation has a clear appreciation because of the different expertises which reinforce each other. The support of the FOD of Justice and the Flemish Government guarantees a clear and strong basis on which to build the project. Victim Support is an important partner on issues like initial interviews with the victims, victimology. And Vormingplus is a partner on practical matters like location. The training was methodologically developed and given by two training workers of Slachtoffer in Beeld (Victim in Focus). The cooperation proves to be very enriching because all the partners, although they all have their own expertise, belief in the principles of Restorative Justice and they all try to convert them into practice.

Katrien Smeets works since 2004 in Slachtoffer in Beeld (Victim in Focus); Steunpunt Algemeen Welzijnswerk in Antwerp: A training programme for small groups of offenders where we focus on the crime of the participant, the harm and his victim(s) and since 2006 as a lector for the Academic Teaching Training Programme Criminology; University of Leuven, Leuven Institute of Criminology (LINC).

Leen Muylkens works since 2006 in Slachtoffer in Beeld (Victim in Focus); Steunpunt Algemeen Welzijnswerk in Antwerp: A training programme for small groups of offenders where we focus on the crime of the participant, the harm and his victim(s) and works as a Family Therapist at a Centre for Mental Health (Centrum Geestelijke Gezondheidszorg De Pont); Boom.

Room 7

Simon Green (U.K.): Research and Policy: competing or reconcilable agendas for restorative practice?

This presentation will draw on my recent publication entitled 'Restorative Justice and the Victims' Movement: meaningful reform or still being manipulated?' (in Johnstone, G. and Van Ness (2007) *Handbook on Restorative Justice*, Cullompton: Willan).

Specifically, the focus will be upon the translation of the principles of restorative justice into the practice of restorative justice. Terms like 'victim', 'offender', 'community' and 'justice' are imbued with historical, cultural and legal values which cannot be unconsciously assimilated in a restorative framework without implications. These implications can range from the inadvertent exclusion of some people from restorative processes through to the wholesale corruption of restorative goals. The victimological commentary about the political manipulation of crime victims (Elias 1993, Williams 1999) compounds this problem and has the potential to derail many restorative projects. Whereas implementation issues have often been cited (Dignan 2005) as the root cause of failure in restorative projects this presentation will argue that without a clear epistemology which provides a restorative interpretation of key terms and concepts restorative justice will always be vulnerable to the imposition of alternative values and agendas.

The role of both researchers and policy-makers is therefore central to how this concern is overcome. Given that all criminal justice initiatives develop within a political environment it is crucial that researchers are able to inform the development of policy with both theoretical and empirical information and that policy-makers articulate the wider social, economic and political constraints that need to be accommodated within a restorative model. This presentation will conclude with some thoughts for best practice about how this dialogue might be productively achieved.

Simon Green is lecturer in criminology and community justice at the University of Hull, England. Current research interests are in community justice, crime data analysis, social theory and the victims of crime. He and Professor Gerry Johnstone are launching a distance learning Masters Degree in Restorative Justice in September 2008.

Steve Kirkwood (U.K.): Restorative justice as diversion from prosecution: Evidence informing practice

Sacro delivers Restorative Justice Services in 5 of Scotland's 32 Local Authority areas as a voluntary alternative to prosecution in cases of minor crime committed by adults. Cases only go through restorative processes (using shuttle dialogue or face-to-face meetings) if the person responsible for the offence and a person harmed by the offence are willing to use the service. When people are willing to use the service, success rates (as indicated by a fulfilled agreement on how to deal with the aftermath of the offence) are very high at 82% overall. Service users mutually agree on a positive way in which the offence should be dealt with, and the data show that they come up with a variety of meaningful ways in which amends can be made. In over three-quarters of successful cases no money exchanges hands and completion rates of agreements (91%) are higher than those of court mandated fines.

Although the services have a high success rate, the participation rates for cases range across services and time from 30% to 47%, falling below the target of 50%. The most common reason for non-participation is that the person harmed by the offence is unwilling to use the service or does not respond to correspondence. Practitioners fed back to the researcher that this was an area of concern and research should therefore be conducted to see what could be done to encourage higher rates of participation. A specific research question was whether participation rates were affected depending on who was contacted first - the person responsible for the offence or the person harmed. Logistic regression analysis of the service data showed that, when taking a range of factors into account, the strongest significant factor was who was contacted first; service users were nearly twice as likely to participate if the person responsible for the offence was contacted first. The results also showed that, when controlling for other factors, one of the service areas had a higher participation rate and success rate than the others. These results were fed back to the service teams and events were arranged to discuss and standardise best evidence-based practice.

Steve Kirkwood is a Research Officer for Sacro (Safeguarding communities - reducing offending), as well as a volunteer Restorative Justice Facilitator for Sacro's Restorative Justice (Diversion) Service in Edinburgh, Scotland.

SESSION 4: Friday 18 April, 15.00-17.00

Plenary Room

Recent considerations of RJ-concepts and terminology in RJ related to RJ with serious crimes

Panel: Lode Walgrave (Belgium), Siri Kemeny (Norway), Ivo Aertsen (Belgium) and Antony Pemberton (the Netherlands)

Room 1

Liz Frondigoun, Jan Nicholson and Annette Robertson (U.K.): *Building safer communities: cooperation between policymakers, police and community*

Public safety, social justice and youth issues are all linked to current debates on restorative justice. Addressing the issues posed by these groups brings new challenges for Police and the wider communities they serve. The challenge is in developing a clear strategy which is effective for the wide diversity of sites and situations in which police and young people interact, but also in addressing the impact of gang-, alcohol- and knife-related youth crime on local communities. In some of the more socially and economically deprived communities, fear of crime is high amongst the general population. Effectively some communities abandon their streets to youth sub-cultures due to the high incidence of street fighting. The issue then for restorative justice is not a personal but a social one. How can communities be effectively reclaimed but also how can young people be included in that process and be given the opportunity to become part of a thriving prosperous community? Drawing on a qualitative study which evaluates an enhanced policing plan in an area of social and economic deprivation, historically characterised by gang culture, this paper explores the experiences of police, youths, youth leaders, local shops and community planning partners of working and living in such an area.

Dr Liz Frondigoun lectures in Sociology and Criminology at Glasgow Caledonian University, is Scottish Co-ordinator of the British Criminology Society and a member of the Scottish Institute of Policing Research (SIPR). She has a particular research interest in, and considerable experience of, researching violence, policy and policing issues in socially excluded and hard-to-reach groups. For example: Researching Ethnic Minority Young People in Edinburgh and the Greater Glasgow Area. <http://www.gcal.ac.uk/lss/global/contactmaps/staff/soc/lfrondigoun.html>

Jan Nicholson lectures in Policing and Criminal Justice Process at Glasgow Caledonian University, and is a member of the Scottish Institute for Policing Research (SIPR). She is currently researching policing communities, youth crime and violence in Glasgow. Other recent projects: Risk Assessment and Management of Children and Young People Engaging in Sexual and Violent Behaviour and, Law of Evidence in Sexual Offence Trials. <http://www.gcal.ac.uk/lss/global/contactmaps/staff/law/jnicholson.html>

Dr Annette Robertson is a Senior Lecturer in Criminology at Glasgow Caledonian University. Her main area of research interest is crime, victimisation and policing in transitional societies, with a particular focus on Russia and the former Soviet States. She teaches courses on globalisation and crime, youth crime and justice, and is currently involved in researching aspects of policing and youth crime in Glasgow. <http://www.gcal.ac.uk/lss/global/contactmaps/staff/law/arobertson.html>

Michaela Wengert and Jennifer Parke (Australia): Youth Justice Convenors – delivering a community based process within the framework of a legislated RJ scheme

6th of April 2008 marked the tenth anniversary of commencement of the *Young Offenders Act* (YOA) in New South Wales (Australia). Part 5 of the Act prescribes Youth Justice Conferencing (YJC) as a legislated intervention for juvenile offenders, based on principles of restorative justice. Since 1998, almost 17,000 referrals have been made to YJC.

The most significant and unique feature of NSW youth justice conferencing is the partnership model between government and individuals in the community to deliver a justice process. In the NSW model, the government retains responsibility for the administration, and quality assurance, of each restorative justice process while individual members of the community facilitate the face-to-face delivery of the process. The convenors are not volunteers but are engaged on a fee-for-service basis as independent contractors. Apart from a letter introducing the convenor, in most cases the conference participants have no contact with public servants during the preparation and facilitation of the conference.

Philosophically, the symbolism of an individual member of the community stepping up and facilitating a legislated justice process resolving the conflict arising from an offence committed between two members of that community is an intrinsic element of the NSW youth justice conference model.

There are many advantages in having access to a pool of community-based convenors. Convenors:

- are representative of the broader community in age, gender, ethnicity
- bring a diversity of skills and experience to the role
- have a high level of commitment – their motivation is driven by a desire to ‘give something back’ to the community rather than financial remuneration
- have knowledge of services, activities, initiatives and facilities, and links with personal contacts in the local community

However, this structure requires innovative and creative approaches to both personnel and resource management. The complications of this model include:

- recruitment, training and supervision of a pool of convenors has a high resourcing cost, with potentially limited return
- maintaining convenor skill levels, particular if there is limited local work
- fee-for-service convenors are a highly mobile workforce and their availability can change at short notice – they may choose to decline a conference or become temporarily inactive because of other commitments or waning interest
- the accountability processes essential to ensure public expectations are maintained can be burdensome to convenors and resource intensive

This workshop will explore some of the issues raised above, and particularly the strategies that have proved successful in maintaining a team of convenors who are competent, committed, consistent and accountable in practice and quality-driven in service delivery while retaining the responsiveness and enthusiasm of a one-to-one individual service.

Michaela Wengert is the Senior Project Director of Youth Justice Conferencing (NSW Department of Juvenile Justice), and has worked with the Youth Justice Conferencing scheme since it commenced in 1998. Her previous experience includes work with adult and juvenile offenders in the formal justice system and in community-based services. She has given a number of presentations on the YJC scheme, including a workshop at the 4th EU Forum for RJ conference, seminars with the Supreme People’s Court (Suzhou) and Supreme People’s Procuratorate (Nanjing) in China, and at various conferences within Australia.

Jennifer Parke has Bachelor of Arts and Social Science Degrees and a Graduate Diploma in Counseling and Mediation. She has worked for State and Federal Government Departments and for Non-Government Organisations with a focus on young people and Aboriginal communities. She has worked as the Manager for Youth Justice Conferencing on the NSW Far North Coast since 1998, and is currently temporarily appointed as a Senior Project Officer reviewing YJC practices. Jennifer Parke has delivered training and workshops on Youth Justice Conferencing in a number of forums.

Room 2

Beata Czarnecka-Dzialuk (Poland): Research and practice – reflections from the Polish perspective

The reflection on the experience of the research led in Poland will include the example of good cooperation between researchers and practitioners during the first action-oriented and evaluative study on experimental program of VOM in juvenile offenders cases (involving practitioners into the research project, importance of getting their views during regular evaluative meetings, presenting the first results of the research to the practitioners and policy makers). It will be presented furthermore how this research has helped to introduce VOM into the law and practice and how the interest of practitioners in the new institution could decrease once the research is finished.

The difficulties and advantages of the situation when a researcher is engaged in developing the program and is in the same time practitioner will be presented, based on the experience of a researcher.

The presentation will touch upon some general questions like:

- what do the researchers and practitioners want from each other and how to find this out (the role of the inquiries, pools, ways of exchanging information);
- how to draft research to avoid frustration of delivering information of little use to the practice;
- the problem of implementing research results;
- the role of the international co-operation (comparative research, advising, access to the statistical data and information on legal regulation and practice – here would be also example of practical implementation of the findings of the European program on professionals training in Poland).

Beata Czarnecka-Dzialuk is Ph.D. in Law, associate professor in the Institute of Law Studies of the Polish Academy of Sciences and in the Institute of Justice by the Ministry of Justice. She is responsible for several publications on juvenile justice (i.a. the book on juveniles appearing before family court – procedural aspects). Interest in Victim-Offender Mediation since 90’ – founding member of the “Initiative group for introducing mediation in Poland”; - co-author of the research project on evaluation of the experimental project of VOM in juvenile cases (results published in the book).

Frederico Moyano Marques and Rosa Saavedra (PT): Victims and Mediation: The role of national and transnational research

Although Restorative Justice and Victim Support are natural allies, during many years these two fields have lived separated lives. However, recently, Restorative Justice has earned a greater attention and a more positive vision by those whose mission is to provide support to victims of crime. This shift resulted from the evidence that several restorative practices present high rates of victims’ participation and satisfaction, therefore meeting at least some of the victims’ needs. Links between the two fields have become more and more frequent, but concerns still remain, also because some researches show less enthusiastic figures about victims’ involvement in restorative practices.

Nowadays, the way victim support sees Restorative Justice, namely mediation, may generically be summarised by the following idea, contained in the European Forum for Victim Services Statement on the Position of the Victim within the Process of Mediation: mediation is a practice which may entail potential positive outcomes for victims of crime in recovering or minimising the effects of victimisation if certain variables are adequately taken into account.

Some of these topics were addressed in a small research developed under the Project “Victims & Mediation”, promoted by the Portuguese Association of Victim Support and co-financed by the European Commission under the AGIS Programme. The aim of this research was to collect information about the procedures followed by different mediation services concerning victims’ participation and to find examples of good practices that can be widely adopted. In this workshop, the preliminary findings of this research will be presented and discussed.

Rosa Saavedra is a psychologist, researcher at the Minho University, mediator, APAV's technical advisor to the Board.

Frederico Moyano Marques is a lawyer, mediator, APAV's technical advisor to the Board and member of APAV's Restorative Justice Unit.

Room 3

Pompeu Casanovas and Jaume Martin (Spain): The Catalan White Book on Mediation and Conflict Resolution: State of the Art (Involving Policy Makers)

This Workshop focuses on “how Restorative Justice finds its way into contemporary societies” (Aertsen, 2006). Recently, the Catalan Government has made a statute on Family Mediation. The main idea is drafting a general statute on mediation and conflict resolution, with the participation of all the actors involved in the field. To implement it, the Department of Justice prepared a White Book on Mediation and Conflict Resolution, which covers all areas and types of conflicts in Catalonia (Spain) –commerce, community, administration, ecology, education,... and restorative justice. This Project will be carried out by specialized research teams from different Universities and the Department of Justice.

We would like to discuss the general project of the White Book in this Workshop, focusing especially on the issue of Restorative Justice.

*Pompeu Casanovas is Professor of Philosophy of Law at the Autonomous University of Barcelona (UAB, Faculty of Law); Director of Advanced Research (ACQU), Consultant of Artificial Intelligence and Law at the Universitat Oberta de Catalunya (UOC); and Director of the UAB Institute of Law and Technology (<http://idt.uab.cat>). He is the General Editor of the Research Series *La Razón// Areal* (Editorial Comares, Spain).*

Jaume Martin is a social educator and social sciences diploma at the Institut Catòlic d'Estudis Socials de Barcelona, (ICESB). Since 1982, he works at the Department of Justice of Catalonia developing successively the functions of educator on community sanctions, adviser and responsible for international relationships of the Secretary of Penitentiary Services, Rehabilitation and Juvenile Justice. He has been a member of the boards of the European Conference of Probation from 2001/2007 and, is since October 2002, a member of the European Forum for Restorative Justice. He is also a co-ordinator or member of working groups in studies, inquiries and researches about: the psychosocial advisement to the judiciary, victim-offender mediation, the execution of measures and sanctions in the community, the inquiry of youth and citizen security, the juvenile cultures and the violence.

Panagiota Papadopoulou (Greece): Policy decisions in Greece: Introducing mediation as a court order

Act 3189/2003 signaled a shift in the Greek juvenile justice system towards a more justice-based approach. This Act promoted a) diversion and deinstitutionalization and b) respect for due process safeguards. Victim offender mediation was introduced within this context.

Mediation was established either at a pre-trial phase (diversion from court) or as an educative measure ordered by the juvenile court. This presentation focuses on the second option, illustrating some of the positive and negative implications of 'ordered restoration' in Greece, and stimulating discussion among the listeners.

Positives

- a) Protection for due process safeguards, especially presumption of innocence
- b) Some victims may not wish for extra-court settlements
- c) Intervention entirely embedded in the bodies of the criminal justice system – no need to seek for funding or referrals

Negatives

- a) Restoration taking place within the legal framework: reparation is seen as a form of punishment. The process still labels and stigmatizes the offender and the victim. Decision included in the criminal record
- b) Coerciveness of the process, not achieving the fullest degree of restoration (still, case law suggests that consent is always sought)
- c) Settlement-driven practice
- d) Offender-driven practice. Correctional focus: the formal criminal justice system can treat the offender

Panagiota Papadopoulou is a lawyer, currently finishing her DPhil at the Sussex Law School, University of Sussex. Her doctoral research focuses on the introduction and development of restorative justice for young offenders in Greece. Other research interests include women offenders, drug-related issues and criminal justice policy in general.

Room 4

Elisabetta Ciuffo and Isabella Mastropasqua (Italy): International cooperation and its impact on RJ policies in Italy

The workshop suggests some observations about the duties of the penal mediation and its use within the penal juvenile context. It will show moreover the experience of the International Seminars of comparison among normative practices implemented in different countries, organized in Italy during the year 2007 by the Department for Juvenile Justice. The Seminars hosted: Michèle Guillaume-Hofnung (Institute of mediation, Paris), Siry Kemeny (National Mediation Service of Oslo), Mark Umbreit (Centre for Restorative Justice and Peacemaking, Minnesota) and Roberto Gimeno Vidal (professional mediators within the "Program for supporting juvenile delinquency prevention", Catalogna).

Some differences between the Italian model and others' are taken into account: for example the absence of a specific law on penal mediation in Italy and the point of view on the matter proposed by Michèle Guillaume-Hofnung. She noted that the absence of a law on mediation can be a strength, making it possible to learn from the experiences of others and take advantage of this knowledge. In this sense she points to evidence from countries like France where the development of legislation was intended to take into account the need for mediation as expressed by the community.

Another point could be the four days basic training provided in Norway (according to Siry Kemeny) in comparison with the long specialization requested in Italy (pro and cons of both the perspectives); and another important point to be considered could be the different role of the victim- namely his/her more or less active participation within different cultures.

Elisabetta Ciuffo, psychologist from the Study, Research and International Activities Board of JJD, has been involved in many research projects concerning juveniles at risk, both at national and international level. She's been monitoring ongoing activities on VOM within the Italian Juvenile Justice System.

Isabella Mastropasqua is Senior Executive at the Study, Research and International Activities Board of the Department for Juvenile Justice. She wrote several papers on youngsters' deviancy and disease. She held university teaching at the Universities of Messina, Palermo and Genoa. She is currently teaching at the University of Rome "Roma Tre".

Mark Montebello (Malta): Implementing VOM in a Multi-Ethnic context. Overcoming cultural barriers through RJ. A Southern European perspective

It is often assumed that the values inherent in VOM are understood by everyone, irrespective of culture, race and ethnicity. This may not be the case. People originating from cultures other than the European ones may have values that, if not in direct conflict with European values as adhered to in VOM, can be at least understood differently. These may include the values of individuality, privacy,

problem-solving, conflict management, justice, dispute resolution, victimisation, and agreement. This workshop will explore some of the main problems that such different views and values may come into conflict within VOM, and how they may be sorted out. The workshop will explore the idea of co-mediation.

Mark Montebello is trained in philosophy and criminal justice. He is currently A/Director of Victim Support Malta, which he co-funded in Malta. He is the main representative on the EU-funded project "Going South: Meeting the Challenges of introducing victim-offender mediation in Southern Europe.

Room 5

Ketil Leth-Olsen (Norway): Conferencing with young offenders in Norway: cooperation between policymakers and practitioners

The National Mediation Service of Norway uses restorative justice as an approach in the work against youth crime. The project is initiated by the Norwegian government, through a cooperation among six different ministries. Through the use of restorative justice we aim to increase and improve the collaboration among the police, community services, schools and community members - and by that helping victims, offenders, their families and friends, to assist in healing all affected parties and prevent future crimes. The target of the project is youth offenders, especially the most violent and active criminals below the age of 18.

The project started on the 1st of April, 2006 – and the results have been overwhelming. Amongst our 50 youth offenders, only 5 have committed other crimes. This is without doubt thanks to the restorative justice principles and proactive interventions amongst professionals, community organisations, civilian organizations, and those affected by the crime. The method has also proved to be much more efficient in terms of time and economic resources for each case compared to traditional case processes.

The workshop aims to show that restorative justice can be a unique platform for cooperation between different services. When everyone - local communities, public services, police, offender(s) and victim(s), families and friends – participates in a mediation conference, it saves a lot of time and effort, and prevents manipulation from the offenders' side.

Ketil Leth-Olsen is the head of the Restorative Justice Trondheim. He has been working within correctional services for the last 17 years – as a corrections officer and as a participant in different crime prevention projects. This project in Trondheim has by far proved to have the most effective and useful methods he has ever worked with.

Xabier Etxebarria and Alberto Olalde (Spain): Cooperation between policymakers and practitioners in providing VOM in the Basque country - The experience of the first 50 cases

In July 2007, a victim-offender mediation service was opened in the Palace of Justice (Law Courts) in Barakaldo, a medium sized city near Bilbao. Some months later, in October, another service was opened in the city of Vitoria-Gasteiz (capital of the Basque Country).

The Victim Offender Mediation Services are a governmental initiative taken by the Direction of Penal Enforcement of the Department of Justice of the Basque Government. GEUZ, the Conflict Transformation University Centre, is the organization in charge of the daily operation of the service in Barakaldo.

It is a free service for the local population, located in the Palace of Justice. On the same floor there are other complementary and assistance services developed by the Basque Government in the field of Justice like the service for assistance to victims, the service for assistance to offenders, and the service for social reinsertion for convicts.

The cases are transferred to the service after the decision of judicial agents (judges principally) and as a voluntary process for victims and offenders.

The whole process is under the control of judges, prosecutors and lawyers, guaranteeing the rights of the parties and the public interest.

For the Department of Justice of the Basque Government an important objective has been to promote a better and humanized justice, and to facilitate communication, negotiation and dialogue. The need to create this service is in accordance with the Framework Decision of the European Union of 15th of March 2001 with respect to the position of victims in criminal proceedings.

Objectives of this workshop:

- Be informed on the main principles of the judiciary protocol of the Department of Justice of Basque Government to develop an agreement that make possible the mediation for judges, judiciary clerks, prosecutors, lawyers and mediators.
- Understand the main principles, objectives and tasks of the VOM service in Barakaldo and Vitoria-Gasteiz.
- Be informed on some important outcomes of the first 50 cases.

Xabier Etxebarria Zarrabeitia is Director of Penal Enforcement, Department of Justice, Basque Government. He is also a Former Lecturer in Criminal Law.

Alberto Olalde Altarejos is a social worker and criminologist, University of Basque country. He is a European Master in Mediation, Institut Universitaire “Kurt Bösch” of Sion, Switzerland. He received a "Jean Pinatel" Award to the best research in criminological matters of the Basque Institute of Criminology in 1999. He is a founding member of the European Forum. Nowadays, he is a consultant and trainer in GEUZ —University Centre for Conflict Transformation— and mediator in penal matters at the Justice Palace of Barakaldo.

Room 6

Martin De Loose and Bart Claes (Belgium): Are media a proper answer to the problem of the non-participating actor (the community) in mediation/restorative justice?

One of the criticisms on victim-offender mediation is the fact that the broader community, who is certainly an important stakeholder, is not involved, and is not participating in the process like the victim and the offender and their relevant thirds are doing, and therefore people can't express their feelings, formulate their grieves and questions etc. We all know that the community needs to express their feelings, and has a lot of questions (cf. Belgian cases like the murder of Joe Van Holsbeek where 80.000 people came on the street to express their sympathy, to say no against senseless violence). Although this criticism is valid also on the present criminal justice system where the prosecutor represents the community, we want to explore in the workshop the question of the possible participation of the broader community in a victim-offender mediation. Perhaps it can. Together with the media we can maybe involve the broader community in a victim-offender mediation and make possible the communication between the offender, the victim and the broader community...

Bart Claes is a criminologist who works since two years for the Mediation Service Suggnomè in Belgium as a mediator between victims and offenders.

Martin De Loose is a criminologist who works since one year for the Mediation Service Suggnomè in Belgium as a mediator between victims and offenders.

Ondrej Stantejski, Jitka Hruskova and Marketa Knillova Praskova (Czech Republic): A new plan of the Czech Probation and Mediation Service (PMS) to improve and strengthen the delivering of RJ programmes

Representatives of the Czech Probation and Mediation Service will present “Actual situation in delivering and providing of restorative justice programs in the frame of the Czech justice and a new plan of PMS how to improve and strengthen delivering of RJ programs”.

A part of the presentation will be a description of a new concept on how to develop RJ programs into effective structures in the framework of judicial bodies in cooperation with nongovernmental bodies (concept of a new certification system for NGOs in order to develop new RJ programs – VOM, FGC, probation panels, programs for victims).

Currently running projects (“Mentor” and “Specialized Comprehensive Counselling for the Victims of Crime”) that are run by PMS in cooperation with NGOs and which are trying to implement RJ principles into practice will also be introduced.

Jitka Hruskova graduated in social work from Charles University, Prague. She is a probation and mediation officer and a head of the PMS unit in Benesov, Czech Republic. In her work she specializes in the work with young offenders and pre-sentence stage agenda of criminal trial proceedings.

Marketa Knillova Praskova graduated in cultural anthropology from Charles University in Prague. Now she works for the Probation and mediation service in the Czech Republic and is the head of the PMS unit in Nachod. She works especially with adult offenders and is also specialized on victim - offender mediation.

Ondrej Stantejsky graduated in Law from West Bohemian University in Pilsen. After a gap year in Ireland he is now working at Probation and Mediation Service HQ dealing with a legal and international agenda. He feels that being a relatively newcomer in Service is both challenging and highly rewarding.

Room 7

Inge Vanfraechem (Belgium) and Michael Kilchling (Germany): Research on restorative justice in Europe

This workshop will focus on research needs and results on restorative justice in Europe. First, Dr. Michael Kilchling will present the results of a questionnaire with regard to “Needs of the European RJ scene” which was sent out to members of the European Forum for Restorative Justice and of the COST Action A21 “RJ in Europe”. Dr. Kilchling will focus upon the results of the mentioned questionnaire with regard to the needs on RJ research in Europe.

Dr. Inge Vanfraechem will present empirical research on RJ in 9 European countries, thereby focusing on the challenges of comparative European research in this field and pointing out some remarkable results as well as gaps in the empirical research.

Both presenters will put forward statements and questions on the importance of RJ research to inspire the debate.

Inge Vanfraechem works as a researcher at the National Institute of Criminal Sciences and Criminology, federal Ministry of Justice in Belgium, on the evaluation of victim policy. She is the vice-chair of the European Forum for Restorative Justice. She obtained her PhD in criminology at the K.U.Leuven on the topic of Family group conferencing for serious youth delinquency. She is an affiliated researcher at the Leuven Institute of Criminology, K.U.Leuven, Research Line of Youth Delinquency and of Restorative Justice. Her main research interests include victimology, restorative justice and youth delinquency. Links: www.euforumrj.org, www.nicc.fgov.be, www.law.kuleuven.be/linc.

SESSION 5: Saturday 19 April, 10.30-12.30

Plenary room

Inge Vanfraechem, Ivo Aertsen and Leo Van Garsse (Belgium): Action-research in the field of restorative justice: an opportunity or a risk?

In the Belgian experience, collaboration between researchers and practitioners has been one of the key factors to stimulate the development of restorative justice. But, what kind of research are we talking about? How can we conceive a respectful collaboration?

In this workshop, the concept and practice of action-research will be discussed: how can researchers and practitioners work together in developing innovative practices or evaluating existing practices?

The following topics will be addressed:

- What is action-research?
- Why we should use it?
- How to start up action-research? Who should be involved? What are the pre-conditions?
- How can it be done in practice? Examples of victim-offender mediation, conferencing and restorative justice in prisons in Belgium.
- The possible outcomes of action-research and how to integrate it in further practice and policy development, and in ongoing research and theory building?

The presenters are researchers and practitioners that were involved in action-research and therefore wish to present the theme in an interactive manner, to show the (dis)advantages of action-research from both sides.

Inge Vanfraechem works as a researcher at the National Institute of Criminal Sciences and Criminology, federal Ministry of Justice in Belgium, on the evaluation of victim policy. She is the vice-chair of the European Forum for Restorative Justice. She obtained her PhD in criminology at the K.U.Leuven on the topic of Family group conferencing for serious youth delinquency. She is an affiliated researcher at the Leuven Institute of Criminology, K.U.Leuven, Research Line of Youth Delinquency and of Restorative Justice. Her main research interests include victimology, restorative justice and youth delinquency. Links: www.euforumrj.org, www.nicc.fgov.be, www.law.kuleuven.be/linc.

Ivo Aertsen is professor of criminology at the Catholic University of Leuven. His field of interest is victimology, penology and restorative justice. Before he started research and teaching, he worked in the prison system and in victim support. Ivo Aertsen led COST Action A21 - a European research network on restorative justice.

Leo van Garsse holds a master-degree in pedagogy (Leuven 1980). Since '87 he has been actively involved in the practice and the implementation of several applications of victim-offender mediation in Flanders. Since 1998 he's employed by "Suggnomè, Forum for Mediation and Restorative Justice", an umbrella-organisation for the promotion of Restorative Justice in Flanders. From 2004 on, as a representative of Suggnomè, Leo Van Garsse was closely involved in the preparation of a legal framework for victim-offender mediation in Belgium.

Murray Davies (U.K.): Monitoring and Evaluation - practice and research working together: a National Model

In Scotland a unique and secure web based approach has been developed to involve all restorative justice Services in a national standard approach to recording and evaluating practice. Data is being collected electronically and stored in one database: each local service can access and report on their data and researchers can access and report on all data to give a national picture. Standard report formats will enable local services to produce their own reports to inform local policy makers and the public without waiting for national research reports.

The Restorative Justice Monitoring and Evaluation system records information by case and allows data to be entered about all persons responsible in a case, and the restorative justice processes they have been involved in with persons harmed. Within a case different restorative processes may take place with different combinations of persons responsible and persons harmed and all of this information can be recorded.

The monitoring and evaluation system also draws on the national standards for restorative justice practice established in Scotland. All services have been trained to practice to these standards. The system provides 'pop up' prompts to provide reminders about definitions and standards, and has been built to ensure internal consistency of responses.

In addition to recording key information about a case, practitioners record their evaluation of the participation of the person responsible. Data is also collected electronically from persons responsible and persons harmed to provide their feedback on the processes they have been involved in. A range of interfaces, graphics and spoken text are used to engage person's responsible in the evaluation.

Because the monitoring and evaluation system is linked to practice, local services input data and collect feedback in the knowledge that they can immediately benefit from this. They have information to use locally to develop policy, practice and inform the public. Web based technologies allow data collected in different locations to be stored centrally and accessed in different places. National researchers have access to this data to provide national reports.

Murray Davies is a director of The Viewpoint Organisation which has developed the electronic monitoring and evaluation system. He is a qualified social worker and has for the past 12 years led the development and application of computer assisted self-interviewing methodologies in youth justice and social care

Room 1

Grazia Manozzi (Italy): Parallel mediations: why does organised crime tend to 'mediate' conflicts and to reject institutional victim-offender mediation

My presentation will focus on the possibility of using restorative justice and victim offender mediation in countries, -like Italy-, characterised by a strong presence of organised crime (mafia). In this field, the criminological approach regarding mafia should inform theory and practice of victim-offender mediation.

First, the presentation will try to show the geographical distribution of the recourses to victim-offender mediation in Italy; secondly, it will try to explain why the Italian regions where mafia is deeply rooted have a scarce interest to victim-offender mediation; thirdly, it intends to investigate why organised crime (mafia, above all), which has its own way to 'mediate' conflicts among persons, families or groups, tends to reject institutional victim-offender mediation.

A framework of the norms which consent victim-offender mediation in Italy, either in the juvenile justice system or in the justice of the peace, will help to understand the alternative between institutional mediation and 'mediation' (is it still mediation?) carried out by criminal organisations.

Grazia Mannozi is Full Professor at the Law Faculty of Como (University of Insubria, Italy). Actually she teaches "Criminal law" and "Restorative justice and victim-offender mediation". In September 2006 she was Visiting professor at Lapland University, Rovaniemi (Finland). She has worked as honorary judge at the Milan Court for the Enforcement of Sentences and as expert in criminal matters for the Council of Europe.

Anna Sironi and Maurizio Vico (Italy): Knots of an Italian inattention (Conceptual obstacles in promoting RJ in Italy)

In Italy there are no institutional initiatives concerning victims (with the exception of some particular situations), and the experiences in community mediation are experimental, and not really formalised. Only recently in Italy some steps concerning victims are developing and new debates are getting deeper. The victim as a social subject expressing needs has almost always been kept in the shade: the right of recouping, but not of help is recognized for victims.

Today the focus is on those victims' needs that cannot be answered by the juridical area by itself, but only in tight connection with the social resources.

The project *Persone OFFese*, in Turin is based on the idea held by a multi professional team to sustain people in their elaboration of trauma and mourning. The aim is to sustain the reparative personal and communitarian skills.

The project is articulated into several aspects; a) a window for victims that offers information, reception, listening and accompanying; b) enzyme on a territory to offer formative opportunities and sensitisation about the question of victims; c) network of formal and informal presences on the territory able to answer some victims' needs; d) centre of documentation.

Some critical views: There is still a problematic knot in the Italian situation: strategies of damage reduction raise an ideological problem. Resources in this area, and in particular the area of security, refer to a failure of preventive and repressive system. Objections rise. Do this kind of actions reducing damages for victim and the community not give injustice for granted? Does it not hide the ineffectiveness of the system that should guarantee legality? Does it not pass anger towards crime over in silence?

Even maintaining justice as a main cultural paradigm, and keeping in mind the value, even symbolic, of Justice as a helper to rebuild, we may indicate ulterior elements, adding them to discussion and to practice, instead of putting them as alternatives.

Which kind of promotion? The aspects of promotion concern an action of "marketing" for the centre, and the opening of a cultural and formative debate about victims: how incentive the access to this space is from the so called dark number? Which promotion of the centre?

Anna Sironi (psychologist) & Maurizio Vico (philosophical studies) work in Turin, Italy, in an ONG Association Gruppo Abele Onlus, in a multiprofessional team leading activities concerning victim support (project Persone OFFese), conflict management, urban regeneration, school mediation, community mediation, training courses.

Room 2

Anne Killet , Fiona Poland, Gwyneth Boswell, Simon Woodbridge and John Cross (U.K.): *Rehabilitation and restorative justice: Building community connections through the SPROCKET research collaboration*

Community restorative justice can be a way to re-locate and integrate responsibility for and confidence in aspects of criminal justice within local communities. This workshop examines an example of a research-policy-practice collaboration designed to embed informed policies within a community context. The presenting team will include the researchers, the policy leader and local practitioners. The English District of Broadland, Norfolk, is a relatively rural area with low-crime rates but both pockets of offending and levels of community fearfulness of particular types of crime against person and property. Broadland District Council (BDC) developed an initiative called Stairway to actively promote the prevention of crime and the rehabilitation of offenders to by promoting a more integrated and localised approach to engaging with these issues. The Stairway local council initiative was one which sought to understand and address offending issues within the local/community setting - this would possibly pose challenges to assumptions about blame and responsibility. BDC commissioned the SPROCKET research team to make available information about the nature of local offending and also the range of local responses to it.

Their research was designed both to provide a full range of insights into offender, community-based and service-provider responses to offending and to begin to engage with some of those responses. Focus groups, and particularly those with victims of crime, underlined the importance of individual and community restitutive approaches for addressing offending in a meaningful way. Case studies of offenders underlined the importance for prevention and rehabilitation of restoring the offender's links with the community. Further focus groups highlighted both local opportunities (e.g. community justice panels and parish councils) and barriers to engaging with and negotiating restorative justice approaches at a community level. The Stairway policy programme engaged specific SPROCKET findings to generate a range of activities and policies relevant to supporting more restorative justice initiatives with local community institutions in Broadland. This workshop will explore how action-

oriented collaboration between researchers, policymakers and community can provide a useful way to stimulate dialogue to develop locally-relevant ideas and actions around restorative justice. Making such connections can be vital for re-integrating and rehabilitating offenders and for building more positive community relations.

Anne Killett is a lecturer in occupational therapy in the School of Allied Health Professions at the University of East Anglia, with research interests in developing research methodologies to bring the voice of marginalised groups into policy through research, and in practice across organisational boundaries.

Fiona Poland is a sociologist and Senior Lecturer in Therapy Research in the School of Allied Health Professions at the University of East Angli. Her career-long research interests centre on community engagement in the health and social support of marginalised groups including offenders and sex-workers.

Gwyneth Boswell is Visiting Professor in the School of Allied Health Professions at the University of East Anglia and Director of Boswell Research Fellows, an independent social and criminological research business. She has researched and published widely on violent young offenders and prisoners' families.

Simon Woodbridge is an elected local politician with responsibility as leader of the council. This position carries the policy making portfolio for crime reduction and prevention. Simon developed an understanding of restorative justice from six years serving as a board member for a local probation service.

John Cross is a social worker and Practitioner/Manager for the Norfolk Youth Offending Team. His lengthy experience of working with criminal justice agencies, young offenders, their families and victims of crime included direct victim-offender mediation. His research for this project confirmed the importance of community participation in restorative justice processes.

Room 3

Eleonore Lind (Sweden): Cooperation between agencies to facilitate VOM – the Swedish experience

To receive cases for mediation it is important to have a good cooperative relationship with the agencies which handle the cases. I will give a short resume on the Swedish experience where the primary partners in victim offender mediation are the police, prosecutor and the social services, bearing in mind that in many other European countries it is also judges that refer cases.

As part of building a good cooperative relationship it is important to have knowledge of communication as well as practicing all the methods used in mediation. It is vital for mediation services to have beneficial cooperation with other agencies.

According to the Swedish Victim/Offender Mediation (VOM) Act from 1st of July 2002, VOM should be conducted promptly and this should be done in cooperation with the police and prosecutor. If VOM is intended to take place prior to the conclusion of the criminal investigation, the mediator should consult the senior investigating officer, in most cases a police. If VOM is intended to take place subsequent to this point, but prior to a court sentence coming into effect, the mediator should instead consult the prosecutor.

The objective of this workshop is to identify prejudices and misperceptions concerning VOM within the judicial system, which can hinder an effective implementation of mediation in criminal cases and to find ways to increase the cooperation with our working agencies. We do not mean only police officers, prosecutors and judges, but also the social sector and the prison and probation authorities.

When discussing these questions we have to keep in mind that the initial incorporation of mediation in criminal cases varies from country to country, due to cultural, socioeconomic and historical background.

I see the work-shop/seminar as a sharing experience to gain further understanding, to give each other support and to share hints on how to go on with this very important part of our profession.

Eleonore Lind has experience of mediation from different areas, victim-offender mediation, peer mediation, neighbourhood and family mediation. She has been devising and executing training in mediation as a method since 1996. Between 2004 and 2008 she was responsible for the national training of victim-offender mediators, quality assurance and quality development of mediation in Sweden based at the Mediation

Secretariat at The National Council for Crime Prevention, Stockholm, Sweden. This position included working on a national level with the police, prosecutor and social services.

Aarne Kinnunen (Finland): Implementing VOM in Finland – cooperation between policy makers and practitioners

In Finland, VOM became nationwide and state funded in 2006, when the law on mediation was approved. VOM is managed by the Ministry of Social Affairs and Health, with the Ministry of Justice being an important partner. The State Provincial Offices carry the responsibility for organizing the services in their respective areas. Mediation services can be provided either by public or nongovernmental organizations. All these actors are assisted by the Advisory Board on VOM, working for the development of mediation and promoting co-operation between different actors in the field. The particular duties of the Board are:

- to monitor and assess developments in mediation and to make proposals for its future development;
- to promote cooperation in mediation matters between the various administrative branches, organizations and other parties;
- to issue content-based guidance on drawing up instructions for mediation activities;
- to monitor international developments in mediation and participate in international cooperation concerning mediation, and
- to carry out other duties laid down by the Ministry of Social Affairs and Health in order to achieve the Board's goals.

Unfortunately, the roles and responsibilities of different actors have not always been clear. Practitioners' needs concerning guidance have not always been met. For example, there seem to be differences between service providers in the way they execute training for volunteers and there still remains a great variety into which extent police and prosecutors refer cases to VOM in different parts of the country. Certain open questions in the new legislation are still unanswered.

A future challenge to mediation in Finland is to ensure high quality standards of mediation work by creating a good governance structure with clear indications of responsibilities. Furthermore it is important to develop coherent and high standard curriculums for teaching volunteers and professionals in mediation and to ensure good relations to local police and prosecutor authorities.

Kinnunen Aarne is a Ministerial Adviser in the Ministry of Justice in Finland. He works in the Department of Criminal Policy dealing with issues concerning restorative justice and mediation, prevention of crime and violence, drug issues and criminal policy in general. He is a vice chairman in the Finnish Advisory Board of Victim Offender Mediation.

Room 4

David Miers (UK) and Jolien Willemsens (Belgium): National and international legislation on RJ

Based on the results of a questionnaire on the needs of the European restorative justice scene, and based on the work done in the framework of the COST Action A21, the presenters will attempt to draw some conclusions on the interplay between national and international legislation on restorative justice.

Jolien Willemsens is the Executive Officer of the European Forum for Restorative Justice and has acted as researcher and project manager in the AGIS 3 project.

LL.B, LL.M. (Leeds), D.Jur. (Osgoode Hall, Toronto). David Miers was appointed Professor of Law in 1992. Between 1992-2000 he was Director of the Centre for Professional Legal Studies at Cardiff, and between 2000-2004 Deputy Head and 2004-2005 Acting Head of the Law school. He previously held appointments at the Queen's University, Belfast and in Cardiff. In 1981-82 he was Visiting Fellow at the Centre for Socio-

Legal Studies, Wolfson College, Oxford. He has written extensively on the formulation and interpretation of legislation, and has been a member of the Editorial Board of the Statute Law Review for a number of years. Between 2001-2004 he held an AHRB award (rated 'outstanding') that supported Wales Legislation Online, a database run from Cardiff Law School that details the devolved functions of the National Assembly for Wales. He has given evidence to parliamentary select committees on the deregulation procedure, the procedural consequences of devolution, and on law-making. He is currently Chairman of the Study of Parliament Group.

David has a long-standing research interest in crime victim compensation and more generally in the place of the victim in the criminal justice system. He is an Editor of the International Review of Victimology, founded in 1989, and in 2001 completed two Home Office funded research projects on the use of restorative justice. He was one of the two UK national representatives on an EU COST Action researching restorative justice and victim offender mediation provision across Europe. He also writes on the legal regulation of commercial gambling. He has been Special Adviser to the Culture, Media and Sport Select Committee and to the Joint Committee on the Gambling Bill in 2003/04. His book, 'Regulating Commercial Gambling', published by OUP in 2004, has been described as 'magisterial' in its command of the subject. David has acted on a number of occasions as an academic reviewer for the Funding Councils, and more recently for the QAA. In 2001 he was accepted as a member of the Institute of Learning and Teaching in Higher Education.

Room 5

Anna Wergens (Sweden): Restorative justice, the crime-victim paradigm and the CoE guidelines for a better implementation of the Recommendation in Penal Matters

This presentation, which will be divided in two parts, will reflect a victim-oriented perspective addressing the imbalance of power between offenders and victims in the crime context. In the first part, victim-offender mediation as a form of victim assistance and victim empowerment will be analyzed. Possible risks and pitfalls for crime victims in the course of mediation will be analyzed from a Swedish perspective. The analysis will take its point of departure in the objective of restorative justice to restore the balance between the parties and in the underlying principles of dignity and equality of the parties, as expressed in international norms on restorative justice and on crime victims. The aim is to highlight possible legal and emotional problems encountered by crime victims and to identify considerations for victims during mediation in penal matters, as identified by the Crime Victim Compensation and Support Authority.

The aim of the second part of the presentation is to present the Council of Europe guidelines for a better implementation of the existing recommendation concerning mediation in penal matters, which were adopted by Commission for the Efficiency of Justice, (CEPEJ) in December 2007. The diversity of the restorative justice programmes in Europe was decisive for the development of these guidelines. A theme in the presentation is the signification of this diversity and how it is manifested in the guidelines. The presentation will outline the objectives and the innovations of the guidelines as compared to international standards on restorative justice in general, and to the Recommendation No. R (99) 19 concerning mediation in penal matters in particular. Another perspective is how the guidelines relate to the conference theme "Co-operation between the public, policy makers, practitioners and researchers".

Anna Wergens is a lawyer working at the Swedish Crime Victim Compensation and Support Authority where she is responsible for international matters. She has led three projects on the situation of crime victims in the European Union. During 2007, Anna Wergens participated in the Council of Europe working-group CEPEJ-GT-MED which has developed guidelines for a better implementation of the existing recommendation concerning mediation in penal matters.

Antony Pemberton (the Netherlands): *Private versus public features of restorative justice: the cases of terrorism and intimate partner violence*

One of the recurring debates within restorative justice concerns the question is how to reconcile the public law qualities of restorative justice with the private micro-processes concerning victims and offenders. Bas van Stokkom's paper will suggest a possible way of structuring the process in a way that will extend the possibilities for restorative justice to fulfil its public function, while attempting to keep the beneficial qualities of the private setting.

This paper makes three points. First of all it will discuss some main issues whereby the private and public functions of victim-offender encounters may be at odds with each other and will question the wisdom of striving to meet both these functions at the same time, in particular in the case of more serious and violent offences. Like Van Stokkom's paper the effects of apologies will be discussed. That will in the second place lead the presenter to assert that in these cases it may be preferable to view restorative justice as a complement to criminal justice rather than an alternative.

Thirdly the discussion of the public and private features of restorative justice may be furthered by examining different crime contexts that have inherently public or private features. In the final section of the presentation the presenter will reflect first on terrorist acts, which have a highly public dimension, due to the fact that the act was committed to scare, frighten or threaten a wider audience rather than the direct victim. Second it will discuss the issue of intimate partner violence, which by contrast has more private features. The presenter will contend that these differences in crime contexts should also affect the positioning and structuring of restorative justice procedures in general, but in particular their relationship to its public and private features.

Antony Pemberton MA (1975, London) studied political sciences at Nijmegen University in the Netherlands . Previously he was a senior policy officer for Dutch Victim Support and, from 2005 onward, scientific adviser. He has been involved in restorative justice for over five years now as programme manager for DVS activities in this field, as a representative of the European Forum for Victim Services on this topic and on the editorial board of the Dutch-Flemish Journal for Restorative Justice. He has published regularly on the position of victims within restorative justice and recently cooperated in the EU-funded Victims of Terrorism project promoted by the European Forum for Restorative Justice.

Currently Antony is senior researcher at the International Victimology Institute of Tilburg University. Besides victims in restorative justice, his research interests there relate to the needs of victims, victims of terrorism, risk-assessment and management for victims of domestic violence and generally the (social) psychology of victims within the criminal justice procedure.

Room 6

Ilaria De Vanna (Italy): *Raising public awareness by training multicultural 'agents'*

The main question about mediation often is “how can we spread mediation?”. The existence and diffusion of a “mediation culture” is an important tool of peace building.

The idea of creating a multicultural group of people that has been trained for one year with the aim to go back to their work places or to start working in places where different cultures meet and encounter each other is the main pillar of a project which has been carried on in southern Italy in 2007.

People living in Puglia have gone through a one-year mediation training session. In this training session participated Italian people, and also people from Sudan, Afghanistan, Albania and so on, who worked together in a “human oriented” multicultural workshop.

Several months after the end of the training it was possible to collect the opinions of each of those people on how mediation and mediation tools have been used and applied according to the situations and the culture where they have worked. Each one of them has developed and applied different strategies and approaches to address the people they met.

A follow-up reflection about this experience has provided us with more than one answer to the initial question on “how to spread mediation” and different ways to address people in order to build knowledge on mediation.

Ilaria De Vanna is a psychologist, a mediator in the Mediation Office in Bari since 1996, Mediation Trainer. Member of the Committee of MediaRes, the first Italian magazine on mediation. She cooperates with schools for several school mediation projects.

Sophia Giovanoglou (Greece): Legislative choices in Greece: the case of domestic violence

This paper deals with the latest developments in the Greek Criminal Law related to criminalization of intimate violent acts and in particular with the introduction of victim-offender mediation, a restorative practice, in such cases.

Under the criminal law 3500/2006 with the title “Countering intimate violence and other provisions”, approved in January 2007, the so-called “criminal mediation” was introduced as a measure which can be imposed by the Prosecutor under certain conditions in cases of intimate violence misdemeanours.

This paper is a critical account of the provisions incorporated in articles 11-14 of the aforementioned Greek Criminal Law, with a particular focus on the allocation of mediation process to the prosecutor, instead of a person specialized in mediation (mediator). It discusses the arguments expressed in favour of or against this provision by policymakers, non-governmental organizations, practitioners, researchers etc. and concludes with the problems which will probably arise throughout the application of the law.

Sophia Giovanoglou was born in Serres – Greece in 1965. She also worked on a PhD: “Institutional Problems of Ex-offenders’ Social Re-integration” (Aristotle 2002). She is a post-doctorate researcher at the Department of Criminal law and Criminology at the Aristotle University. She wrote four papers and two conference presentations related to restorative justice in juvenile criminal cases.

Room 7

Belinda Hopkins (U.K.) and Bruno Caldeira (Portugal): Public support for RJ: Creating a restorative society by starting young - restorative practices in schools

There is a tendency to associate the phrase ‘restorative justice’ with judicial systems (alternative or complementary) and with reactive processes when harm has been caused by offending behaviour. However there is far more to restorative justice than this, and the phrase ‘restorative approaches and practices’ hints at the potential of what is, for some, a radically new way of conceptualising community and conflict. One of the main goals, for those who work in this field, is to inform public perception of both community and conflict and to enhance people’s confidence and competence in building community and addressing conflict. Therefore we believe the work with children in schools is a good road to follow. Implementing restorative approaches/practices in schools can be a way for children to learn and internalize new concepts of community and of justice, based on restorative principles. In that way we will have in the future adults who are familiar with restorative ideas and thus more emotionally literate, more committed to community and, in case harm and conflict arise, they would be more willing to explore restoration rather than retribution and revenge.

The work in schools will enable us to carry out long-term studies to understand the impact of the learning of restorative principles on the social development of those children who were involved, and also the impact in their micro society (family, peer groups). This creates a huge area for researchers to give their contribution.

In this workshop we will try to give an overview of the development of restorative approaches/practices in schools. We hope to present two/three case studies (England, Portugal and a possible third one from Southern Europe), at different levels of development. This will allow the discussion to be broadened in order to address the different needs in this area.

The three presentations will be very short (no more than 5-10 minutes each) and their focus will be on how the programs were developed, the challenges faced and how these are being overcome

After the presentations, the discussion will be focused on sharing experiences and in finding ways to cooperate and implement this kind of work, bearing in mind the specificity of each country.

Dr Belinda Hopkins - Director of Transforming Conflict, the National Centre for Restorative Justice in Youth Settings. Belinda has been pioneering restorative approaches in educational settings across the U.K. and beyond, for over 12 years. In the early 90's she founded Transforming Conflict which has become the U.K.'s leading provider of training and consultancy on restorative approaches in youth settings. In 2004 she published the first book on the topic - 'Just Schools', having previously developed the only restorative training course uniquely designed for educationalists in 2002. In 2007 she completed her doctoral research on the implementation of restorative approaches in schools. Having just published a training manual on peer mentoring and mediation Belinda is currently jointly authoring a book on restorative approaches in residential child care – 'Just Care' due out late 2008..

Bruno Caldeira is chairman of the Portuguese Mediators Association (AMC), mediator in Civil, Family and Penal matters, trainer in Mediation and scientific coordinator in Basic Mediation, Penal Mediation, School Mediation and Mediation for the Community.

Maija Gellin (Finland): How can a school using the peer mediation system, in cooperation with a local VOM-office workers and police, increase the understanding of restorative practices

This presentation is going to describe the use of the steps of mediation in the whole school community, which includes pupils, school staff, parents and in some cases also youth workers and police. As the first step the peer mediation method in a school can be used to encourage pupils solve the smaller disputes by themselves. As a second step the conflict can be mediated by the staff who works as supportive adults to school's peer mediation system. In this case parents also take part in mediation. If the case is more serious (including serious violence or questions of property compensation) it is possible to use as a third step help from voluntary mediators. All these cases can come directly from youth workers, police or parents, who have contacted the head of the school to inform on the situation. Follow-up of each case is organised, and if the parties can keep the agreement, the case can be closed instead of leading to further investigations or punishments.

According to our experience, when the peer mediation method is used in a school, the practice affects positively the whole community, which starts to understand mediation as a positive method to use in many kinds of conflicts. The good experiences of peer mediators, increase the understanding of why to use mediation instead of punishments. The knowledge of how peer mediators are working and how the mediation can help parties to remain normal pupils – not victims or bullies - increases also parents' trust as well as pupils', and the trust of the school staff in restorative practices. In every step conflicts can be solved before the problems become more serious. This supports not only the peaceful atmosphere in school but can be seen as a preventive measure among local youngsters. When getting more information about the mediation- e.g. in the trainings, parents evenings ect.- the attitudes to mediation improve. Mediation should be seen more as a learning process where the parties can learn to take responsibility of their own behaviour.

Maija Gellin is the Director of the Peer Mediation Project in Finnish Forum for Mediation. The project is supported by the Ministry of Education and the Finland's Slot Machine Association (RAY). During the last seven years she and her team have trained over two hundreds of schools to use the peer mediation method. Maija Gellin has worked as a special need youth worker over 15 years for example for Finnish Red Cross as well as in her home municipality of Kirkkonummi. There she has also worked as a mediator and leaded and trained voluntary mediators to local VOM-office. She is a pedagogue in civic activities and youth work (Humanistic University of Applied Sciences in Finland).

Practical information

The venue of the conference

The conference will take place at the *Palazzo della Gran Guardia*, which is located in the *Piazza Bra*, right at the heart of the old city and in front of the famous *Arena*.

Palazzo della Gran Guardia is 15 minutes by bus from the railway station *Verona Porta Nova* (where the *Airbus* stops). Different bus lines connect *Piazza Bra* with the rest of the city and a taxi stop is available on the same square.

Registration

The registration desk will already be opened on Thursday starting from 8.00 am. It will also be opened on Friday and Saturday.

Participants will receive their conference materials upon registration.

Badges

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

If you have questions, please turn to the staff behind the registration desk.

Language

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

Lunches

Lunches on Thursday and Friday are included in the conference registration fee. The lunches will be organised in the main hall.

Documentation corner and materials

We will provide tables for you to share information with the other conference participants.

Please note that:

- We will not take copies for you during the conference.
- There will not be anyone to supervise the materials on this table. If you leave materials there that are not supposed to be taken away, please make sure that this is clear by preparing a note 'Display copy only'.

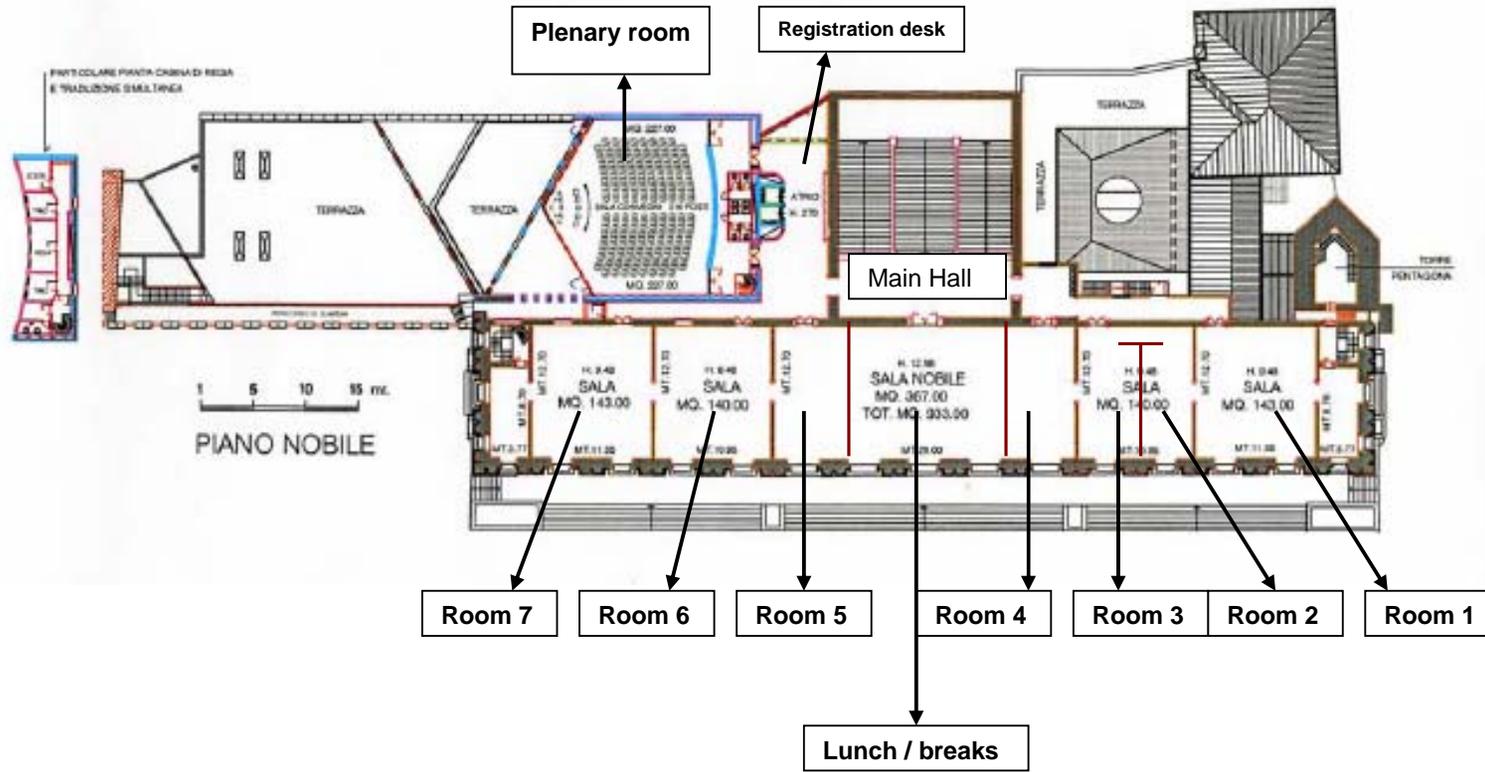
Use of computer/internet facilities

There will be one computer with internet available to the participants in the conference.

Conference dinner

On Friday the 18th at 20:30 a conference dinner is organised in *Ristorante La Serenità*, located in Valleggio sul Mincio, a village about 20 km outside Verona (<http://www.valeggio.com/valeggio-tourist/arv.htm>). Together with typical dishes of the Veneto region, an aperitif served in the garden of the restaurant as well as open bar and live music at the end of the meal, are included at the price.

Transport per bus to and from the restaurant has been booked, and it is also included in the dinner price. Participants will be picked up from *Piazza Bra* at 19:00 and will return to the same place after dinner. The last bus will depart from the restaurant at 00:00h. Since this requires some organisation, registrations for the conference dinner have to be made by the 1st of April at the very latest via the conference registration form.



List of participants

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