

ACCESSIBILITY AND INITIATION OF RESTORATIVE JUSTICE

A Practical Guide

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European Forum for Restorative Justice



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A PRACTICAL GUIDE

"Pinocchio searching for his father in the rough sea, Geppetto sitting with a small light in the darkness, their meeting inside the whale's stomach, which is the environment allowing their reconciliation to happen... This is for me restorative justice, it is a story of metamorphosis. Or maybe I am simply biased because I am telling Pinocchio's story to my son nowadays..."

L.B.

The mural on the front cover page, "*Pinocchio nella bocca della balena*", is an artwork of Maestro Fusi (1964). The picture has been taken by Corrado Tripicchio at the Club House of the Grand Hotel San Michele in Cetraro (Italy) and it is here used thanks to the photographer's permission. The cover design has been finalized by Martino Tattara and Brunilda Pali.



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COLOPHON

This publication is the result of the research project “Accessibility and Initiation of Restorative Justice”, co-financed by the European Commission DG Justice under grant JUST/2011/JPEN/AG/2968 and conducted by the European Forum for Restorative Justice (EFRJ) from 1 January 2013 to 31 August 2014.

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INTRODUCTION

The “Accessibility and Initiation of Restorative Justice” project of the European Forum for Restorative Justice (JUST/2011/JPEN/AG/2968) emerged in response to the limited numbers of cases being referred to restorative justice organisations despite the positive research illustrating the benefits restorative justice may bring for victims and offenders. As the area is receiving increasingly more attention from the legal sphere, for example the most recent EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012)¹, more should be done to increase the numbers of cases reaching restorative justice procedures.

As a result of this project, a research report (Laxminarayan, 2014) and this manual, *Accessibility and Initiation of Restorative Justice: A Practical Guide*, have been published. Both publications aim to guide the reader in topics related to accessibility and initiation of restorative justice. For the purpose of the project, we refer to accessibility and initiation as follows:

- **Accessibility** includes those programme-related factors that impede or assist parties in getting to a restorative procedure (i.e. those that can increase or prevent referrals). These include: availability, legislation, exclusion criteria, awareness, attitudes, cooperation, trust, institutionalisation, good practices and costs.
- **Initiation** includes those case-related factors that stimulate or discourage beginning a restorative practice with the parties, and are related to the moment a victim or offender is invited or informed about restorative justice. These include the level of influence and authority of the initiator, the information provided, the mode of the offer, the language of the offer and the frequency of the offer.

While the research report identified the relevant factors for restorative justice to be accessible to citizens and be successfully initiated, this *Practical Guide* is a collection of ideas, strategies and recommendations for improving accessibility and initiation of restorative justice in Europe and for delivering trainings on these topics. Therefore, this *Practical Guide* is intended for any individual interested or involved in the implementation and more frequent use of restorative justice practices and programmes. Interested persons may include mediators, facilitators, police officers, lawyers, prosecutors, judges, social workers, probation officers, prison staff, educators working with young delinquents, staff working at offender-oriented organisations or at victim support agencies, and policy makers.

This *Practical Guide* originated from desk research, interviews held with restorative justice practitioners, referral bodies, parties involved in crimes (i.e., victims and offenders), and

¹ The “Directive 2012/29/EU of the European parliament and of the council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA” can be retrieved on www.eur-lex.europa.eu.

regional trainings that took place in the five European partner countries in the project: Poland, Ireland, The Netherlands, Croatia (organised together with Romania) and Belgium. Trainings targeted restorative justice practitioners, legal professionals, victim support officers, social workers, prison chaplains, probation officers, researchers and any other interested people in restorative justice.

The reader should keep in mind that this *Practical Guide* (and in particular Chapter 4) does not replace proper training on restorative justice: it is a mere reference guide for anyone interested in increasing accessibility and successfully initiating a restorative justice process. Moreover, this *Practical Guide* should be used to stimulate discussions and encourage further ideas on these topics: it will not provide final answers or best practices to immediately increase the number of referrals, but it will identify the factors influencing accessibility and initiation and possible solutions to improve the restorative justice system. As an additional outcome resulting from this project, the EFRJ is planning to work on the creation of an interactive platform where practitioners can share experiences and recommendations to better develop accessibility and initiation of restorative justice throughout Europe.

The *Practical Guide* is divided into 5 chapters. **Chapter 2** focuses on accessibility (and initiation) at the structural level. It discusses the main *message* that should be communicated to victims and offenders², in addition to the general public, when proposing them that restorative justice mechanisms may be beneficial in their personal case. It provides information on how to raise *awareness among referral bodies*, focusing on the information to be spread and the strategies to be used to gain their attention. This chapter also suggests how to increase *cooperation* with those most important to the accessibility and initiation of restorative justice, i.e. the referral bodies. It also refers to *legislation*, and offers ideas for lobbying as well as concrete examples of past advancements that have been made at the national level regarding the contents and formats of restorative justice legislations. Finally, it provides concrete examples for *launching a public awareness campaign* on restorative justice. The sections on raising awareness will be particularly extensive based on the fact that the lack of awareness was considered one of the main obstacles against having access and being able to initiate a restorative justice process. **Chapter 3** looks closely at initiation (and accessibility) in daily practice. It starts by presenting concrete examples on the letter sent to victims and offenders, analysing the important factors that should be included, and making suggestions against less effective practices when writing the letter. It also examines the next step, the first phone call or meeting with the party, where a decision has not yet been made and the “initiator” still has some impact on the decision to begin a restorative justice procedure. **Chapter 4** presents what has been learned by giving trainings across five European countries (Poland, Ireland, The Netherlands, Croatia – organised together with Romania- and Belgium) on accessibility and initiation of restorative justice. It presents the general structure adopted in all trainings and provides some recommendations and practical reminders for improving future trainings. **Chapter 5** concludes with a summary of the *Practical Guide*.

² Throughout this *Practical Guide* the terms “victim” and “offender” are used for convenience only. Indeed, the daily practice of restorative justice tends to avoid labelling the parties involved in a crime.

ACCESSIBILITY

The chapter “Accessibility” focuses on some programme-related elements that may increase (or prevent) the use of restorative justice practices. Although this guide often refers to victim-offender mediation, while examining accessibility the scope of restorative justice encompasses other models too, such as family group conferencing.

These elements include spreading the message about restorative justice, raising awareness among referral bodies, increasing cooperation between referral bodies and restorative justice practitioners, and launching a public awareness campaign. Special attention has been given to practical ideas for raising awareness on restorative justice, since the lack of awareness seems to be one of the main obstacles discouraging referrals to restorative justice.

The focus of the chapter will be on referrals and information: while the latter is needed for facilitating self-referrals, the former is the proactive action of providing the restorative justice organization with the contact details of the parties involved in the conflict. No *best* practices have been found around Europe which could be easily implemented in other member states, but the ideas here presented can be used as starting points to stimulate the creation of tailor-made models for increasing accessibility of restorative justice in each member state.

2.1. Spreading the message

One of the crucial obstacles against the possibilities to increase accessibility and initiation for restorative justice is the lack of information about the mere existence of such programmes. However, it must be acknowledged that knowing about the *existence* of restorative justice may not be enough to engage in this process. Getting more information about restorative justice does not only give the parties the opportunity to make the right choice for their own situation, but it also encourages and reassures them.

Consequently, the message to be delivered must cover different aspects which are essential for a restorative justice process to take place: some aspects are more general about restorative justice practices, some others are more focused on the individual case. A message on restorative justice could include general information about procedures, benefits, examples, legal safeguards, costs, the organisation providing the service, and its place in the criminal justice system. The message is central in both the accessibility and initiation stages of restorative justice, thus the importance of its contents will return in the following chapters³.

What is restorative justice?

Often, the definition of *restorative justice* (or “mediation”) is given to people who have never heard about it before. Some aspects should be emphasised while defining restorative justice, such as its humane flexible approach, its tailor-made process focusing on the parties’

³ These general aspects about restorative justice will be then integrated with individual concerns and needs (Chapter 3) which aims at “stepping into the parties’ shoes”, considering the parties’ needs first and only then what information should be provided to them.

individual needs, its focus on the harm suffered by the victim and the need for repairing the damage inflicted by the offender, the active participation in the process of both parties, and the opportunity to express emotions and ask or answer questions related to the crime.

It may be necessary also to re-state the *definition of crime* according to a restorative justice perspective: crime is more than breaking the law, it is a violation against people's relations which causes harm and thus such harm must be repaired by discussing the steps to do so. It is also important to define the role of *the mediator or facilitator* during the meeting: he/ she is a neutral party showing respect to all parties, granting the safety of the environment, guiding the discussion and helping the attainment of a common agreement to repair the damage.

How does restorative justice work?

Together with a general but straightforward definition of restorative justice, it is important to explain how a restorative justice process functions. For example, a victim-offender mediation takes the form of a *dialogue* between the parties in presence of a mediator or facilitator who leads and controls this meeting. In addition to preparing the parties for the meeting, the mediator ensures that the meeting takes place in a safe environment. The restorative justice process is often concluded when an *agreement* is reached between the parties; such an agreement (in the form of a contract or report of the restorative justice process) can also be forwarded to the criminal justice authorities following the case (i.e. police or prosecutor). Parties should be also informed about the fact that restorative justice "may not work", in the sense that their initial needs and expectations may not be fulfilled.

Prerequisites for restorative justice

The message should include also the prerequisites for restorative justice to function. Voluntariness is a primary condition for the process to be initiated. In addition, the offender must have acknowledged the basic facts of the crime: his/her honest experience of remorse and his/her decision to take responsibility and repair the damage inflicted to the victim are desirable, but they are not prerequisites, since these may be resulting from the restorative justice process itself. Another prerequisite that should be clarified is the parties' responsibility and proactivity during the entire restorative justice process, which is also necessary to reassure them that they can decide to stop at any moment of the process itself.

What are the benefits of restorative justice?

Among the benefits, it can be mentioned that restorative justice is an opportunity for expressing one's feelings, receiving answers, explaining one's behaviour, discussing possible compensation or restoration, receiving an apology, thinking about future positive ways to deal with pain, and helping the offender to desist from committing further crimes.

Some successful restorative justice's examples

In order to make restorative justice a relevant alternative for people who have been harmed or who harmed others, it may be useful to provide the information using examples of similar cases, stories and experiences. Indeed, it may be easier for people who have never heard about

restorative justice to learn about it by listening to personal experiences with a successful outcome. The power of stories will be further examined in chapter 2.2.

Legal safeguards and costs

The legal safeguards and costs of the procedure should be clearly mentioned not only to properly inform the parties, but especially to gain their trust. The following terms should be included whenever the offer is made: the *voluntariness* of the parties, the *neutrality* of mediators, the *confidentiality* of the process, the fact that procedures are *free of charge* (if it applies).

What about the restorative justice organisation?

The message could include information about the nature of mediators, such as their role, skills, educational and professional background, and other practical information about the restorative justice organisations. It is crucial to mention the contact details so that interested parties can immediately take action for requesting more information and taking part in a restorative justice process.

Relationship with the criminal justice system

It is vital to explain also whether the restorative justice process is an alternative to the criminal justice process or, instead, if it complements its procedures or even if it replaces its sentencing options. Differentiating these possibilities in comparison to the well-known traditional justice system is helpful to better understand restorative justice and its benefits. Still, while making such a comparison, no false expectations and promises should be made.

2.2. Raising awareness among referral bodies

Raising awareness about the existence, the procedures and benefits of restorative justice is a crucial aspect to increase accessibility and initiation of restorative justice. This argument was confirmed by 71.4% of the respondents to the questionnaire⁴ sent for this research project (Laxminarayan, 2014, p. 74). Awareness is also deeply linked with attitudes and changes in culture, thus it should be considered a starting point to further advance in this field.

This section will offer some ideas for raising awareness among referral bodies (e.g. criminal justice authorities, health care officers, school teachers, or any other body who have the role of informing the parties and sending their contact details to the restorative justice organization). Similar strategies can be included also for increasing cooperation between referral bodies and restorative justice organisations (chapter 2.3.), designing lobbying activities (chapter 2.4.) and launching an awareness campaign for a wider public (chapter 2.5).

Create a “restorative justice team”

In order to be able to successfully prepare for raising awareness among a specific target audience, “restorative justice teams” could be created at the local and national levels. Their

⁴ The questionnaire was answered by 96 respondents working in restorative justice organisations (64) or for possible referral bodies (32). More details about the methodology used in Laxminarayan’s research (2014) can be found on chapter 6 of the research report.

goal is to brainstorm about the message and practicalities for raising awareness as well as actually initiating, monitoring and preparing a final report of the campaign. Teams should include staff from restorative justice organisations, referral bodies, community activists, representatives from key institutions, local leaders, journalists. Participants of these teams should have different backgrounds to ensure that creative outcomes originate from their meetings. The choice of participants may differ according to the orientation guiding the implementation of restorative justice in each country (i.e., victim-, offender-, child-, or social work-oriented).

Know your audience and your goals

Before considering possible strategies for raising awareness among referral bodies, it may be necessary to define the specific audience (e.g., police, judges, prosecutors, probation officers) and decide the goals that can be possibly reached (e.g., gaining attention, informing the selected audience, provoking old ideas, stimulating new discussions, supporting innovative thoughts and plans originating from the selected audience). Goals should reflect the positive aspects of restorative justice, such as its benefits and successes, instead of focusing on the differences with the traditional criminal justice system.

Choose your strategy

As mentioned above, strategies differ according to the targeted audience and the chosen goals. The ideas listed below have been mostly collected from the trainings given within the framework of this project and examples have been taken from recent projects for raising awareness. Arguably, some of the strategies mentioned below could be also used for raising general public awareness on restorative justice practices.

Communication materials

Communication materials (e.g., posters, comics, leaflets) should present a combination of words, images and stories appealing for different types of audiences. They should aim to make people curious about the topic and willing to further engage in getting information and spread knowledge (Pali, 2010).



The EFRJ was involved in an event that utilised communication materials. During Restorative Justice Week 2013, the EFRJ prepared five types of *postcards* to spread awareness about restorative justice⁵. The postcards were disseminated to all organisational members of the EFRJ, including restorative justice and criminal justice practitioners, in addition to the general public (e.g., students), as well as to anyone requesting

them. A chaplain working in a Belgian prison requested the EFRJ postcards and asked his inmates to write to their families during the Restorative Justice Week 2013, illustrating the successful use of the EFRJ postcards.

⁵ The five postcards, as well as other communication materials of the EFRJ, can be downloaded from the EFRJ website: www.euforumrj.org/publications/other-materials.

Other examples are the *posters* designed for specific events, such as seminars and conferences, and the *leaflets* of the organisations and their projects. Some of the communication materials created by the EFRJ can be found in appendix 6.1. If more information on how to design these informative materials is needed, please read the “Media Toolkit for Restorative Justice Organisations” (Pali, 2010)⁶.

Uncommon but original communication materials

In addition to the traditional printed communication materials, one can be creative and play with objects which can be used in everyday life and words, as long as the message is clear. Bags, pens, cups, t-shirts, lanyards, USB-sticks, anti-stress balls, office stationary with the logo of the organisation and/or the design of the project or event to be advertised represent some examples.

An original idea comes from CEP, the Confederation of European Probation, who created its own “Correction fluid- Everyone deserves a second chance” white-out. The vial of the white-out says: “CEP correction fluid is an evidence based intervention tool that corrects all mistakes and is clear enough to prevent re-offending” and “Now everyone can start with a clean slate”. On the back side of the vial the barcode is partly deleted: “CEP product: for a perspective without bars”.



Trainings, seminars, and other educational events

Education is one of the goals for launching an awareness campaign on restorative justice. Trainings, seminars and other educative events may involve practitioners from different fields, such as legal professionals, policemen, therapists, health care providers, religious leaders, teachers, artists, journalists. The variety of participants within the group is one of the key-elements for stimulating new ideas, challenge old beliefs and possibly increase cooperation. Trainers may use interactive and thought-provoking exercises to strengthen participants’ understanding of restorative justice. Chapter 4 will provide a list of tips and recommendations that have been learned while giving the trainings foreseen by this project.

Lectures, presentations and talks

At the local level, lectures can be given in order to speak about restorative justice, share project results, inform about new initiatives, etc. An ideal format could be the one used by the non-profit organisation TED (www.ted.com), whose mission is to spread ideas in the easiest way possible. Less than 18 minutes are given to speakers to share their ideas, which could come from any cultural background or discipline. In this way a global community inspired by thinkers and practitioners has been created and countless ideas have been spread worldwide.

⁶ This publication is available on the EFRJ website: www.euforumrj.org/assets/upload/Media_Toolkit.pdf.

The EFRJ Newsflash often includes TED talks directly or indirectly related to restorative justice in the section dedicated to “Moments of inspiration”⁷. Other formats could be adopted as far as the message is delivered in a clear and easy way for anyone interested in attending the event. It is suggested to organise lectures on a regular basis, possibly in a space easily accessible to the public.

Observation of restorative justice processes

Referral bodies could be encouraged to take part as observers in a restorative justice process. This strategy can be useful for educational purposes, but also for increasing their cooperation with the restorative justice organisations (see chapter 2.3).

Cooperation with authorities

Authorities’ platforms and networks could be used as instruments for increasing awareness on restorative justice. In the UK, for example, the Ministry of Justice launched an informative video to help raise awareness about restorative justice⁸. Furthermore, an informative booklet was created in occasion of the international Restorative Justice Week 2013⁹ and even more communication materials were advertised by the UK Ministry of Justice in occasion of the Restorative Justice Week 2014¹⁰. These types of initiatives are helpful to give legitimacy to the message delivered and they are needed to stimulate further collaborations (so-called “structural mediations”).

Documentaries and film screenings

Documentaries and movies can be used to reach a large number of people and stimulate their curiosity about restorative justice, especially when followed by a discussion or debate or by tailor-made exercises relevant to the movie. This activity can reach different target groups, including referral bodies, victims, prisoners, students, etc. The setting for projecting documentaries and movies can also differ (e.g., restorative justice organisations, prisons, cinemas, social centres, schools, hospitals). Movies have been proven to reach their educative purposes also when used during trainings on restorative justice for judges and prosecutors. A list of relevant movies can be found in appendix 6.2.

Storytelling

Sharing stories and examples of real restorative justice cases has been proven to be a powerful tool for raising awareness. This strategy works for reaching a wider public, but it has also been used during trainings, seminars, and conferences to gain the attention of criminal justice professionals and other interested people in restorative justice. In these cases, real stories were

⁷ Appendix 6.2. includes some examples of TED talks relevant to restorative justice and related topics.

⁸ The video “Giving victims a voice - restorative justice” can be seen on www.gov.uk/government/news/giving-victims-a-voice-restorative-justice.

⁹ The booklet “Giving victims a voice” can be retrieved from www.justice.gov.uk/downloads/victims-and-witnesses/restorative-justice/restorative-justice-booklet-web.pdf.

¹⁰ These communication materials can be retrieved from www.gov.uk/government/publications/restorative-justice-week-16-to-23-november-2014.

either shown with a short movie, or directly presented by the victim, or told by mediators combining film screening and presentations.

Stories as attention getters

The short but inspiring film “The Woolf Within”¹¹ has been often used in the UK in order to raise awareness during trainings and seminars. The movie tells the story of Peter Woolf and Will Riley, the victim and offender of a crime, who started to share their story after meeting during victim-offender mediation. In 2008 they also established the charity “Why me?” to promote access to restorative justice. The charity also serves as a platform for victims of crime to share their stories, because Woolf and Riley realised the positive impact that real stories can have in raising awareness about restorative justice.

Susan Miller’s book, “After the crime: The power of restorative justice dialogues between victims and violent offenders” (2011), collects nine case-stories where victims of severe crimes met their incarcerated offenders during the so-called “Victim Voices Heard” programme (Chapters 4-12). Every chapter starts with the basic facts of the case and then tells the story from both sides, first the victim and secondly the offender, showing the power and limitations of restorative justice.

Shannon Moroney’s book, “The Stranger Inside” (2011), was presented during the 8th International Conference of the EFRJ (Belfast, 2014). The book tells Moroney’s true story after her husband had been charged of violent sexual assault and kidnapping of two women. Moroney personally experienced the lack of support for the families of criminal offenders and she became an international activist in restorative justice¹².

Moroney’s book has been ranked among the most popular books in the “Empathy Library” (www.empathylibrary.com), a platform for sharing titles of books and films that aim at increasing empathy and making people reflect by stepping into someone else's shoes. Visitors can search the titles according to their theme of interest, and they can join the library by adding new items and commenting on existing ones. It may be worth supporting such an initiative by sharing other items telling the stories of victims and offenders, with a special focus on restorative justice themes.

It may also be worth to find ways to make sure that stories are collected and made available to a wider public, so that they can be used for raising awareness and for educating about restorative justice. Some people openly talk and share their experience with others, possibly to escape pain, not to forget and even to help others from finding themselves in a similar situation. Other people may argue that publicly speaking about suffering may denigrate the suffering itself, but they may still want to share their stories anonymously. Webpages and/or forums could be set up to allow all participants to share their restorative justice’ experiences. These platforms could be valuable materials to evaluate restorative justice practices.

Some mediators from the National Mediation Services in Norway (www.konfliktraadet.no) directly ask the participants of a restorative justice process to take part in a short documentary about their experience. In these cases, “taking part in a film becomes part of the restorative justice process itself”. The parties talk about who they were in the past, how the crime

¹¹ The film “The Woolf Within” can be viewed on YouTube at www.youtube.com/watch?v=A1s6wKeGLQk&feature=kp.

¹² A book review can be read on www.euforumrj.org/assets/upload/Vol_15_3_Book_reviews.pdf (Newsletter of the European Forum for Restorative Justice 15(3):9–11).

affected them and how restorative justice helps them to change and heal: “videos are a reflection of their drama”. Moreover, “they are great storytellers”: their experiences are singular and unique, they are used to raise awareness and provide training on restorative justice. These documentaries are not available online, because “they cannot stand alone, without someone explaining them”¹³.

Other original ideas for collecting and sharing stories

The Human Library (www.humanlibrary.org) is a platform for volunteers (so called *human books*) who are recruited to share their experiences to *readers* who desire to listen to their stories of stigmatisation and prejudices. The final goal of this living library is to challenge the stereotypes of *readers* and help them to better understand the other’s experience. One could organise a Human Library with *books* about restorative justice experiences, and also about victimisation, criminal careers, victim support and offender rehabilitation. This project could be linked to a bigger event, such as the International Restorative Justice Week, to increase awareness about restorative justice and deconstruct some beliefs and stereotypes about crime and justice. If interested, the Human Library website suggests several practical tips to become an organiser of a Human Library¹⁴.

A concrete example is the European project “Human Library: the rest is history” (www.thehumanlibraryproject.com). In 2014, nine national Human Libraries have been organized in Bulgaria, Romania, Greece, Portugal, Poland, France, and two in Italy to give a voice to witnesses and victims who lived the tragedies of Nazism and Stalinism and to encourage the process of European integration.

Other original methods for sharing stories and experiences are the “Hello Shalom” free telephone line and the “Crack in the Wall” Facebook group, used by Palestinians and Israelis to connect with each other. These programmes have been developed by the NGO “Parents Circle- Families Forum” (PC-FF) together with many other activities¹⁵. Likewise, free telephone lines could connect victims and offenders related by a similar crime, or people who already experienced a restorative justice process with others who have been referred to it or are simply interested in knowing more about restorative justice.

Another original project for collecting stories has been initiated by the Italian rapper Mirko Kiave, who gives creative writing and rap music workshops inside Italian juvenile prisons. At the moment of writing this practical guide, the first workshop was completed in the juvenile prison of Monza, but future workshops are planned around Italy. After few meetings on the origins and culture of hip-hop and rap music, Kiave invited the juvenile offenders to write down their stories on paper. All participants wanted the outside world to listen to their stories; some of them even gain special attention to the techniques of rap music. The project resulted in 8 pieces either in French, Spanish or Italian, who tell the stories of juveniles who grew up on the streets and ended up in prison. The final result of the project, the album “Potere alle Parole”, can be downloaded for free online¹⁶.

Finally, Digital Storytelling has been adopted in the action research project “Restorative Justice in Brussels”. Both digital storytelling and mediation processes focus on lived experiences and true stories told in first person by participants. During the time of a workshop, a small group of eight participants with different backgrounds is

¹³ This information has been collected during the 8th International Conference of the EFRJ (Belfast 2014), workshop “The best way to sell the good results from mediation to media, partners and people – is through the parties! How do we do it?” by Gro Jørgensen and Ethel Fjellbakk.

¹⁴ For more information, please see: www.humanlibrary.org/how-to-become-an-organiser.html.

¹⁵ The PC-FF was created by family members of victims who have been directly killed by the Israeli-Palestinian conflict. It operates in both territories with the aim of promoting tolerance, reconciliation and peace among the conflicting groups. Members organize activities such as the “Dialogue Meeting Program”, the “Narrative Project” (documented in the film “Two sided story” directed by Tor Ben Mayor, 2011), the “Reconciliation Centre”, annual “Youth Programs” like summer camps, a radio show, artists’ exhibitions and other special events. Among others, PC-FF exhibitions included artworks on ceramic plates (“Offering Reconciliation”), photography (“The Presence of the Void”), and cartoons (“Cartooning in Conflict”) about the Israeli/Palestinian conflict. In 2011, in occasion of the International Peace Day, PC-FF promoted blood donations with the slogan “Could you hurt someone who has your blood running through their veins?”. All these activities aim at bringing conflicting parties together to tell their stories from their point of view and raise awareness about the conflict.

¹⁶ Four songs can be listened online (www.soundcloud.com/razzismobruttastoria/sets/cd-laboratorio-kiave-alla-casa).

invited to think about their story and their future. Different exercises can be used to encourage participants to feel confident and share their stories: participants can present themselves mentioning also a nickname or any other personal characteristic, and they can be invited to write down things they love and hate in two separate white sheets of paper and share them with the group. Other exercises can be used to encourage participants to think, write and be concise with their stories: participants can be invited to think loudly about things which got their attention during the day (e.g., five colours, five people, five types of food, five smells, five sounds), while someone writes them on a board; some of these words should then be used by each participants to write a five-lines story to be shared with the rest of the group. After these ice-breakers, each individual tells his/her own story, which is recorded in the first person and illustrated with photographs, drawings, music and words. A tablet is needed to take pictures and videos, record the voice of the storyteller, and edit the short video clip with a movie-maker programme. Stories are always told in first person and collected in a short video (maximum 5 minutes). Digital storytelling has shown to have therapeutic benefits for the individuals themselves, but also for the entire group who is facing the problem, thinking of solutions and building each other's acceptance. The video clips of the individual stories are then disseminated to relatives, authorities, and the wider public (e.g., via YouTube) to raise awareness on certain issues¹⁷.

Another method for collecting stories is to make use of the narrative style of letters. Letters are intimate and personal; they may contain themes such as apology, forgiveness, reconciliation but also other thoughts that can be shared about the period surrounding the offence. Letters can collect the viewpoint of all parties engaged in the process, mediators, observers and supporting people included. Letters can be both part of the healing objective of restorative justice and a means of reaching a wider audience and indirectly explaining how the process takes place. No specific collection of letters has been found around restorative justice topics, possibly because ethical issues and the parties' ownership of their stories come into play.

“Videoleters”: a filming project

The project “Videoleters” could be used as an inspiring format to raise awareness on restorative justice. “Videoleters” is a filming project directed by Katarina Rejger and Eric van den Broek between 1999 and 2004 on the theme of reconciliation in the Balkans. This project included several strategies to collect and share experiences of reconciliation:

- a caravan drove around ex-Yugoslavia to record the video letters and permanent internet counters were installed in certain areas;
- a website (www.videoletterstudy.net) was launched to enable people to post their own video letters and speak about reconciliation;
- a TV series showed 20 episodes of 25 minutes each about people communicating via video letters and a talk-show followed each episode to speak about truth and reconciliation on TV and radios;
- telephone helplines were constantly available to receive phone-calls of people experiencing strong emotions after recording or watching the “Videoleters” on TV.
- famous “ambassadors” (artists, musicians, sportsmen) advertised the “Videoleters” project on radio, TV and

¹⁷ This information has been collected during the 8th International Conference of the EFRJ (Belfast 2014), workshop “Restorative Justice and Digital Storytelling” by Erik Claes and Nele Gulinck, and during the training session “Digital storytelling” animated by Nele Gulinck in Brussels (16 September 2014).

Internet.

The same concept has been tested in Rwanda in 2006: “Video Letters Rwanda Pilot”, where two survivors to the genocide communicate via video letters¹⁸.

As seen in all the above examples, storytelling can be a powerful method for raising awareness, but it can also be a curative tool for those ones who tell their story, and maybe even for the audience listening to them. Still, it may be worth to keep in mind that storytelling may provoke opposite effects, portraying the conflict and its divisions more negatively or for longer than desired. While speaking about peacebuilding arts, in particular about stories portraying opposing parties falling in love with each other (e.g., “*a Palestinian girl falling in love with an Israeli boy, or a Hutu with a Tutsi, or a Northern Irish Catholic with a Protestant, and so on*”), James Thompson¹⁹ explained that “[...] *Whilst these productions have the noble idea that they are exemplifying the overcoming of division, they are also reaffirming that division and helping to maintain the very narrative the art is trying to change*” (Hallman, 2014). This may be the case when communities experienced long conflicts, but it may be also a risk when restorative justice stories are told.

Art projects

Raising awareness among referral bodies may be achieved also by combining dialogue and arts. This strategy can be used also for creating a more informal platform for educating about restorative justice and stimulating future cooperation between referral bodies and restorative justice organisations.

Some platforms collecting relevant arts projects

The Salzburg Global Seminar²⁰ includes Session 532 on “Conflict Transformation through Culture: Peacebuilding and the Arts” (www.salzburgglobal.org/calendar/2010-2019/2014/session-532.html). From April 6-10, 2014, 63 participants from all over the world, including policy makers, NGO leaders, scholars, artists and the media, met to discuss the power of the arts in peace-building in pre- and post-war settings. Inspirational examples of art projects which have contributed to social change, peace, reconciliation and forgiveness were examined to learn new lessons and to be put into practice in different contexts.

“In Place of War” (www.inplaceofwar.net) examines creativity and arts in places where armed conflicts are currently occurring. The project developed an international network of artists, political activists, social media developers, NGO leaders, academics, technologists, journalists, photographers, bloggers, and students cooperating to combine arts and peace-building activities. Books, films and other resources combining theatre, street art, music, and poetry in response to war have already been produced within the framework of this project.

¹⁸ Other collections of letters which have been used for raising awareness about specific topics and experiences are: “Letters from Prison”, a short film directed by Edson Costa, telling the life behind the prison bars directly told by three incarcerated youngsters; “Video Letters from Prison”, a film directed by Milt Lee (2010), about three sisters reconnecting with their incarcerated father through a series of video letters; and “Dear Sister: Letters From Survivors of Sexual Violence”, a book edited by Lisa Factora-Borchers (2014), collecting about 50 letters written by artists, activists, writers, and students, who survived sexual assault and desired to offer counsel to their “sister-survivors”.

¹⁹ James Thompson is a professor of applied and social theatre at the University of Manchester in the UK and lead researcher of the project “In Place of War” (www.inplaceofwar.net).

²⁰ The Salzburg Global Seminar counts more than 25000 members from 160 countries. It organizes international seminars and multi-year programmes challenging world leaders to find solutions to global issues. The programme is organised around these three clusters: “Imagination, Sustainability and Justice” (www.salzburgglobal.org).

The collective “DISCLOSE” (www.disclosesilence.org) involves the active participation of communities through dialogue and arts in order to eradicate sexual violence. In March 2014, DISCLOSE organised “Envisioning Justice – Panel and Open Mic” to discuss the complexities of justice and facilitating a more inclusive dialogue between participants. The leading question of the event was “What do we want from justice?” when dealing with sexual violence. During the *panel*, artists, activists and educators discussed the ways to use arts, restorative justice and activism to change the current justice system. After the panel, an *open mic* took place where participants could add to the previous discussions with all mediums of arts. About 100 people participated; their visions about justice were written in small pieces of opaque paper and affixed to an interactive installation of wood-framed windows created for the One Billion Rising campaign²¹. During the event, concepts such as accountability, healing, dialogue (instead of silence), resolution, and community were mentioned.

2.3. Increasing cooperation among referrals bodies and restorative justice practitioners

As was noted in the research report (Laxminarayan, 2014), cooperation among referral bodies and restorative justice practitioners is vital in ensuring greater accessibility to restorative justice services. Cooperation is likely to be successful when bodies are aware of restorative justice and tasks are clear to all persons involved. In addition to awareness, there is a strong link with attitudes. Where successful cooperation has been implemented, the attitudes of legal professionals are likely to change, allowing for a more effective referral procedure.

Cooperation may also be encouraged by a deeper understanding of the benefits of restorative justice, not only for the parties but also for referral bodies themselves. Indeed, it is well known that the criminal justice system suffers from an overload of cases; additionally, often judges and prosecutors deal with minor cases in court, even when such minor cases could have been dealt more effectively, efficiently and fairly using restorative justice practices. Cooperation plays then an important role for many parties; still, how to obtain this cooperation is an important question that is not easy to achieve.

This chapter will provide some practices that can already be found in some European countries and have proven to enhance greater contacts between referral agencies and restorative justice practitioners. Moreover, the cooperation between referral bodies and restorative justice practitioners has been widened to other bodies (i.e., politicians and researchers), who are also vital in the context of raising awareness and influencing legislation.

Regular meetings between referral bodies and restorative justice practitioners

A key element of cooperation is education resulting from regular meetings between criminal justice and restorative justice professionals. By making such meetings regular, all important stakeholders are likely to attend. People stay informed and in support of restorative justice. These meetings can also be in the form of seminars and trainings, which may be set up a few times a year to provide information on the benefits and values of restorative justice.

²¹ The One Billion Rising is a powerful worldwide awareness raising campaign on the problem of domestic and gender violence. In 2014, this event focused on justice. DISCLOSE criticised the way justice was planned to be discussed during the One Billion Rising at San Francisco City Hall (www.onebillionrisingsf.org).

Implementing regular meetings and activities may be done by having contact with those in a given agency who are interested in the topic and willing to invest time in meeting with others. However, in order to make people interested in restorative justice, it must be clarified to them how this service can be beneficial for their daily work. Thus, it is important to identify and understand their challenges and needs before trying to convince them to attend a meeting and cooperate.

Multi-agency steering groups

The goal of a multi-agency or interdisciplinary steering group is to motivate individuals from different, yet important, sectors dealing both directly and indirectly with restorative justice. This sort of “structural mediation” can be organised either at the local, regional or national levels. Countries such as Belgium and Poland have implemented these steering groups, and their success would support the idea of implementation in other countries. In short, these groups aim to find a common philosophy that is developed together, with the principles of restorative justice in mind in order to reach a larger part of society and involve many agencies in the restorative justice movement.

A steering group or *advisory committee* can be composed by individual representatives of the public prosecution office, restorative justice services, social work and probation, justice houses, prisons, victim support, local government, universities, police, youth care, and courts. Other relevant agencies may be included, and can be determined by conducting a stakeholder analysis. As Mark Umbreit has emphasised (1993, p. 5), “*Such an analysis should identify people by name, position, their level of support for mediation, who they are influenced by and how any resistance can be neutralised or overcome. [...] By meeting with the person, listening to their reasons for not supporting mediation enthusiastically, asking for any suggestions and essentially agreeing to disagree on some points, it is quite possible to eliminate their active, vocal and public opposition.*”

A steering group should evaluate, stimulate and coordinate restorative policy including initiatives, projects and developments. A *purpose statement* may outline the reasons each party has for participating in such a committee. A *signed protocol* should include the responsibilities of the key-actors, the goal of the committee, the method that will be used to implement restorative justice, practical issues surrounding the steering group, the possibility to engage in different initiatives, compliance and termination of membership and an indication of which agency will oversee the committee.

Reports for referral bodies

Providing the referral bodies with feedback on the restorative justice process can help to increase its understanding and encourage referrals in the future. It is then essential to get a detailed evaluation from the parties themselves, reassuring them that the principle of confidentiality will not be violated²². Closing letters can be used to report back the status and

²² The parties’ feedback should be collected also to ensure consistency between legislation and practice and to evaluate if changes in restorative justice practices are needed.

results of the restorative justice process to the referral agency, whether this include judges, prosecutors, police, social welfare agencies or any other institutions.

Observer programmes

Referral bodies are often not aware about the benefits and procedures of restorative justice. Charlotte Calkin (2014) from “Why me?” (UK) explained the interesting format that has been developed in the UK. “Observer programmes” have been adopted to raise awareness and understanding of the process and to ensure that there is more cooperation between referral bodies and restorative justice organisations. During a restorative justice face-to-face meeting, observers may be invited to attend. They sit in the same room, but do not sit in the circle with the participants of the victim-offender mediation or restorative justice conferencing. Clearly, participants must be informed well in advance about this external presence²³ and they must agree to this in order to avoid last-minute surprises and maintain the trust and safety of the restorative justice process.

Observers are introduced to the participants at the beginning of the meeting by their first name. Observers, whether a member of the judiciary, a policemen, a doctor, a journalist, a religious leader, should be introduced in a non-threatening way (e.g., “This is Jack, interested in learning more about restorative justice practices”)²⁴. In order to avoid incompatible situations, it is important to make sure that observers are not related to the specific criminal case (e.g., if some more information is presented during the restorative justice process, a policeman could be in conflict between the principle of confidentiality and the legal duty to report, or he/she could be biased by the process an results of the meeting itself).

Observer Programmes are proving to be extremely beneficial in encouraging the growth and awareness of restorative justice and thus increase cooperation. A similar strategy could be used with restorative justice practitioners, but the other way around: they could attend criminal justice processes in court to learn more about the traditional justice processes, to give visibility to their role and to find ways for increasing future cooperation.

Role-plays

Calkin (2014) spoke about one technique used to encourage understanding and awareness during these trainings, used at the last annual magistrates’ conference in the UK. Some of the participants were invited to join a role-play of a restorative justice conference, based on a real case given to them in advance by the trainers. Whilst they play the roles of victim, offender and their supporters in presence of a facilitator and a co-facilitator (these last two roles are usually played by the trainers themselves), the rest of the participants observe the group dynamics of the process. In some cases, this technique became part of the compulsory education for new judges (e.g., Hungary). Even more powerful than this experience, some trainings foresee the participation of real actors wearing earplugs, listening to the voices of the

²³ It may be useful to inform participants about the fact that observers are invited to look at the mediators’ work and at the process itself, thus they will not be focusing on the participants’ themselves.

²⁴ More details about the Observer Programmes are available on the website of “Why me?”: www.why-me.org/about-us/restorative-justice-observer-programme.

participants in a recording of an actual conference and repeating the exact words using a method known as “verbatim theatre.”

Judicial training on restorative justice

Judicial training is another means of spreading awareness about the procedure and advantages of restorative justice. The two-year research project coordinated by the EFRJ and co-funded by the European Commission, “Developing judicial training for restorative justice: Towards a European approach”, aimed at identifying the good practices for delivering training for the judiciary (public prosecutors and judges) in restorative justice and increase cooperation between legal professionals and restorative justice practitioners²⁵.

Other relevant trainings, seminars and events

Education is one of the key-elements of cooperation, thus other events should be organised with the aim of raising awareness and increasing understanding about restorative justice. Additionally, these events create a platform for people interested in the topic to meet and share experiences and dilemmas. Most importantly, because of their knowledge and interest in restorative justice, participants from different working areas are offered the opportunity for networking and provided with a safe environment for increasing future cooperation between each other.

Local, national and international conferences

Conferences are not only an occasion for restorative justice practitioners, researchers, legal professionals, policy-makers, victims and ex-prisoners to meet, but also to make sure that crucial people committed in issues related to restorative justice are present. For example, the 8th International Conference of the EFRJ (Belfast, 11-14 June 2014) was opened by the Northern Ireland’s Ministry of Justice, David Ford, with a speech on the government’s support to restorative justice practices (www.euforumrj.org/belfast). Conferences can create the good environment for future cooperation to start.

Lectures, presentations and talks

Lectures, presentations and talks could be organised at the local level in order to provide people with the opportunity to learn more about restorative justice, and to create an environment conducive to initiating new collaborations. These events are an occasion for sharing project results, informing about new initiatives, presenting yearly reports or speak about some theoretical, practical or ethical issues. They should be organised on a regular basis and use easy and straightforward language to allow everybody to attend. In some cases, lectures can also be given regularly in a public and open space, such as a café, so that a wider audience could attend and connect.

Informal meetings

²⁵ The research report and practical guide will be available at the beginning of 2015 on the EFRJ website (www.euforumrj.org).

Undeniably the criminal justice system is known for its hierarchical nature, and this aspect is even stronger in certain countries. For this reason, it is often difficult to get in touch with judges or prosecutors. In some cases, however, having a more informal relationship may help to facilitate greater cooperation. Understandably, restorative justice practitioners must have built their network of acquaintances first and such contacts should avoid being perceived as “corrupt” or “unethical.”

Other types of cooperation

Although particular attention must be given to increase cooperation between referral bodies and restorative justice organisations, cooperation with other bodies and organisations should not be underestimated in order to encourage broader cooperation, and thus more effective changes in attitudes and successful awareness campaigns.

Cooperation between restorative justice practitioners

Unfortunately, even though restorative justice agencies are striving for the same goal, some competition may exist. This may be due to financial reasons (i.e., competition for funding). Meetings and seminars could be organised at the local level in order to increase cooperation among restorative justice practitioners. The involvement of international trainers and participants may also have beneficial effects on the relationship of local organisations participating in the event. It is also advisable to participate in international events in order to gather new ideas concerning how to tackle structural problems between local organisations.

Cooperation with politicians

It may be useful to check political discussions in order to broaden cooperation between referral bodies and restorative justice organisations. Depending on the political agenda, restorative justice leaders should adapt and prepare related seminars and invite the interested politicians. This type of pro-activity and structured way of working is present in Finland. During the 8th international conference of the EFRJ in Belfast, Maija Gellin (2014) presented the active work done by the Finnish Forum for Mediation: “Last year, political discussions were on family violence; the year before on school shootings. In both cases, we organised seminars for politicians in which we spoke about mediation”. Gellin claimed that comparing restorative justice and the traditional criminal justice is a powerful tool to convince politicians about the benefits of restorative justice. Apparently, politicians are mostly interested in its financial benefits, “Using mediation is six times cheaper in comparison to the Court process”. Although these are interesting figures, from a mediator’s point of view, Gellin suggested it may be disturbing to convince politicians based on the financial benefits of restorative justice instead of all the other social benefits that restorative justice brings, “but for politicians numbers are important”.

Cooperation with researchers

Restorative justice may benefit also from increasing cooperation between practitioners and researchers. This type of cooperation should not be underestimated: practitioners have access to valuable data and direct access to the parties attending a restorative justice process, while

researchers have the capability to systematize and analyse this information and present it for further use. Cooperation between restorative justice practitioners and researchers already exists, for example for action research projects funded by the European Commission (i.e., this project “Accessibility and Initiation of Restorative Justice” benefited from a steering group including researchers and practitioners).

2.4. Influencing the making of legislation

Legislation on restorative justice procedures and on the criteria for referring cases to restorative justice is often ambiguous and unclear in many European countries (Laxminarayan, 2014). Legislation in a broad sense may take the form of juvenile justice acts, criminal codes, codes of criminal procedures, specific mediation laws, decrees, ministerial circulars, advices of public authorities, guidelines directing legal authorities, or recommendations for good restorative justice standards devised by a restorative justice organisation, victim support agencies or other NGOs.

Clear and appropriate legislation is important in providing legitimacy to restorative justice procedures, systematizing the implementation and application of restorative justice, granting equal access to justice, ensuring that legal authorities are aware of and consider this option, confirming police and prosecutors of their authority to use restorative justice, and assisting and encouraging the parties in making a positive decision towards restorative justice. This chapter will look at strategies for influencing legislation and at the specific contents that legislation should or should not include on restorative justice issues. It will conclude with a final remark on the importance of ensuring consistency between legislation and daily practice.

Influencing legislation or “lobbying”

Lobbying is an advocacy strategy for organisations to continue with their cause, promote a wider and sustainable change and to influence legislation adopted by the government. Not all communication referring to legislation constitutes lobbying. Educational activities, meetings and distribution of communication materials, even if they refer to specific legislation, may be merely informative. Lobbying can be done by organised groups or by individuals belonging to private businesses, NGOs, governmental institutions, etc., or even by professional lobbyists who make lobbying their own business.

Direct lobbying vs. grassroots lobbying

Direct lobbying addresses legislators or other public officials at the different levels (local, regional, national, international) and it intends to influence specific legislation and explicitly express views on legislation. Grassroots lobbying focuses on the general public which is required to express their views on specific legislation and address legislators to push for change.

Preparing for the lobbying activities

First, it is necessary to identify the individuals and organise the *lobby group* which will argue for its cause. Groups can meet to organise their arguments in support of the cause, write the

relevant materials to be distributed and organise educational meetings on the topic, either for legislators or for the general public. A difficult task is to identify the *key-people* to be addressed (e.g., members of the parliament, civil servants of justice departments, or other relevant staff working in the field), as well as when to address them and how. Strategies may differ according to the specific country situation (e.g., culture plays a role), but in general key-people may be found speaking with colleagues engaged in the same cause or directly on institutional websites, contacting secretaries first. In all cases, it is crucial to establish a good relation with the contact persons that facilitates access to the key-people able to make decisions (i.e., this contact person is helpful to find out when and how to address the key-people needed, as well as their right name and title).

Then, *communication* should start between the lobbyists and legislators and other key-people. Communications can be oral, written or electronic, as far as the message is delivered. The message should include information about the lobbyist group and its organisation and about its cause and its concerns; a face-to-face meeting should be arranged in order to discuss these issues and possible solutions for change. Once communications started, it is crucial to ensure continuous effort to support the contacts between lobbyists and legislators and to keep track and monitor the lobbying process. A *report* and list of contacts could be written to keep a memoir of the lobbying activities and guidelines could be published to help similar organisations initiate their lobbying activities on related issues.

Lobbying activities

As mentioned earlier, not all communication activities consist of lobbying, but they may be considered as part of raising awareness and increasing cooperation between referral bodies and restorative justice organisations. Still, the following activities (which have been previously elaborated upon in chapters 2.2. and 2.3.) may help to contribute to the communication strategies for influencing legislation:

- Preparing communication materials, such as leaflets and posters
- Organizing trainings, seminars, lectures, talks, public debates and other events
- Combining dialogues and arts
- Reporting the results of restorative justice processes to policymakers and legislators
- Inviting legislators, policymakers and politicians to bigger events (e.g., conferences)
- Inviting legislators, policymakers and politicians to observe restorative justice processes

Contents and format of restorative justice legislations

The research findings of this research project showed that differences in legislation on restorative justice practices exist among EU member states (Laxminarayan, 2014). Depending on the legislation provided (i.e., protective or empowering approach), referral bodies may be conditioned by the existing legislation for making referrals. This may undermine the principle

of equal access to justice. Ideally, restorative justice should be presented as a legal right in order to stimulate equal access for all parties involved in a crime (although a legal right may not give any guarantee of its implementation in practice). Still, differences in legislation show different perception of restorative justice. Some of these differences are discussed in the following section in order to be considered when providing legislation.

Permissive vs. mandatory options to restorative justice

Whenever the option to restorative justice is mentioned in the legislation, this option can be described either as permissive or mandatory. In the first case, there are no consequences if restorative justice processes are not initiated. This happens in most countries, where legislation gives direction without demanding proper enforcement. In the second case, legislation is described as mandatory because criminal justice authorities have the duty to inform and refer cases to restorative justice. Clearly, this second option is suggested in order to ensure that parties are always informed about this option.

Referral bodies

Legislation should mention the referral bodies that have the *duty to inform* the parties about the possibility for restorative justice (e.g., police, lawyers, judges, probation officers, victim support officers). It should also be clear about who has the *duty to refer* the cases to restorative justice. In particular, the option of self-referral should be mentioned.

Time-limits in legislation

Time-limits may be needed to ensure that referral bodies will transfer the case to restorative justice within a specific period of time, although stricter regulations may result in the opposite effect. Time-limits should be avoided when considering self-referrals and the initiation phase of the restorative justice process. Indeed, the capability of individual parties to be ready to take part in a restorative justice process is really subjective (e.g., a victim may feel ready to accept the restorative justice offer only few years after receiving the informative letter from the referral body).

Exclusion criteria

Exclusion criteria for limiting access to restorative justice practices are often mentioned in the law. In some cases they are “subjective” or discretionary criteria, in others they are criteria which are linked to the restorative justice principles. In both cases, it may be risky to explicitly mention which cases are not suitable for restorative justice since this may lead to secondary victimisation of victims who are willing to mediate, despite legislation forbidding it for their specific case.

Some exclusion criteria found in legislation

Subjective exclusion criteria include the seriousness of the crime, the recidivism of the offender, involvement in gangs, premeditation, repeated domestic violence, child victims, participants with behavioural disorders or mental health issues or using drugs, geographical distance between the victim and the offender, the victim's

desire to stop prosecution, and victim's instability.

Some justifications can explain the reason for excluding these cases from having access to restorative justice. For example, an informed consent form is needed to proceed, and this cannot be easily obtained by children or participants with mental disorders. The seriousness of the crime, the use of drugs or mental disabilities may undermine the safety of the environment where restorative justice should take place. Power imbalances may have originated from domestic violence, discouraging the appropriate setting of restorative justice. Geographical distance is also an obstacle if communication cannot be properly arranged despite the distance, since the financial resources to travel may be limited.

However, some of these criteria could be better assessed by the victim than by the law or referral body, allowing the victim to choose to "take the risk" even in presence of these criteria. Restorative justice services could also adapt their practice to be able to accommodate special cases.

Criteria linked to restorative justice principles include the offender accepting responsibility and admitting the facts and the voluntariness and willingness of all parties to meet. These should be the only essential criteria for restorative justice to be initiated (e.g., for a victim it may be important to experience the incapability of the offender to acknowledge the harm inflicted).

The offender's admission of guilt should not be a criteria because it interferes with the presumption of innocence of the offender. Also showing remorse, cooperative attitudes, empathy and moral maturity should not be criteria mentioned in the law, since these may be part of the results of the restorative justice process itself.

Once more, it is important to stress that the only criteria generally accepted for a restorative justice process to be initiated are the acknowledgements of the facts and the voluntariness of the parties (together with the confidentiality of the process and the neutrality of the mediator). If legislation includes other criteria, referral bodies and restorative justice practitioners play a crucial role in ensuring that restorative justice is accessible to all parties complying with the generally accepted criteria. They must properly inform the parties about their risks, leaving to the parties themselves the final responsibility and decision to take part in a restorative justice process.

Precise and clear legal definitions and guidelines

Ambiguities and inaccuracies are main obstacles for referring cases to restorative justice, not only because they lead to misinterpretations but also because they may discourage legal authorities from considering the referral. Additionally, ambiguities in the legal definitions may stimulate different approaches adopted by prosecutors and police to allow restorative justice to take place. Precise and clear definitions may be then needed to decide upon the guidelines to be used to grant access and successfully initiate restorative justice processes. Indeed, without proper guidelines each case may depend on the subjective assessment of prosecutors, police and mediators, instead of being given fair and equal access to restorative justice.

Consistency between legislation and practice

Once the appropriate legislation exists, consistency must be present between what is written in the law and what happens in daily practice in order to avoid the so-called "implementation

failure”. For example, if restorative justice is mentioned as an option in the law, it must also be available in remote areas by creating local agencies or making sure that restorative justice practitioners have the resources to move around the country. In order to monitor the consistency between legislation and daily practice, several measures could be adopted, such as creating a national statistical system recording restorative justice cases (e.g. referred and concluded cases, but also geographical comparisons between different regions of the country), collecting the feedback given by the parties at the end of a restorative justice process, and producing yearly reports (maybe even comparing other ways of dealing with crime).

2.5. Launching a public awareness campaign

Launching a public awareness campaign is helpful for ensuring that restorative justice is accessible to all not only for those who encounter proactive referral bodies. It is essential then to inform and educate people about restorative justice, possibly before they are in need of such option. Chapter 2.2. is dedicated to raising awareness among referral bodies (e.g., police, lawyers, judges, probation officers, victims support officers); this chapter will focus on a wider audience (including school teachers, health care officers, religious leaders) and it will provide practical ideas for launching a public awareness campaign on restorative justice.

The ideas of this section have been taken mostly from different awareness campaigns and activist kits tackling other issues²⁶, in addition to the trainings given within the framework of this research project and existing awareness campaigns on the fields of restorative justice, but also victim support, offender rehabilitation programmes, crime prevention, etc. A previous research project coordinated by the EFRJ, “Building Social Support for Restorative Justice”, resulted in a toolkit useful for writing this section (Pali, 2010).

In order to launch an awareness campaign, the following aspects should be well-identified in advance: the sources, the audience, the strategies, the media to broadcast the campaign, the goals and the monitoring of the campaign. Identifying these aspects helps to prepare the campaign in a more systematic and organised way.

The sources

In order to organise an awareness campaign, “restorative justice teams” should be created (see chapter 2.2.). Their role is to choose and define the audience of the campaign, the message to be delivered, the strategies to be adopted and the final goals to be reached. Team members must have a clear overview of the topic and must be capable of sharing their expertise. The team should begin the process of raising awareness, but this should then be spread, through a snowball effect, with the help of the media and the support of regional, national and international agreements and legislation.

The recovery / restorative coordinator at school

One of the recurrent issues discussed during the trainings of this project is the need to transform schools in

²⁶ In particular, although the topic differs from restorative justice practices, “The SASA! Activist Kit for Preventing Violence against Women and HIV” was mostly used for designing the framework of this section (Michau, 2008). It is downloadable at www.raisingvoices.org/sasa/download-sasa.

restorative environments where values such as tolerance, respect and compassion for each other are taught. As suggested by Belinda Hopkins (as cited in Laxminarayan, 2014), schools should provide a safe environment where “putting things right together” is the normality, instead of strengthening the belief that authoritarian and punitive approaches are to be used when conflicts arise. Similarly, participants in one of the trainings, proposed to start raising awareness about restorative justice within the educational system. They suggested appointing a “recovery / restorative coordinator” in all schools to deal with conflicts between students. They also proposed to appoint an “anti-bullying coordinator” in all schools by 2015. This appointed person would not only deal with conflict resolution, but also, directly or indirectly, raise awareness on restorative justice for the youth population, school teachers, youth educators, and the students’ families.

Since 1994, “Transforming Conflict”, the UK National Centre for Restorative Approaches in Youth Settings, has been advocating for the implementation of restorative approaches in schools and children’s homes. Among other services, it offers direct intervention in case of conflicts and training of youth workers to learn about community-building, communication skills, conflict resolution, mediation, group problem-solving and restorative conferencing (www.transformingconflict.org). The materials prepared by “Transforming Conflict” have been shown to have cross-cultural relevance and have been successfully implemented in Belgium, amongst other countries.

Indeed, two Flemish mediation organizations, Alba (www.alba.be) and Arktos (www.arktos.be) are collaborating to introduce restorative approaches in seven secondary schools in the area of Leuven, Belgium (student age range: 12-18). Alba is experienced in providing victim-offender mediation for criminal justice-related issues, while Arktos focuses on conflicts in educational settings that can be solved by group conferencing. During the academic year 2014/2015, Alba and Arktos are organising a programme of six one-day meetings on different themes, such as how to implement restorative justice in schools, where to receive training about restorative justice, and how to solve conflicts using techniques like mediation or conferencing. Every meeting includes a morning session for teachers and educators working directly with the students, and an afternoon session intended for directors and other staff members of the school. The two groups meet during lunchtime, when external speakers are invited to share their experiences (e.g., Prof. Ivo Aertsen attended the first day, while Belinda Hopkins will be present in March 2015).

At the University of Michigan, the Office of Student Conflict Resolution has been established to “Build Trust. Promote Justice. Teach Peace.” Restorative practices are used to solve conflicts peacefully between students and, among other events, a “Restorative Justice Symposium & Dialogue” was organised in April 2014 (www.oscr.umich.edu). At the Farragut High School in Tennessee, teachers have been trained to use restorative tools to deal with conflicts between students, while students engage in peace circles and peer juries in order to help each other to find solutions and restore relations when needed²⁷.

The audience

The audience of a restorative justice awareness campaign are individuals and communities to be informed about it. At the individual level, they are the parties who could potentially be involved in the conflict, as are their family members, neighbours, friends and lawyers. At the community level, the audience may be the police, judges, social welfare officers, religious leaders, health care providers, teachers, cultural local leaders, business owners, NGOs, and community groups. In both cases, reaching a wider audience is important to ensure that restorative justice does not remain an elitist alternative to the well-known traditional criminal justice system.

²⁷ More information on this project can be found on the TED Talk “Repairing Our Schools Through Restorative Justice” of Jean Klasovsky (www.tedxtalks.ted.com/video/Repairing-Our-Schools-Through-R).

As mentioned above, in order to provoke societal changes, special attention should be given to the youth population to raise awareness at the community level. As Belinda Hopkins suggests, educating the youth population to adopt restorative approaches to conflicts may promote the development of a more restorative society (as cited in Laxminarayan, 2014). Additionally, educating children and adolescents can also indirectly educate their families, teachers, educators, and youth workers.

Audience and source may have overlapping roles creating a snowball effect for spreading awareness about restorative justice. Indeed, there is a moment in which the audience listens and internalises the information spread by the source, but there may be also a moment in which the audience actively seeks more information, takes action and becomes the source of a new awareness campaign. It is important to keep this in mind when selecting the targeted audience and the goals of the campaign.

The goals

Awareness campaigns should promote long-term societal changes, especially by influencing community norms about how to deal with conflicts. The changes encouraged by an awareness campaign should address knowledge (what people know), attitudes (what people feel and believe in), skills (what people know to do) and behaviours (how people choose to act). The final goal of an awareness campaign is then to challenge the four aspects mentioned above. This is important to empower single individuals and promote their active commitment in spreading the voice about restorative justice.

In addition to these informative and educational goals, an awareness campaign should be able to entertain the audience in order to get its attention. As mentioned by Pali (2010), research had shown “that the more explicit and informative a message is, the less effective it will be” (p. 79). Information and entertainment should be balanced to launch a successful awareness campaign. The strategies mentioned below could be useful to reflect on possible ways to combine information, education and entertainment.

The strategies

The strategies employed to increase awareness may make use of educational, informative, artistic or marketing tools, or a combination of these²⁸. Depending on the strategy adopted and the audience to whom the campaign is directed, the message delivered is more or less explicit. Often similar strategies can be adopted for different audiences (e.g., individuals, communities or societies; children, youngsters, or adults).

Murals

Murals have a great capability to revitalize old buildings and be visible to a broader range of people. Murals do not only have individual healing effects for those who create them, but they

²⁸ Educational/ informative tools include trainings, seminars, lectures, presentations, talks, documentaries and film screening, storytelling, games, role-plays, conferences, research projects. Artistic tools include murals, photography, exhibitions, theatre, dance, poetry. Marketing tools include communication materials, social media, advertisements, radio plays, television programmes, sport events. Many of these tools have been already discussed in Chapter 2.2 regarding strategies to raise awareness among referral bodies.

have larger healing effects because of their visibility to the entire community. Additionally, if murals represent the concerns of a community and are painted by people who desire to give back something to the community itself, their presence and affect has a higher value.

Some murals' projects

“Mural Arts Program” (www.muralarts.org) is the largest art programme in the United States. Participants of restorative justice programmes paint murals in different cities to show how old broken walls can be given a different meaning and new positive memories, using a metaphor for how restorative justice can be used to give a meaning to a broken relationship.



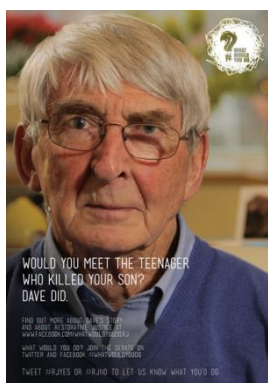
“Healing Walls” is documented in the movie “Concrete, Steel and Paint.” Prisoners attending an art class decided to collaborate with victims of crime to paint a mural about punishment, healing, and forgiveness (www.concretefilm.org).

“Young New Yorkers” was an alternative to incarceration: adolescents between 16 and 17 took part in this public mural art project. Not only was a voice given to these youngsters, but also their relationship with local communities was widened. The project soon evolved as a restorative justice court-mandated replacement for incarceration²⁹.

2014 Guinness World Record: six Syrian artists built the largest mural made from recycled material in the streets of Damascus³⁰. Souheil Amayri, a professor who helped, stated, “Damascus is wounded and sad... and creating something beautiful from rubbish means that we can rebuild despite the destruction” (The Daily Star, 2014).

Photography

Photography is a powerful tool to raise awareness and spread specific ideas. This can be proven by the artworks of the World Press Photo foundation (www.worldpressphoto.org/foundation), which since 1955 has used visual journalism to exchange information, encourage public awareness and stimulate change by documenting worldwide situations with powerful pictures.



A combination of pictures and written messages can be used to trigger curiosity and reflections about restorative justice. During the campaign “What Would You Do?” launched on social media during the International Restorative Justice Week 2014, the UK Ministry of Justice developed a range of communication materials, including four posters with portraits of adults asking questions such as: “Would you meet the teenager who killed your son? Dave did” or “Would you meet the man who shattered your face in a random attack? Shad did”. The posters were used to inform about restorative justice and initiate a debate on what people would do in similar situations³¹.

²⁹ Information about the project “Young New Yorkers” has been retrieved from www.urbanomnibus.net/2013/07/young-new-yorkers-restorative-justice-through-public-art/.

³⁰ Information and pictures about the mural can be found here: www.guinnessworldrecords.com/records-9000/largest-mural-from-recycled-material/.

³¹ The communication materials prepared for the campaign “What Would You Do?” can be found here: www.gov.uk/government/publications/restorative-justice-week-16-to-23-november-2014.

Some photography projects

“Face 2 Face” (www.jr-art.net/projects/face-2-face)³² is the largest illegal photography exposition ever to exist. While travelling in Palestine and Israel, two photographers concluded that Israelis and Palestinians largely resemble each other. They took pictures of people having the same occupation and placed these portraits “face to face” in both countries to show their resemblances³³. Although restorative justice may seem like an abstract concept to photograph, it is essential to keep in mind that this concept only exists once people come together: a victim and an offender can be easily confused if mere pictures are seen of them without the context in which they are put together.



“Portraits of reconciliation” merges photos of Pieter Hugo and texts of Susan Dominus³⁴. Rwandese people who engaged in the national efforts for reconciliation have been photographed and interviewed: the result is a series of portraits showing victims and perpetrators close to each other and speaking about forgiveness and reconciliation.

“Transcending: Reflections of Crime Victims” by Howard Zehr (2001) is a collection of portraits and stories of 39 victims of serious crimes. The project aimed at giving a voice to those victims, but also at raising public awareness on their needs and experiences and giving hope to other victims of crime.

Exhibitions

Exhibitions may take place in museums, galleries, halls, universities, court buildings, etc. Exhibitions are temporary events meant to present and exhibit specific items. They can be world fairs or small local expositions and usually address a specific audience.

Sharon Daniel’s exhibition

In autumn 2013, an exposition in Leuven brought together four projects of Sharon Daniel presenting a critical view on the prison-industrial complex, on the criminal justice system and, more generally, on the theories of justice and punishment. The artist made use of different forms of interactive media (audios, videos and several artistic objects) to deliver her message (Pali, 2014). During the 8th International Conference of the EFRJ (Belfast, 2014), Sharon Daniel was invited to present part of her interactive documentary about restorative justice, “Inside the Distance: We are all victims. We are all Offenders” (www.insidethedistance.net).

Fairy tales, comics, animations and games

It may be worth considering tools for encouraging children’s interest in restorative justice, such as fairy tales, comics³⁵ and animations. The stories told could be also used to create interactive board games or video games for children where players could engage in different roles (e.g., a young victim, a young offender, the mediator). Possibly, the same stories could

³² Pictures’ details: Separation Wall Detail, Security Fence, Palestinian Side (2006).

³³ This project is part of a global participatory art project, so-called INSIDE OUT (www.insideoutproject.net/en). It is a platform for people to tell their stories, spread their messages, and make a statement.

³⁴ More information on this project can be found here: www.nytimes.com/interactive/2014/04/06/magazine/06-pieter-hugo-rwanda-portraits.html?hp&_r=2&smid=fb-share.

³⁵ By the end of 2014, the comic “Making Sense of a Senseless Act: A Comic about Restorative Justice” by James Breeden and David Belden will be published.

be transformed in outdoor games and role plays where children could engage and act their parts.

These strategies could be used to educate them about alternative ways to deal with conflicts and promote values such as tolerance, trust, consideration and compassion. They could be used in different settings, such as schools or youth centres, and they could be led by educators, teachers, parents or children themselves.

Restorative justice in schools

An English writer/ performer/ teacher, Andy Winters, designed “Crime Workshops” to engage staff and students during his school visits. During these workshops, Winters selects the topic first (e.g., knife crime or car crime) and shows a short movie or read loud a case study to the group. Then, students are encouraged to think about thoughts, feelings and actions resulting from the crime, with a special focus on direct and indirect victims as well as on the impacts on the community. This lesson on stereotypes, crimes and deviances, and how the criminal justice system works, is a mix of case studies, fun games, storytelling, interactive activities and arts (www.andywinters.co.uk/school-visits).

Winters developed also “Writing Wrongs”, a programme for using restorative justice in schools (www.writing-wrongs.org). “Writing Wrongs” is also used by many Youth Offending Teams in the UK. In these cases, young offenders may be asked to write a letter of explanation and apology which may lead then to a restorative meeting.

Theatre performances

Dramatic performances, including monologues and improvised role-plays, either at the theatre, at school, in prison, or in restorative justice organisations can be powerful instruments to raise awareness and tell real stories about restorative justice and related topics.

Some theatre projects

“The Long Road”, written by Shelagh Stephenson and directed by Richard Croxford, tells the story of the family of an eighteen years old boy fatally stabbed by a young woman “off her head” on drugs. In order to give meaning to the loss, the mother had a face-to-face meeting with his killer. The play, shown in Northern Ireland in 2012, has been used for raising awareness among victims of crimes and prisoners facing a similar journey.

“Van de mens niets dan slechts?” was a theatre play written and directed by the Belgian author Stefan Boonen in collaboration with the Flemish mediation service Suggnomè. The script was based on a true story of a rape case. The play disentangles the mediation process of the victim and the offender. The play and the perspectives of the victim and the offender give a highly realistic and sometimes confronting view of the situation. In a period of almost 2 years, “Van de mens niets dan slechts” was played in several big cultural centres and some prisons in Flanders.

“Roma La Capitale” has been performed in the theatres of Rome and Naples by prisoners, ex-prisoners and prison officers from the theatre company “Stabile Assai” (Rebibbia prison). The play focuses on the relationships between citizens and members of the criminal organization “Banda della Magliana” and it is a so-called social theatre or “Theatre of testimony”. Debates and meetings between the actors and the audience were organised before each play. The main objectives of “Stabile Assai” are to raise awareness of the problems associated with imprisonment and to emphasise and rebuild the crucial relationship existing between victims and offenders. A video documentary about the company “Stabile Assai” and the biographies of the actors have been made public to raise further awareness on these issues.

“Ferite a morte” (www.feriteamorte.it), written and directed by Serena Dandini, is an Italian initiative presented in many theatres worldwide from 2012-2013. This theatre project on femicide is a series of monologues giving a voice to women who have been murdered by their husbands, friends, or lovers³⁶. Famous women, known to the general public, told these stories from the point of view of women who were killed. It was not only an opportunity for reflection, but also an attempt to involve the public, the media and the institutions, possibly increasing cooperation between them.



“Those you pass on the street”, written by Laurence McKeown and directed by Paula McFetridge³⁷, reflects upon the individual struggles between political views and personal needs due to preconceptions and misbeliefs after a conflict (e.g., Northern Ireland). One observer described the play as “two individuals sitting in a room with their politics and communities just outside the door”. The play was also shown inside the HM Prison Crumlin Road during one of the field trips organised for the 8th International Conference of the EFRJ (Belfast, 12 June 2014).

“Cesare must die” is a theatre play performed by prisoners from the high security prison of Rebibbia (Italy). During a period of six months, prisoners took part in a theatre project on “Julius Caesar” by Shakespeare. This was an occasion for inviting family and community members into the Rebibbia’s prison, to show their artwork and their commitment towards change and rehabilitation. The play became famous after it was documented in the dramatic film documentary directed by the Taviani brothers in 2012.

“Didone, Una storia sospesa” is the theatre play performed by the female prisoners of Rebibbia in 2013, after the prizes won by “Cesare must die”. Nine out of the 21 female prisoners from the high security prison performed the story of Didone (from the Eneide of Virgilio), a queen forced to flee after her husband was murdered. Two more theatre projects will be performed by these prisoners in March 2015 (when they will also publish the book “Diario di Bordo”) and 2016. Also in these cases, theatre performances are an occasion to open the prison’s doors to a wider public and share these experiences of re-education.

Dance performances

Dancing can be used as a healing therapy for the parties engaging in a restorative justice process, but also to raise awareness on this particular topic. The UNESCO’s publication “Women and Peace in Africa” (2003) speaks about the important role of dance, music and folk tales for solving conflicts in local communities. While the study aims at identifying the central role of African women in peace-building activities, it should be recognised that such dancing and music traditions can be seen as instruments for storytelling and thus for raising awareness about certain community conflicts and their ways for solving them.

No dance performances have been found yet on restorative justice as the leading theme of a dance performance. Still, other dance projects show that every message is suitable to be performed on stage.

Dance: an example

The Brazilian choreographer Everaldo Pereira was inspired by the short film of Edson Costa, “Letters from Prison”, where two young prisoners told their story within the prison bars by writing letters to each other. Pereira translated such letters into contemporary dance and music; the two youngsters’ stories were then performed by the “Nu Tempo Dance Company”³⁸.

³⁶ The monologues have also been collected in the book “Ferite a morte: E se le vittime potessero parlare?”, “Wounded to death: What if victims could speak?” (Dandini, 2013).

³⁷ This play was produced in partnership with Healing Through Remembering (www.healingthroughremembering.org) by Kabosh, a theatre company specialised in challenging the notion of theatre and where theatre takes place (www.kabosh.net).

³⁸ The promotional video of this dance performance is available on YouTube: www.youtube.com/watch?v=un2H6bIP5xI.

Television: soap operas, talk shows, news, advertisements

Television remains one of the main instruments to spread information. It may be useful to consider the use of TV series, soap operas, talk shows, news programmes and advertisements including a restorative justice message. Pali (2010) referred to a Brazilian soap opera for teenagers (“Malhação”) where in one of the episodes a school director spoke about the restorative justice model to deal with an offence committed by a student. Pali also identified an Australian talk show (“Australia Talks”) where criminological experts have been invited to speak about restorative justice and an Albanian television debate where invited guests encouraged the use of victim-offender mediation and other restorative justice programmes for criminal cases.

Radio plays

Radio is the most intimate form of media (Egan, 2014), because it gives the impression that “someone is telling to you, and only to you, a certain story”. Another important advantage of radio is that speakers may feel more confident to speak in absence of a “real” audience. An interesting way to raise awareness through arts is giving a voice to people who participated in a restorative justice process, but also to mediators or other people involved in restorative justice practices.

Radio play: an example

“Built to Contain” is a radio play produced and performed by nine convicted people from Northern Ireland together with international professional artists and academics. Untold stories of prisoners have been collected to create a 16-minutes play on life in prison, such as “daily routines, power systems, small acts of rebellion, communication with the world beyond the walls and imaginary escapism” (Built to Contain Showcase in Belfast, 2013). The play was produced within three weeks, the time frame available for developing the script, interviewing prisoners, performing and recording the play. Among other advantages, prisoners developed new professional and personal skills, while the prison itself gained positive media attention³⁹.

Poetry and diaries

Poetry is an instrument for storytelling, which may be part of the healing process of restorative justice itself⁴⁰, but it can also be used by restorative justice advocates to reach a wider public, speak about alternatives to retributive justice and to promote changes in attitudes. Indeed, poetry was often used during revolutions to denounce a need for social change and deeper transformations.

Poems can also take the form of letters. The so-called “letter poems” merge the narrative style of letters with the line breaks and rules chosen by poets. It would be interesting to collect the dialogue between the parties involved in a restorative justice process in the form of a written

³⁹ This prison radio project is part of CORNERS, a larger intercultural arts project, aiming at collecting and sharing stories from different European “corners” (www.cornersofeuropa.org).

⁴⁰ Many rehabilitative programmes for prisoners already include poetry and creative writing as a way to share their feelings, such as shame, pain, anger, repentance, belief and hope in a different future. These programmes help prisoners identify the right language to express themselves, but also reflect about their past and take responsibility for their actions. Some victim support organisations also created a space for victims to share their experiences by using this type of literary art.

correspondence between all participants, including the mediator and observers, in order to have an intimate and personal re-collection of the restorative justice process.

In order to reach a wider audience, poetry nights could be recorded and poems could be collected and publicised either in their written forms, as video-poems or as radio-poems. Poems can be used as attention getters to open a lecture or any other event organised on the theme of restorative justice, or simply to encourage the parties who have been offered the possibility of restorative justice.

Art contests

Another form to raise awareness about restorative justice is to organise contests, possibly in conjunction with specific events (e.g., the annual International Restorative Justice Week, specific commemoration days for victims of crime, etc.). The contest could take different forms, such as photo-, videos-, drawings-, comics-, essays-, poetry-competitions. Contests should aim at involving more people in raising awareness about restorative justice and allow for creativity to take place. An example of an invitation to a photo contest can be found in appendix 6.3.

In order to involve children, Sonia Reis (as cited in Laxminarayan, 2014) suggested organising contests at school: their works on restorative justice could be shown in public places (e.g., supermarkets, social centres, train and bus stations) and could be evaluated by the public, in order to spread further awareness. This could encourage also the introduction of restorative justice in schools.

Research projects

Research projects can also be used for raising awareness on restorative justice. Researchers should summarize their findings in order to make them understandable and accessible to a broader public, and they should present them and widely disseminate them. They are also important to engage a large number of people from different backgrounds, such as practitioners, researchers, etc.

An example of an action research project:

“ALTERNATIVE - Developing alternative understandings of security and justice through restorative justice approaches in intercultural settings within democratic societies” is a 4-year research project coordinated by KU Leuven (Belgium). It uses different strategies and instruments not only to disseminate the research findings, but also for research purposes. Participatory filmmaking as well as the discussions and dialogues originating from the regional workshops, summer school, workshops during the EFRJ conferences are included in both the research and dissemination phases. Among the instruments used during the ALTERNATIVE project, a website for the project has been developed (www.alternativeproject.eu), newsletters are sent, academic publications, books, and a practical guide will be published by the end of the project, when also a final conference will be held (Leuven, 16-18 November 2015).

Sports

Sports can also be a way for raising awareness about restorative justice. Many fundraising sport events are already organised worldwide with the aim of aiding specific foundations. Restorative justice organisations may promote their activities through such means. They could also organise non-competitive sports events with the objective of getting people together. For example, in June 2014, the North Oakland Restorative Justice Council organised the “Peace & Justice Community Walk” which ended with a barbecue (www.northoaklandrestorativejustice.org). Other sporting events, and in particular marathons, exist with a more general focus on granting access to justice or as tools to fight violence in different contexts, sports included (i.e., sports are unfortunately often protagonists of violence, either among players or among fans). In these cases, when conflicts and violence arise during sport events reaching a wide audience, such situations could be used to speak about restorative justice⁴¹.

A global symbol

In the past years, symbols like the pink ribbon for raising awareness about breast cancer and the red ribbon for raising awareness about AIDS have become universally known. No international symbol exists as of yet that is associated with restorative justice, but it could be worth identifying one.

The instruments

Once source, audience, goals and strategies have been identified, it is necessary to detect which types of instruments can better transmit the message and the type of campaign designed. Generally, the media plays the largest role in spreading awareness: provocative facts, stories, experiences, statistics, events, artworks appear on newspapers, magazines, radio stations, television programmes and the Internet. Additionally, an awareness campaign could be launched by participating in events relevant to restorative justice and related topics.



Media

Four categories of media can be identified: print media (e.g., newspapers, magazines), radio, television and Internet-based media. All of them are deeply connected and often they lead one to the other (Egan, 2014). In general, media look for a story and they need quotes in order to make their story alive (e.g., analogies, literal sentences, examples, humour, or anything including or raising emotions). In this context restorative justice is perfect because it is full of real stories and it presents a new way to deal with crimes. Restorative justice’s stories embrace crime, victims, the law, emotions and possible transformations during the process.

⁴¹ For example, during the 2014 FIFA World Cup, the bite given by the Uruguayan player Suarez to the Italian Chiellini became famous worldwide. Even more famous it was the “restorative reactions” published on Twitter by both of them: Suarez said “I deeply regret what occurred” and he promised not to repeat such incident anymore; Chiellini answered “It’s all forgotten. I hope FIFA will reduce your suspension.” This event was soon well-known by football fans all over the globe and it could have been used as an attention getter to speak about restorative justice too.

Media can also be good instruments for advertising art projects and other interesting events related to the restorative justice organisation.

Press releases can be a good option for announcing directly to the media a newsworthy communication in order to attract attention on certain stories or events⁴². Since media may not have much finances to pay journalists, editors are usually happy to receive stories which they can simply copy and paste. Restorative justice organisations could ensure the exclusivity of their story to individual journalists and reporters in order to build a working relationship with them, or at least they should be honest and inform them if they shared the same story with other forms of media (Egan, 2014). It is also important that restorative justice organisations prepare fact sheets and a standard strapline (a catchphrase or slogan) to be shared with the media.

Another option is to hire a person with a background in journalism, and/or in media and communication to work for the restorative justice organization. This exceptional approach has been utilized already by the Norwegian Mediation Services (NMS), where Gro Jørgensen works as a mediator and as the director of information and communication. The “Communication Strategic Plan” developed by NMS has proven to be successful for giving visibility to restorative justice (more details on this strategy can be found in Pali, 2010).

A special focus on Internet-based media

Internet is a powerful tool for launching an awareness campaign. Not only newspapers, magazines, radio and television have their own space on the Internet, but also websites, social networks and private emails allow communication to spread faster.

Organisations should have their own well-designed and updated *websites*⁴³. It is suggested to pay an expert to design the website; however, if this is not possible, Pali (2010) proposes to invest in a web design course to raise the internal capabilities of the organisation. It may also be important to have understandable and user-friendly information on restorative justice and services available on Wikipedia translated in local languages. Some relevant websites for restorative justice are⁴⁴:

- European Forum for Restorative Justice: www.euforumrj.org
- International Institute for Restorative Practices Europe: www.iirp.eu
- National Association of Community and Restorative Justice: www.nacrj.org
- Restorative Justice for All: www.rj4all.info
- Restorative Justice Online: www.restorativejustice.org
- Restorative Practices International: www.rpiassn.org

Newsflashes and *newsletters* are also an additional tool to directly contact members of an organisation⁴⁵. Often organisations search for ideas and articles to keep valuable contacts with subscribers and members, thus

⁴² Press releases are mostly mailed, faxed or e-mailed to the editors of print media, radios, televisions and/or internet media. The news should be maximum one page long: the first paragraph should summarize the story (answering the five questions: Who? Where? When? How? Why?) and then it should go more in detail to explain what happened (e.g., to the victim and the offender, or during events and projects related to restorative justice) (Egan, 2014).

⁴³ Online readers have different expectations and needs compared to “paper readers”: messages should be short and appealing, contained in a white surrounding to give emphasis to the sentences and including images when possible. Online readers have the tendency to scan the information, instead of fully read it, thus special attention must be given to the homepage (e.g., About us, Our services/projects, News, Useful links, Contact us) (Pali, 2010).

⁴⁴ A more complete list of international, national and regional organisations working in the restorative justice field and other relevant fields within and outside Europe can be found online: www.euforumrj.org/links/.

⁴⁵ For example, the EFRJ *Newsflash* is a free service given to subscribers to the website in order to receive the latest updates on research, practices, events and inspiring ideas on restorative justice in Europe and in other parts of the world. The EFRJ *Newsletter* is a collection of

cooperation between restorative justice organisations should be established. This is the case for the EFRJ staff who is always interested in receiving updates on projects and events organised internationally on restorative justice and related topics.

There are also several groups and organisations which may be worth following on *social media* and which may help to spread an awareness campaign or provide new inputs for launching a new one. Nowadays, the most commonly used social media are Facebook, Twitter, and LinkedIn. On Facebook the following groups deal with restorative justice:

- European Forum for Restorative Justice
- Community of Restorative Researchers
- International Institute for Restorative Practices
- Restorative Justice Friends Group
- Restorative Justice International
- Restorative Justice Online

Internet also offers the possibility to individuals and organisations to create their own *blog*, containing commentaries, news and even personal diaries on their topics of interest. The most special feature of blogs is the possibility for online readers to leave their comments and interact with each other following the ideas published on a specific topic. While it is extremely easy to start a blog, it is crucial to keep regular track of what is posted by others and what needs to be posted (Pali, 2010). Arguably, the goals of blogs can be replaced by the platforms available on social media. Pali's toolkit also suggests other relevant tools offered on the Internet which are significant when thinking about launching an awareness campaign, such as *photo sharing sites* (www.flickr.com, www.picasa.com) and *video sharing sites* (www.youtube.com, www.vimeo.com).

Although Internet provides the main platform for raising awareness on certain topics, it is crucial to keep in mind some of the dangers belonging to this type of modern communication instrument. Mainly, there is a risk of promoting and delivering superficial messages, which have no empathetic connection with the real people existing behind such message. There is also a risk of delivering a certain amount of messages, focusing on the quantity instead of focusing on the quality of the information delivered. Finally, it is also possible that the message conveyed remains limited to virtual pity and compassion, without actually transforming into real action. Keeping these drawbacks in mind is crucial to deliver the right message and obtain the right reactions to it.

Events

In order to raise awareness and give visibility to restorative justice and the activities organised by local organisations, it is important to participate in events related to restorative justice and victim support. Some important dates to keep in mind are the European Day for Victims of Crime (22 February each year), the Global Forgiveness Day (7 July), the International Forgiveness Day (first Sunday of August) and the International Restorative Justice Week which is held in mid November each year.

International Restorative Justice Week

The International Restorative Justice Week is an initiative started by the Correctional Service Canada. The EFRJ actively engages every year by organizing and/or coordinating local activities to raise awareness on restorative justice. In 2013 and 2014, the theme was "Inspiring Innovation"⁴⁶. In 2013, the EFRJ supported the initiatives organised by members across Europe by designing and sending "Restorative Justice Postcards" (see

articles written by researchers and reviewed by one of the committees of the EFRJ, the Editorial Board of the newsletter. The digital version of the newsletter is sent three times a year to all members, while a printed version (composed by some of the articles published during the year) is printed at the end of each year.

⁴⁶ More information on this initiative can be found here: www.csc-scc.gc.ca/restorative-justice/003005-2000-eng.shtml.

page 6 on “Communication materials”). In 2014, the EFRJ invited all its members to organise a “Restorative Justice Lunch” in their local institutions in order to share food and ideas. The event took place around lunch time in different formats, such as lectures, interactive role-plays and restorative justice games, round table discussions, etc. The EFRJ also prepared a short video to be shown during these local meetings. In some cases, local organisers had different ideas to celebrate the International Restorative Justice Week (e.g., conferences, trainings) and the EFRJ acted as a platform to give visibility to those events too⁴⁷. The EFRJ was informed about 30 initiatives (including 9 restorative justice lunches, brunches, coffee degustation, and wine-tasting) which took place in Belgium, Bulgaria, Croatia, Hungary, Italy, Latvia, Spain, Sweden, The Netherlands, and UK.

In order to raise further awareness, it is also suggested to select other events which are related to fighting crime, finding justice, rehabilitating offenders. For example, the One Billion Rising for Justice is a global campaign to demand the end of violence against women and girls (www.onebillionrising.org). In 2013, about one billion people from 207 countries came together to raise awareness on this issue.

It may be beneficial also to participate in youth events to present restorative justice ideas. In 2003, during the “Festa dei Giovani” (an Italian youngsters’ festival), Francesco Formica gave a testimony of his life history to the thousands of youngsters present at the event. Formica was charged with 22 years in prison for the crimes he committed; while in prison, he had the chance to think about his criminal career and he



decided to dedicate his life to hosting and helping prisoners. Every year, the organisers of the “Festa dei Giovani” search for inspiring people who are willing to share their life experience with about 11000 youngsters and children during a 20 minute speech at a plenary session and a one hour face-to-face meeting while other workshops take place. Moreover, exhibitions and stands of different projects and organisations are set up for the event (www.donboscoland.it).

A flag, banner and/or a small table with flyers could be prepared to allow participants to know about restorative justice as an alternative or additional way to obtain justice. Not only participating in such events is helpful for raising awareness, but it is can also be seen as a way to increase cooperation between organisations working on related social challenges and issues. It is also important to share activities, projects and events with international and European platforms (e.g., the EFRJ collects and shares initiatives n restorative justice with its members).

Progress and outcomes

Since individual, community and societal mobilisation and transformation take time persistence, patience and regular monitoring are needed. The “restorative justice team”⁴⁸

⁴⁷ More information on this initiative can be found here: www.euforumrj.org/events/international-rj-week-2014. Appendix 6.3. includes the template invitation for participating in a RJ Lunch.

⁴⁸ The “restorative justice teams” have been introduced already on pages 5 and 22.

should have regular *meetings* to exchange their knowledge, their attitudes, their skills and their behaviours towards a certain campaign. This is the moment to share successes, learned lessons, problems, challenges and it is the moment to review the strategies adopted and to take further action. This is also the moment to re-evaluate the resources of the community for whom the campaign was designed (i.e., cultural background, geographical location, demographics, infrastructures, recent events, human and financial resources all play a role in the way an awareness campaign is perceived).

Someone from the team should complete a meeting *report* noting all the good aspects of the campaign which should be continued and identify the aspects in need of change. It may be useful to deliver *surveys* in order to assess how the campaign was perceived by the audience, not only by the initiators. It could be useful to develop a *tool* to collect, store, analyse and share the lessons learned. All the information collected (reports included) should be made available to other teams interested in launching a new awareness campaign on restorative justice.

INITIATION

The chapter “Initiation” focuses on case-related elements that may encourage (or discourage) the beginning of a restorative justice process. These include writing the introductory letters to the parties, preparing for the first phone call, arranging the first individual preparatory meeting with each party and finally organizing the face-to-face meeting for the parties. This section also discusses restorative justice processes referring specifically to victim-offender mediation as it is the predominant model in Europe. Similar practical ideas could be used for other models (e.g., family group conferencing).

Some *good* initiation practices have been discovered during this project, but we have been reluctant to use the terms *best practice* in recognition of the fact that the standardised practices do not always accommodate the range of different contexts and circumstances across Europe, which we feel necessitate a more individualised approach. Initiation models should be tailor-made for each member state’s situation and the ideas here presented could be used as the departure points for the initiation phase to be successful once cases are referred to restorative justice.

3.1. Writing the introductory letter

Different countries adopt different procedures for informing and/or inviting victims and offenders to participate in restorative justice programmes. In some cases, parties receive the relevant information concerning restorative justice during criminal procedures (e.g., from the police, prosecutor, lawyer). In many cases, a letter is the only contact or opportunity a restorative justice organisation has to get the parties interested in this process. It is then particularly important to provide a letter that does not discourage victims and offenders from participating in restorative justice and that does not lead to secondary victimisation. Even when the organisation intends to contact the victim and/or the offender further, the first letter they receive may have an influence on their decision.

Certain issues may arise while considering the letter as a method to offer restorative justice. Firstly, letters alone may lead to incorrect expectations and perceptions about restorative justice. This is why the information provided as well as the terminology and language used must be extremely attentive. Secondly, letters may not be taken into consideration by parties, they may not be opened or they may be forgotten about. Therefore, a letter gives no certainty that the information will reach the interested parties. While creating individualised letters may seem to be the solution, this is not always feasible considering the high number of criminal cases the justice system must deal with. Thirdly, letters may be inappropriate for certain audiences, for example for people who have language or educational restraints.

During this research project, different letters have been examined showing the diverse methods adopted by countries; differences have been found also at the local level between different organisations or individual practitioners. The following points will outline some *good practices* of writing a letter, based on a compilation of existing letters in addition to the

research results of this project and the discussions resulting from the trainings. Four final sample letters incorporating the important factors can be found in appendix 6.4. The reader should keep in mind that no ideal standardised letter has been identified during the course of this project which can be applied to any type of crime, to any age or role in the crime, or to any cultural background.

The sender

Official letters are better received

The letters tend to originate mainly from one of these sources: the restorative justice organisation or the criminal justice authorities (i.e., courts and police, with some exceptions). It is difficult to hypothesise which source would lead to a greater numbers of decisions to participate, if a difference even exists. This may depend also on how certain agencies are perceived by the public (e.g., trust in the criminal justice system). On the one hand, the restorative justice organisation may be perceived as less intimidating and be “closer to the people.” On the other hand, a letter from the judge or prosecution service may provide the necessary authority to encourage the victim or offender into participating. Where too much pressure is felt, however, there is a conflict with one of the main principles of restorative justice, i.e. voluntariness.

In some instances, the letter suggests that the case will definitely be referred to mediation because of its advantages for both parties. There is debate about whether this approach serves to gently encourage participation or to pressurise the parties. A compromise can be found by asking mediators to write the letter on behalf of the prosecutor: “*I am bringing to your attention that the public prosecutor has the intention to deal with this case through a criminal mediation procedure.*” Attention must be paid to avoid confusion in the roles, given the fact that the final responsibility lies with the judicial authorities. It is advisable then that standard letters result from the collaboration between restorative justice practitioners and judicial authorities (e.g., the public prosecutor).

The recipients

Know your audience

It is best not to send a standard letter to the parties. At the least, different versions should be developed for victims and offenders, as their needs may differ from one another. When possible, other characteristics should be taken into account. For example, the letter could be adapted when the offence is very serious or involves a particularly vulnerable victim (e.g., minors, victims of sexual assault or domestic violence). The safety of victims of domestic violence should also be considered, and the possibility of communicating other than via a letter sent to the victim’s home should be adopted or explored. Letters should also consider the age and maturity of their readers as well as possible impairments (e.g., blindness, literacy issues).

Who is first, the victim or the offender?

While some may argue that the offender should be contacted first in order to avoid raising the expectations of victims, others argue that victims can be contacted first too to listen to their needs and understand their position concerning the crime suffered. It may be advisable to send the letter automatically to both parties at the same time.

The content

Provide sufficient information

Information should be offered in the letter that will give the recipients a comprehensive understanding of restorative justice as it may well be the case that the recipients have never heard about this possibility. This information should include: what will happen to the case if it goes to a restorative justice programme, the possibility for indirect mediation (if it exists) e.g. shuttle, proximity. The experience and skills of the restorative justice practitioners, legal safeguards regarding the procedure (e.g., that it is voluntary and the mediator or facilitator cannot testify against the parties), possible costs, practical information about the restorative justice organisation. The benefits of restorative justice are key and should include the opportunity for expression, for receiving answers from the offender, for discussing compensation and other forms of reparation, and for receiving an apology or showing remorse.

For the victim, it may be helpful to discuss why it may be relevant for him or her and to mention the effects of restorative justice on criminal procedures, potential benefits for the offender, and the possibility to help him or her understand the impact of the crime and refrain from future criminal behaviour.

“Everybody’s doing it”

Restorative justice remains limited within public knowledge and is not currently viewed as the “norm” in conflict resolution. Both punitive attitudes and a lack of understanding among the general public prevents the use of restorative justice from spreading. One lesson from social psychology and research on conformity and influence is that if people know that others are behaving in a certain way, they are more likely to act in a similar manner. Social norming is a form of indirect persuasion. Rather than telling people what they should do, inform them about what other people are doing⁴⁹: *“The majority of victims in your situation have participated in a similar programme. A study showed that 90% of the respondents would choose mediation if they were given the opportunity.”* Social norming may be particularly effective in creating a change in attitudes towards restorative justice in one’s personal case when it becomes known that other people use and approve such a means of conflict resolution. Through a letter, social norming may also be a communication and awareness strategy.

Provide parties with examples

⁴⁹ For further information on social norming in the context of restorative justice, read the final research report of this project, in particular the experiment with students on chapter 9.2. (Laxminarayan, 2014). More generally, see Berkowitz (2004).

Because the letter often provides information about restorative justice that the victim or offender has never heard about, they may not see the relevance to their own case. The benefits of meeting the person who harmed them or caused them pain may not be immediately evident to the recipient of the letter. For this reason, providing examples of other cases, possibly tailored to the specific offence, may show parties that restorative justice is a suitable solution. This example could include brief facts about the case, in addition to how it was resolved using restorative justice mechanisms: *“Jan was addicted to drugs when he assaulted the shop owner during a robbery. He has been punished for the crime and was involved in a drug rehabilitation programme. He wanted to explain to Pete, the victim, how it came so far. He also wondered how the man was doing and wanted to personally offer an apology. Pete suffered from anxiety, and though still working in his shop, was substantially more afraid than before the assault. When they met, Pete was open and able to also ask questions. After mediation, Pete was thankful for the apology and could finally continue with his normal routine.”*

Explain the procedures

The information provided by the letter must explain in a concise and easy way the next steps to take for engaging in a restorative justice programme (i.e., if further contacts will be initiated by the mediators or the parties themselves). This information includes the ways in which the mediation organisation may be contacted or how the parties may contact the mediation organisation (e.g., by phone, email, visit), as well as the time frame involved. It is important also to provide the contact details of the person responsible for their case (i.e. the mediator’s name, together with phone number and email), so that the parties can directly contact him or her.

Language and terminology

Personalise the benefits of restorative justice

The benefits of restorative justice should, as a standard, be included in the letter. More than simply stating the benefits, it may be more effective to personalise them, merely through a change in language. Where the term “mediation” is used, it could be more effective when presented as a means of dealing with the problems one of the parties may face. For example: *“You may be experiencing anxiety because you do not know why the offender targeted you. You may have questions for the offender. You may want to express the harm that you have suffered. Mediation is a process that can help you to achieve these aims.”*

Recognise the harm that has been caused

As has also been observed, particularly where similar letters are sent to the victim and offender, the harm of the victim is not always appropriately acknowledged. Undeniably, recognition of harm has been noted as one of the most important needs of victims after a criminal offence. At the same time, it is important not to assume the recipient has adopted the victim-role (e.g., avoid phrases such as, *you are the victim*). It was suggested to use sentences such as: *“You were involved in a harmful incident, where you may have suffered emotional,*

physical or financial harm. We know you are in a difficult situation.” In some cases, acknowledging the victims’ harm has been criticised for undermining the principle of neutrality of mediators.

Make the letter interactive

Another possibility of getting the attention of the victim or offender is to make the letter interactive. An interactive letter would entail the involvement of the parties. Questions could be posed to the parties. In a checklist format, the offender may be asked to indicate: “*Do you feel remorse? Do you want to tell your side of the story? If so, victim-offender mediation may be appropriate for your case.*” In some cases, this format has been criticised because it may be difficult for the parties to give a “yes” or “no” answer, but also because it seems not to take the situation seriously enough and treating parties in a “childish” way.

Do not scare off parties by mentioning “mediation” too early

The term “mediation” may discourage parties from agreeing to participate in restorative justice programmes. When people hear this word, they may associate it with a formal procedure, or a process that resembles negotiation. In some of the letters collected within Europe, it can be seen that “mediation” is mentioned too early, without first providing victims and offenders with a sufficient understanding of what it entails.

Use terminology which is easy to understand

Particularly when coming from the prosecution service or the courts, letters can be confusing. Difficult language and jargon should be avoided. In a standard letter, rather than using legal terms, everyday language used in a face-to-face conversation could be considered. Clearly, the best option would be to adopt clear accessible language and not assume the parties understand the legal terminology.

Use personalised subjects

It has been argued that the letter should be written in a personal way. Thus, the “I” and “we” forms are to be used. For example, “*As the public prosecutor, it is my responsibility... I invite you...*”.

Be concise

Sometimes, too much information provided in the letter may be overwhelming. Therefore, a concise personalised letter and a detailed leaflet explaining the offer may be sent in the same envelope to the parties. Leaflets may also be adapted to a specific audience, e.g. for parties belonging to different age groups. Suggnomè, a Belgian mediation organisation, made a differentiation between the leaflets delivered (www.suggnome.be).

Procedures

A second letter

Many countries may send a second letter (e.g., Austria, Ireland) to remind the parties of the possibility for restorative justice. In some countries, a reminder is sent once one of the parties positively responded already (e.g., The Netherlands, Belgium). In these cases, the letter takes the role of a proper invitation, more than just an informative tool on restorative justice. Still, a more proactive approach from the restorative justice organisation's side is suggested, such as making a call to the parties and trying to arrange a first meeting.

Follow up with a phone call

Where organisations do have the time or the resources to take a proactive approach, organisations should assess how they can become more proactive, namely through follow-up calls. Follow-up calls are superior to a second round of letters, which are likely to result in the same non-response of parties. One of the main goals of the phone call should be to make sure that the information about restorative justice reached the parties, so that they can make an informed choice to accept or refuse the offer. The phone call should aim at a face-to-face meeting to further inform the parties, and not necessarily to initiate the process itself. One of the main challenges of making a phone call remains how to obtain the telephone number of the parties.

Be proactive

Where organisations have limited time and resources, they could consider revising the strategy of sending a first informative letter. Indeed, arranging a first meeting with a phone call is considered to be more successful to make parties interested in restorative justice. However, uninvited calls to victims may not be the most victim-sensitive or appropriate approach.

3.2. Preparing the phone call

As mentioned earlier, often the informative letter is not sufficient to make the parties interested in restorative justice. A phone call should follow the informative letter in order to invite the party to a meeting. The letter should have informed already the party about the possibility of a follow up phone call. The information shared in this chapter derives mostly from the ideas collected during the five trainings organised in the framework of this project. Other useful sources were Wallis & Tudor (2008) and Restorative Justice Council (2011).

Background information needed

Before taking any action towards contacting the parties involved in an offence, the mediator should make sure to obtain all the relevant information of the specific case, such as a summary of the offence, risk assessment data and other relevant information about the offender, victim's personal statements, contact details of both parties, any other significant data (e.g., health and safety issues, language, cultural background, level of education, etc.).

The mediator should receive *only* the relevant information to enable them to properly prepare to make the restorative justice offer and possibly lead the restorative justice process. Indeed, receiving other information regarding the criminal procedures may compromise the

mediator's neutrality in the case. Instead, the mediator will collect additional relevant information from the parties themselves during their face-to-face meetings.

Skills needed

The mediator conducting the phone call should have effective and confident communication skills not only to briefly summarise what restorative justice is and why it may be interesting for the parties affected by a crime, but also to re-formulate questions and change the dynamics of a conversation whenever it is needed. He/ she should inspire trust, be patient to explain all over again when necessary, listen and summarise what he/ she has been told and evaluate rapidly the phone call in order to arrange a meeting as soon as possible.

The number is dialled; and now?

These are some obvious tips not to forget when the number is dialled: the mediator should first introduce him/herself and his/her role, make sure that he/she is speaking with the right person and check if that is the right moment to call. This phone call should aim at assessing if the party is well-informed about restorative justice and evaluating if the process would meet his/her needs. Arranging a date and place for a first introductory meeting on restorative justice will be the final goal of this phone call.

The goal of the phone call is to encourage the party to agree to an initial meeting with the mediator. During the conversation, the mediator should focus on securing the initial meeting rather than giving a full and comprehensive explanation of the mediation process, which might cause the party to feel fully informed about mediation and not see the value in attending an initial meeting. The mediator should be prepared for reactions such as anger and fear, which may surface in this first phone call. He/she should not invent answers when he/she cannot answer, but be honest and promise to come back to them with the right answer, if required.

Contents of the phone call

Clearly, the mediator making the phone call should have enough knowledge to answer any question related to restorative justice (definition of restorative justice, procedural steps, benefits and possible disadvantages, differences with the traditional criminal justice system, possible examples and experiences to share, etc.). Still, it is suggested not to provide too much information during the phone call. Indeed, the aim of this phone call is to arrange a first meeting with the party in which the details concerning restorative justice can be better explained. The contents of the phone call should reflect once more the voluntariness of the restorative justice process. For the victim, it may be crucial to know that the offender has freely decided to participate to restorative justice (without getting a diminishment of the punishment, although the principle of sanction mitigation is accepted in some jurisdictions).

Language to be adopted

The language used during the phone call should be similar to the one suggested for the informative letter (chapter 3.1.). It should use easy and concrete terms so that whoever is on

the other side of the phone can understand and does not get confused by jargon. Terms such as “restoration”, “mediation”, “forgiveness” should be avoided where to ensure that no misunderstandings arise from such terms.

Be prepared to accept and listen to resistance

Among the other capacities of a mediator, it is important to be prepared for resistance, challenging questions or clarifications. The phone call is the first step before the meeting and the restorative justice process itself when the party may resist the offer presented. The mediator should prepare and have answers, examples, experiences ready to be shared, without raising false expectations.

Be available and flexible

As far as possible, the same mediator should be able to begin and end the same case⁵⁰. Whenever the offer is made, it is crucial that mediators are fully committed to their new possible case. Full availability and flexibility are needed: the restorative justice process cannot be delayed by the personal commitments of the mediator, neither by any other administrative and structural obstacles.

What if the other one wants it...?

If the party keeps on resisting the offer, it is interesting to know his/ her response to the question: “What if the other party wants it? Can I come back to you?” Although research found that when victims heard that the offender proposed the offer, they were more likely to question his/ her intentions or motivation, having this prior knowledge on the other person’s intentions may also lead the party to make a decision towards restorative justice. Indeed, the party could feel less pressure knowing that he/ she did not actively initiated the process from the beginning. Moreover, such a question is helpful in keeping the “communication-doors” open between the mediator and the parties.

Other strategies

If the letter and the phone call are not sufficient to gain the attention of the parties in restorative justice, other strategies may be adopted. Some practitioners suggested providing the parties with other informative instruments such as DVDs to raise awareness and interest in restorative justice. Other practitioners invited the parties to meet other participants who have benefited from a restorative justice process⁵¹. Clearly, these strategies should be used to further inform the parties and not to force them to make a decision to attend a restorative justice process.

Keep track of your cases

⁵⁰ Another research project coordinated by the EFRJ, “Desistance and Restorative Justice: mechanisms for desisting from crime within restorative justice practices”, demonstrated that the mediator often becomes a vital figure for the parties. During the regional workshop organised by the Leuven Institute of Criminology (LINC), Lauwaert (2014) presented the preliminary results from Belgium, stating that in some cases mediators have been described as caring “mothers” by desisters (i.e., those offenders who have interrupted their criminal behaviour). The final research report of the EFRJ project will be available online by March 2015 (www.euforumrj.org).

⁵¹ See chapter 2.2. on the importance of real stories for raising awareness and changing attitudes (“storytelling” on page 8).

Mediators may take care of different cases at the same time. From the moment in which the parties are personally contacted, mediators should keep track of their actions in a sort of “diary-format” to be attached to all materials related to the case. This may avoid misunderstandings, further complications or simply failures to remember significant dates, thoughts, talks, meetings and commitments.

3.3. Arranging the first preparatory meeting

If letter and phone call succeeded to get the attention of the parties, the next step is to meet individually with each of them and prepare for the face-to-face meeting with the other party. This chapter, as well as chapter 3.4. on the face-to-face meeting have been informed not only by the research findings of Laxminarayan’s research project (2014), but also by the outcomes of the trainings given across Europe. Additionally, some ideas of the publications of Wallis and Tudor (2008) and the Restorative Justice Council (2011) were included in this section.

The venue: let the parties free to choose

The venue for this first introductory meeting is usually chosen by the party to whom restorative justice has been offered (while the venue for the face-to-face meetings, can be chosen by the mediator in his/her role as a neutral party but this venue should also agreeable to the two parties). It may be a public place or community space, where the mediator and the party can speak quietly about the offence suffered, the needs arisen from it and the possibilities to restore the damage. If the offender is under custody, the meeting will obviously take place in a prison visiting room. If a home visit is required, the mediator should consider his/her own safety and, if there are any doubts about it, he/she should share these thoughts with the colleagues and consider going accompanied by one of them. In all cases, the colleagues should know the location and venue of the meeting and the mediator should have access to a mobile phone in case of emergency.

The importance of the talk

This first talk is crucial for making the party feel safe and confident about the mediator and the offer made. The mediator must keep neutral and non-judgemental concerning the offence and the persons involved; indeed, this phase is a sort of “pre-mediation”. He/ she must also be fair with the situation, open to listen and prepared to answer several questions. The talk is then the first occasion for a mediator to show his/ her abilities to encourage dialogue, inspire personal reflections and stimulate conflict resolutions.

“What are your needs?”

In order to get the attention of the parties involved in an offence, it may be appropriate to listen first to their needs. Indeed, speaking about restorative justice too early may be unwise. By listening to the parties’ needs, restorative justice practitioners (or anyone else referring to restorative justice) can immediately identify the strengths and benefits of the proposal they want to make. Making the offer is not a standardised practice: as well as the process itself, the offer of restorative justice must be tailored to the parties’ needs and the goal to be achieved.

“What are your options?”

Parties must be well informed not only about the procedures of restorative justice practices, but also about the different paths that could be followed. For example, if there is a possibility to take part in a direct or indirect mediation programme, this difference should be made explicit to the parties so that they can think about what possibility suits them best. Indeed, indirect mediation ensures that communication takes place via videos or telephone calls, written communications (i.e., letters), audio or video recordings or verbal comments sent through the mediator to the other party. In this case, no face-to-face meeting will occur.

Social norming or “indirect persuasion”

Although the voluntariness of restorative justice practices is crucial to guarantee the successfulness of the process, it may be necessary to motivate some people to consider this option while making the offer. Research shows that informing people about how others behave and what they do in specific situations is a good way to communicate a message and persuade them to do the same. This is the so-called social norming effect, simply meaning that “If others did it, you could possibly do it too”⁵². This encourages individuals to take an active role in a context where they may not have much knowledge. Still, this type of “indirect persuasion” must not be confused with manipulation or coercion, thus it requires good practice and skills from the mediators’ side.

Be well-prepared & prepare the parties

Before the meeting will start, the mediator should review and consider his/her strategies. The mediator should have thought about the structure of the meeting, the questions to be asked, how to phrase them, how to ensure that the dialogue goes in the direction expected and how to allow resistance and strong emotions. It is also crucial that both parties are well-prepared about the procedures of restorative justice as well as the possible outcomes deriving from it. Their preparation should take place during the individual talks with the mediator, before the restorative justice process will take place.

During this preparation phase, the mediator should also assess the individual capacities of both parties: “Do they understand the restorative justice process? Are they capable to freely decide to take part in it? Can they communicate in a safe and respectful way?” The answers to these questions should not be used by the mediator to decide if the restorative justice process should start or not; instead, they should be used to provide the right information to the parties and better prepare them for a possible meeting. As stressed by Kristel Buntinx (2014), the final choice and responsibility is to the parties, and mediators have the mere role to facilitate and help such decisions. Mediators should also make sure that the parties are prepared in case the other one refuses to meet: in this case, offenders can still take responsibility and make amends, and victims can be proposed to attend restorative panels or other programmes where they can speak about their emotions and needs.

Prepare the offender, prepare yourself

⁵² Social norming was already explained on chapter 3.2. for writing the letter (p. 38).

While preparing the offender for a possible restorative justice process, mediators should gather the information which may be needed later on to gather the victim's interest and create a safe environment for the process to take place. For example, it is important to know if the offender pleaded guilty to the offence committed, if he/ she took responsibility for his/ her actions, if he/ she is willing to meet with the person that was harmed, if he/ she is inclined to make amends. This information should not necessarily be used to decide if a restorative justice process can take place, but it must be used to be better informed and prepare the victim.

Prepare the victim, prepare yourself

While presenting and offering restorative justice to the victim, mediators should be prepared to listen the version of the offence as told by the victim and assess feelings, fears, anger, possible traumas which may be used later on to stimulate the offender's responsibility. Mediators should also be well-informed about the circumstance, situation and thoughts of the offender, since these questions may arise. Unforeseen questions may arise: in this case, mediators should be respectful and honest, responding that they have no answer yet, but that they will make their best to find an answer as soon as possible.

Do not coerce

Mediators should keep in mind the voluntariness of a restorative justice process. While making the offer, the final responsibility to decide remains with the parties. Mediators must keep in mind that they cannot make any decision for them.

3.4. Organizing the face-to-face meeting

During the five trainings across Europe given within the framework of this research project, participants often discussed the first face-to-face meeting between the parties and the mediator or facilitator. Special attention was given to the actual preparation of this first face-to-face meeting, which goes one step beyond the initiation phase of restorative justice. Participants' ideas and trainers' suggestions have been collected in this short chapter.

Is a face-to-face meeting appropriate?

Upon receiving the referral and after meeting the parties, the mediator must consider if a face-to-face meeting is appropriate and safe or should another option for dialogue be considered. The mediator must evaluate feelings about the offence, motivations to meet, individual capabilities and personalities and the risks of such restorative justice meeting. If the mediator considers the meetings inappropriate or unsafe, he/ she should brainstorm with the colleagues and openly speak about it with the parties. Solutions may be still found, for example by using different restorative justice formats such as indirect victim-offender mediation, video-recordings, meeting in presence of security guards, etc.

Are participants well-prepared?

Both parties should be accurately prepared before engaging in a restorative justice process. During the trainings given for this project, several restorative justice practitioners claimed that

parties, and in particular the victims, ask concrete questions not only about the process, but also about the location and setting. Questions such as “Where is the room? Is it inside prison?”, or “How does the room look? Is there a table? Are there windows?” or “Is someone else attending the meeting? Are there security guards in the building?” must be accurately answered in advance. Additionally, both parties should be reassured that they can leave and re-join at any stage of the process (Time Outs). This is required for the parties to have confidence in the process, feel safe, and better prepare for the meeting.

Select the venue

In order to feel confident with the place, mediators should know the location in advance, arrive early, prepare the seats, check for materials which may be needed. It is also crucial to have an image of how the venue looks like in advance in order to be able to answer to possible questions asked by the parties to prepare to the meeting. In order to relax participants, it is suggested to have refreshments and tea / coffee at the venue before starting the meeting.

The presence of observers

As said before, observing a restorative justice process is extremely successful for raising awareness and the procedures and benefits of restorative justice services and increasing cooperation between referral bodies and restorative justice organisations. While observers have a crucial role in the further development or implementation of restorative justice at the structural level, they have no specific role or contribution to make to the individual process taking place. In addition they must be well briefed on their actual role in the room. If it is proposed to have observers present, the parties must be informed in advance and should have the right to veto their presence.

Consider a “plan B”

In order to prepare for a face-to-face meeting, mediators should foresee and assess in advance (as much as possible) the situations that may occur during the restorative justice process. Mediators should “prepare a plan B” if things are not going as smooth as planned, for example considering the possibility to temporarily stop the meeting and separate the parties (Time Out).

Prepare collaborators and others

If the restorative justice process foresees the presence of other people (a co-mediator, more supporters, the observers), mediators should make sure that everyone knows their role, knows what to do (and what not to do) in order to prevent surprises and misunderstandings.

Who arrives first?

As mentioned already, the mediator should be the first one arriving to prepare the venue. A different arrival time for each participant may be set, in order for them not to meet in advance. This is also important to give the time to the mediator to check each party individually, if

needed. In some cases, especially when the meeting takes place inside the prison, victims may travel to the prison accompanied by the mediator.

Welcome the participants

It is important to make sure that participants feel welcomed when they arrive. It is also equally important that they do not meet unexpectedly prior to the meeting. The mediators must have the proper settings and logistics worked and well planned in advance.

Where to start?

Having refreshments available is a good way to break the ice and relax the participants. But be conscious of the time agreed and be ready to start the meeting when everyone has settled and are relaxed. How to start? An agenda of the meeting should be set in advance. First of all, guidelines, rules and procedures for the meeting should be stated to the participants. In particular, values such as respect and dignity should be emphasised from the beginning, as well as the basic rules of restorative justice such as the confidentiality of the process and the free consent of the parties to meet. Then, the mediator invites the parties to talk to each other and exchange their points of view, starting from the victim's side.

And how to continue?

The mediator should constantly assess the emotions and tensions between the participants in the room. He/ she should consider if the meeting should continue or if a (temporary or definitive) end of the meeting should occur. These considerations should be made by listening to the participants as well as keeping an eye on the non-verbal signs given by them. The mediator should also keep in mind everything that has been discussed in order to encourage the formulation of a final agreement to conclude the meeting. Before writing it down, it may be useful to summarise and repeat the main points discussed and agreed by the participants, so that any unsolved or misunderstood issue could still be re-discussed.

End with an informal restorative meeting

Once an agreement has been reached, a little bit of time should be left for continuing to speak in an informal and relaxed setting. This is not always needed, but it may be necessary for some participants. The mediator should still maintain an impartial role and listen to the informal talks taking place in this setting: they may be still used to ensure restoration to take place. It should be agreed which party will leave the room first. When the meeting is closed the mediator should politely invite the party to leave the room.

Debriefing

At the end of face-to-face meetings, mediators may feel the need to share their "working day" with someone who can understand their work, since the level of strong emotions may have been high during the meeting and mediators may also have the mere need "to put it off". Suggnomè, a Belgian mediation centre, makes sure that a mediator is available to speak (by phone) with a mediator who has just completed a face-to-face meeting with the parties. This

arranged and organised set-up makes sure that mediators get support from their colleagues, speaking with each other on a specific case, instead of keeping their thoughts and emotions inside. Additionally, debriefing can be used to report what happened during the mediation and ensure that regular supervision is granted to mediators.

Ensure continuity

As mentioned earlier, mediators starting with a specific restorative justice process should be able to continue it until its end. Once a trustworthy relationship is built between the mediators and the parties involved in the process, such a relationship cannot be easily replaced. Changing the mediator during the course of a restorative justice process may lead to the dissatisfaction of the parties and possibly the end of the process itself.

Monitoring the process

A restorative justice process may not end once an agreement is signed. Instead, it may be an ongoing process which still needs to be monitored and be supported. The mediator should make sure to remain contactable and available for the parties if this is required by the parties.

TRAININGS ON ACCESSIBILITY AND INITIATION OF RESTORATIVE JUSTICE

During the second year of this research project, training was provided in five European countries (Poland, Ireland, The Netherlands, Croatia – organised together with Romania, and Belgium). With the exception of the training in Belgium, which primarily targeted legal professionals, the other trainings were to be targeted at restorative justice practitioners. The training events brought together participants and trainers from several other countries which were not partners in the project, such as France, Italy, Malta, Norway, Portugal, Russia, Serbia, Sweden, United Kingdom. A total of 135 participants, including the local and international trainers and organisers, came together to learn, share and discuss about accessibility and initiation of restorative justice.

This chapter is a collection of what has been learned during the five trainings. It is divided in two sections: the first section presents a general structure of the trainings, including contents and format of the trainings; the second section identifies some recommendations and practical reminders for improving future trainings. The reader should keep in mind that this chapter, as well as the whole *Practical Guide*, does not replace appropriate training on restorative justice. Instead, it is meant to be a reference chapter to consult and stimulate ideas whenever a training on accessibility and initiation of restorative justice is planned.

4.1. General structure of the trainings

This section discusses the content, format, materials, presentations and exercises used during the five trainings given for this project. While the themes discussed during the trainings were chosen well in advance at the end of the desk research phase of the project, the structure and practicalities adopted during the trainings have been a constant learning process for the EFRJ staff. Indeed, without a clear and well-established experience on delivering trainings, the project coordinators made use of each training event to improve the following one. The escalating learning experiences are collected in this section, with the wish of making it available for future trainings.

Content

The trainings included the four following main topics: cooperation, awareness, face-to-face talks and writing the letter. The reason for choosing these topics among others was their relevance for professionals' daily practices. Indeed, these topics are not only interesting for this research, but they could also be implemented in this *Practical Guide* to improve accessibility and initiation of restorative justice. Concrete everyday tools and strategies for improving accessibility and initiation of restorative justice could be more easily identified and brought into their daily activities by practitioners. Since one of the main objectives of the project was to help to make a change in this sector and increase referrals to restorative justice practices, these four topics could become the elements for such change.

Format and training materials

Trainings included short presentations from the trainers as well as practical exercises to be completed in the break-out groups. Trainers used flipcharts, post-its, white boards and PowerPoint presentations to explain their message and stimulate discussions. Without making use of special formats and materials, the trainings were delivered with simplicity but still maintaining the good standards expected by the EFRJ.

Participants received an “informative package” at the beginning of each training (see below). At the end, participants received personalised certificates of attendance (including relevant logos and signatures), prepared in advance by the local organisers.

The informative package

The information pack given to participants at the beginning of the training could be a folder or bag containing: the programme of the training; the biographies of the trainers; the participants’ list with name/ profession/ organisation; groups’ subdivision (when necessary for the exercises); pen; notebook; name badges; leaflets, postcards, newsletters from the EFRJ and from the local partner organisation; map of the city and (if needed) map of the venue location. In addition, some participants suggested adding a synopsis of each partner country in the project (population and number of people involved in criminal justice system and in restorative justice).

Presentations

Clearly, depending on the contents and on the presenters’ skills, presentations obtained different levels of success. Presenters often used their own personal experiences as attention getters. For example, the training on awareness in Poland started with an attention-catcher told by the Norwegian trainer: her personal story with her son engaging in a mediation process caught the attention of all participants. In Belgium, a local trainer experienced in mediating serious crimes shared with the audience several stories experienced during her 16 years of work. This had a great impact on the audience, especially on legal professionals who were not aware of how restorative justice takes place in practice.

Exercises.

During the trainings, many exercises were used which could be useful to keep in mind for future trainings.

Hopes and fears

Trainings started by asking the participants to think about their fears and hopes for the two-day training. They wrote their feelings on two different colourful post-its and posted them on the wall. This was helpful not only to reflect on their expectations and their needs for attending the training, but also for trainers to better know their audience. Moreover, trainers returned to the colourful post-its during the closing of the two-day trainings, to brainstorm with participants about what they learned and to check if their expectations had been met.

Ice-breaking exercise

An icebreaker is important in any training requiring the active participation of those involved. One of the icebreakers used is called the “Concentric circles exercise” (2004): participants sit in front of each other, in two concentric circles, and for two minutes they have the opportunity to tell each other about something they have learned that was important in their lives, while the other remains silent. The inner circle then moves around by one chair and the exercise continues, so that participants have the chance to listen and tell their story to several participants. The trainer asks questions for discussion, such as asking participants to think about someone important in their lives: was he/she a helpful person or someone who punished them? Although they have only a short time to reflect, after the exercise, participants may feel a warmer atmosphere, more confidence and trust to work with the other group members. The exercise is also helpful to reflect on the mediators’ role, as a listener, and as someone who needs to concentrate on others’ stories.

Thinking about restorative justice: “put yourself in someone else’s shoes”

Exercises can help participants to “put themselves in someone else’s shoes”, especially when groups do not involve only restorative justice practitioners. For example, the Norwegian trainer asked participants to think about their most shameful experience, then she wondered if they ever told that experience to anyone and if some of them would have been able to stand up in front of the rest of the group without making the story more positive than it actually is. This may be needed especially with groups who do not know much about restorative justice or do not fully understand its values.

Specific exercises on the content

Exercises mostly started by dividing participants in smaller groups sitting in different rooms, so that every group could come up with their own ideas and freely discuss them. Exercises included preparing meetings, drafting a law, thinking about cooperation techniques, designing an awareness campaign, writing the informative letter for restorative justice, organizing the first meeting with the parties and reflecting about the possible face-to-face talk. During all trainings, role-plays were used by trainers to put participants in the parties’ shoes (particularly important for restorative justice practitioners) and to show how restorative justice processes are initiated and take place, especially for those legal professionals who have never attended such processes.

An important aspect during the trainings was to give every participant an active role during the break-out sessions. Every group had a chair, an (English speaking) note taker/ reporter, a controller checking that everyone was heard, a time-keeper and a “fly on the wall” trying to give different perspectives on what was said in the group (i.e., if victims, offenders, prosecutors, judges would have listened to the conversation, what would their reaction be?). In larger groups, “talking sticks” were used to define the time to speak and to listen to each participant.

Follow-up after the training

During most trainings, the following steps have been taken to continue the learning experience in the daily activities of all participants.

Information sharing

At the end of the two-day training, trainers and organisers shared the materials and PowerPoint presentations (if applicable) with the participants in order to allow them to revise the contents of the training and maybe re-use the materials during the daily activities.

Keeping in contact

Participants found it very important that the training gave them the possibility for increasing their network of professional connections. The information pack provided during the training contained the list of participants' names, professions and organisations useful for all of them to remember who they met and engaged with during the two days. Additionally, at the end of the training, if explicitly requested by participants, an email with all their contact details was sent to all of them to keep in touch with each other. It will be crucial to maintain these contacts in order to maintain the connections made during the trainings.

Updates on future activities

Participants will be updated about the events organised by the EFRJ as well as other events organised locally by the partner organisations. Participants' email contacts have been included in the EFRJ mailing list to receive the monthly Newsflashes concerning events and activities on restorative justice organised across Europe and beyond (unsubscription to the Newsflash is possible at any stage). Possibly, local partners will also update them with local or national activities related to restorative justice.

It was also promised to participants that they would receive the digital version of the research report and practical guide at the end of the project: the link for downloading these publications will be available by the end of 2014 on the EFRJ website. This will be an added value to the dissemination of the project' results.

4.2. Recommendations for improvement

Many lessons have been learned after giving five trainings in different countries within the framework of this project. These recommendations and reminders will be listed here with the aim of helping the organisation and improving future trainings on restorative justice.

Give the right name to your event

In Ireland, many comments were given on the fact that "training" was the wrong name for such a format: it was suggested to call them "study groups" or "discussion groups". In one case, complaints were made about the title of the seminar which was the same as the project (Accessibility and Initiation for Restorative Justice), because it did not sound appealing for practitioners who are not familiar with such terms. Although the definition of accessibility and initiation was stated in the invitation to the training, it was suggested that some people would probably not have read it, put off by the unattractive title.

More diversity in the group

During the first training in Poland, the trainers noticed that participants had similar backgrounds and professions and they often belonged to the same restorative justice organisation⁵³. The first important tip to improve the next training is to open registration to as many different professions and different organisations as possible in order to help the group dynamics to succeed. Although the trainings were designed for restorative justice practitioners, legal professionals should be included. It is suggested to also target prison chaplains, spiritual guides, teachers, educators, professionals working with children and youngsters, media workers, artists, students of criminology, law, social work, psychology, and media studies. The lesson learned in Poland was immediately implemented and the following trainings were opened to a broader audience⁵⁴.

Selection of trainers

For the sake of this project, most trainers had also working experience as restorative justice practitioners. Because of their familiarity with the dilemmas faced by participants to increase referrals to restorative justice, trainers could share ideas and start discussions relevant for participants. In addition, parts of the training were steered by lecturers (in The Netherlands) and a public prosecutor (Belgium). Concerning international trainers, some participants commented on the fact that they were not knowledgeable about the host country situation and thus their ideas could not always contribute to the solution of the local dilemmas and challenges.

Information sharing among trainers

In order to better prepare for the trainings, all trainers could share an outline of their presentations and exercises well in advance with the other trainers and organisers, to ensure a nice integration of all sessions during the training and also to ensure that similar topics/exercises will not be repeated. Sharing information is also needed for the research coordinator to check that trainers are actually in line with the research objectives and it is crucial for the local organisers to know how to prepare for the specific session (e.g., which and how many rooms are needed for the breakout sessions or which materials are needed).

Ice-breaker session

The initial session should not take more than 20 minutes in total and it can include a presentation round, sharing fears and expectations for the training and an ice-breaker exercise. This format was highly appreciated, although participants commented that it was too long for a two-day training and sometimes irrelevant since many participants knew each other already.

⁵³ Out of 20 participants, only a few dealt with criminal cases, while the rest had expertise on business and family mediation. 14 participants had a mediator's background and 8 worked for the Polish partner organisation (PCM). Apparently, a sort of competition exists between restorative justice organisations which made it difficult to have a various group. This was different in the following trainings where groups were more balanced.

⁵⁴ In The Netherlands, the combination of mediators, lawyers, police men and two probation people was well appreciated. It would have been better to involve also judges and prosecutors, but they were already invited to another training event (for another European project) and it turned out to be a group which is difficult to get on short notice and for two whole days.

Tips for the breakout sessions

Group exercises and role-plays may seem too similar to each other, even when topics are different, thus variety in the exercises is needed. The information shared in advance by trainers is crucial to ensure that exercises are delivered in different forms, especially when they are essential parts of the training and not just an additional tool for the presentations. During the breakout sessions, trainers should join the groups in order to ensure that the exercise has been understood and to give tips for discussion. (Clearly, this may be difficult when the training is given in the local language).

English vs. local language

Trainings were mostly given in English, but in some cases a translator was needed (Poland) or sessions were mostly provided in the local language (The Netherlands). This was seen as important by participants in order to better engage in the discussions and to reach more in-depth knowledge and understanding at the national and local level. However, using the local language did not facilitate participation by foreign speaking nationals / non nationals, risking to turn an international training into a local one. Additionally, this solution was an obstacle for collecting data for the research. Possibly, the best solution for these European projects is to provide trainings in English and foresee the possibility to have official translations.

Brainstorm on future steps

The link between the participants' daily activities, the trainings given and the next steps to follow may be often unclear. It is not always possible for trainers to give the ideal solutions to resolve all issues on the proper procedures to improve accessibility and initiation of restorative justice. Still, it may be interesting to keep some time at the end of the training to brainstorm on what the next steps to take could be. This would help to give continuity to what had been learned on the training and encourage ideas to be generated after the completion of the two-day training.

Updates and follow ups

A mailing group could be created after the training so that communications could continue between the training's organisers and the participants. For example, the EFRJ included the emails of all participants in the list of subscribers who receive the monthly newsflash concerning restorative justice events across Europe and beyond.

Provide annual trainings

Annual trainings could strengthen participants' expertise, knowledge and connections with the restorative justice world. Additionally, having annual meetings to discuss the topic of accessibility and initiation of restorative justice may help to give continuity to the project and assist in disseminating and updating its findings.

Design and deliver online courses

Internet facilitates the design and delivery of online courses which may be more easily accessible to a larger audience. Also in this case, similar suggestions apply: the invitation to the online course should clearly state the right title of the course, a brief description including its relevance and objectives, its targeted group, the materials to be used, the contact details of the organisers, and, if applicable, the evaluation procedures and grading system at the end of the course. In this case, the format to present the information should be as various and appealing as possible (e.g., videos, audios, pictures, graphs, texts) and an interactive forum to connect participants with each other should be created. An example is the Continuing Professional Development (CPD) Online Course "Restorative Justice in the EC Victims' Directive" (www.rj4all.info/content/RJE-ettraining) developed in 2014 by the Independent Academic Research Studies (IARS).

CONCLUSION

Twenty months have passed since the beginning of the “Accessibility and Initiation of Restorative Justice” project coordinated by the EFRJ, and many more have passed since the original proposal to discover the reasons behind the limited numbers of referrals to restorative justice despite the numerous benefits demonstrated in research. Indeed, the proposal was written exactly for these reasons: since restorative justice has been shown to be a successful and beneficial practice in many respects, what are the factors impeding or assisting parties to have access to restorative justice? Furthermore, once accessibility is granted, what other factors stimulate or discourage the beginning of a restorative justice process?

Several factors have been identified in the final research report written by Laxminarayan (2014) and concrete solutions, ideas, strategies, proposals, and recommendations on how to improve accessibility and initiation of restorative justice have been pinpointed in this *Practical Guide*. This manual, which is intended for any individual or organisation interested in the successful implementation of restorative justice practices, is the result of what has been learned during the desk research, the questionnaire, the interviews and the five trainings given at the end of the research phase in Poland, Ireland, The Netherlands, Croatia (organised together with Romania) and Belgium. These findings have been integrated with other (current) projects and ideas discovered throughout the course of this project.

This *Practical Guide* focused on three broad areas. It looked at accessibility and initiation at the structural level, at the individual level and finally at trainings for restorative justice and legal professionals. At the structural level, the focus was on raising awareness, increasing cooperation and influencing legislation. These factors often overlap and, as agreed by 71.4% of the respondents to the questionnaire sent during the research period, awareness was shown to be a central point in the accessibility phase. The lack of knowledge about the benefits, procedures, and real stories concerning restorative justice is merged with the lack of knowledge about the mere existence about restorative justice itself. The special focus on awareness has been given with the hope to encourage people interested in restorative justice to make a change and properly inform wider audiences, even before the actual need for justice appears.

At the individual level, special attention was given to the letter sent to the parties and the first phone call, since only when these have been successful can a first meeting between the mediator and the individual party be arranged. Many aspects are important, such as the language used, the timing of the offer, and the type of information given. Although suggestions have been given as to how to write a good letter, have a good phone call, and have a good and successful first meeting, no final answers can be given to identify the “best” procedures to make the offer. Standardised procedures are difficult to design, since every case is unique, every party has different needs, every mediator has his/her style, and every cultural background requires distinctive procedures.

Still, some certainties have been found on the ways trainings should (or should not) be designed, organised and delivered when thinking about accessibility and initiation of restorative justice. Several recommendations and practical tips are mentioned in the last chapter of this *Practical Guide*. Among the most important ones, it is useful to have participants from different working sectors, so that they can work with each other, building trust and possible cooperation. Indeed, to promote more accessibility and ensure the successful initiation of a restorative justice process, different bodies must collaborate and discuss together, starting from the trainings themselves.

Since readers may have different backgrounds, from the restorative justice, legal, social, religious, academic, police communities, it is possible that some of them will disagree with the factors identified during this research project as crucial for granting greater accessibility and successful initiation of restorative justice practices. These disagreements will be particularly valuable for the project team and the EFRJ staff. It will mean that this *Practical Guide* was read carefully and, as far as there will be disagreements, there will be discussions and this project will have fulfilled one of its goals, which is disseminating its research findings, making people aware about restorative justice practices and, most importantly, starting a discussion about the factors influencing its accessibility and initiation phases.

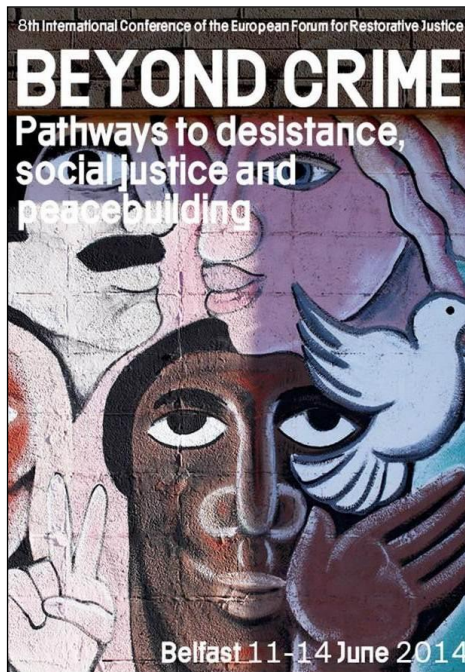
If you want to share your thoughts about this *Practical Guide* and, most importantly, about relevant experiences concerning accessibility and initiation of restorative justice, please share them with the EFRJ staff (info@euforumrj.org).

APPENDIXES

6.1. Communication materials from the EFRJ

Samples of communication materials prepared by the EFRJ in occasion of different events and activities have been collected in this appendix. Communication materials can be downloaded from here: www.euforumrj.org/publications/other-materials.

EFRJ postcard / flyer for the 8th international conference of the EFRJ (Belfast 2014)



<p> </p> <p> Confirmed speakers of the 8th International Conference of the EFRJ Professor John Braithwaite (University of Western Australia) Professor Shadd Maruna (Queen's University of Belfast) Professor Joanna Shapland (The University of Sheffield) Professor Kieran McIlroy (Queen's University of Belfast) Dr. Toivo Haanen-Maailja (European Centre for Human Rights) Brumilda Pail (Central University of Leoben) </p> <p> For further information please check: www.euforumrj.org/belfast </p> <p> <small> The EFRJ welcomes presentations that address these main themes. Contributions on new developments and innovative approaches will be considered as well: Desistance - Do RJ approaches help offenders to desist from crime? And if so, how does RJ as an "alternative" approach to crime control and punishment relate to current criminal justice policies and punishment models where risk assessment and evidence-based approaches prevail? RJ - as a policy and forward-looking approach - is often linked to the development of the Good Lives Model of Offender Rehabilitation. To what extent do RJ and desistance principles permeate in the work of prison officers and in probation work? Social Justice - How can RJ contribute to social justice, especially in an increasingly intercultural society? RJ is often said to be limited in addressing underlying causes of crime. By simply holding offenders accountable for the wrongdoing RJ overlooks the structural inequalities and fails to address a broader network of responsibilities. For RJ interventions to be meaningful and sustainable new alliances with a wider range of organisations and social institutions are needed. Peacebuilding - The central aim of this theme is to look at the value of RJ principles in the agenda of peacebuilding in divided, transitional, and post-conflict societies. Since several decades many countries emerging from conflict have opted for so-called transitional justice mechanisms to help and deal with their past. Gradually also RJ principles have been introduced into several of these mechanisms. </small> </p>	
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EFRJ postcards for the International Restorative Justice Week 2013 (5 postcards)

"I would never have thought that I could tell him that I forgive him. I am happy that I was able to tell him that. He also seemed relieved. I hope that this can help him to make something of his life." (Victim)

"I want to show who I am, that I am so much more than an offender. I am not bad, it was just a stupid moment, a phase in my life where I was lost. I hope that they want to listen to my story." (Offender)

"Looking back, I feel it's fantastic that I had this opportunity. Talking can solve so much. I can finally begin mourning." (Victim)

INSPIRING AND INNOVATIVE WAYS TO FIND JUSTICE

European Forum for Restorative Justice

Most participants recommend other victims and offenders to take part in a restorative justice program.

Most victims are highly satisfied and offenders are less likely to re-offend after participating in a restorative justice process.

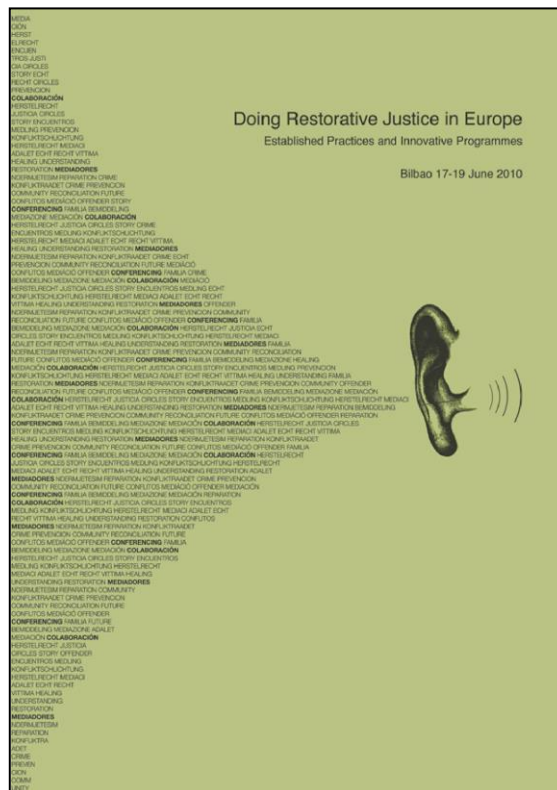
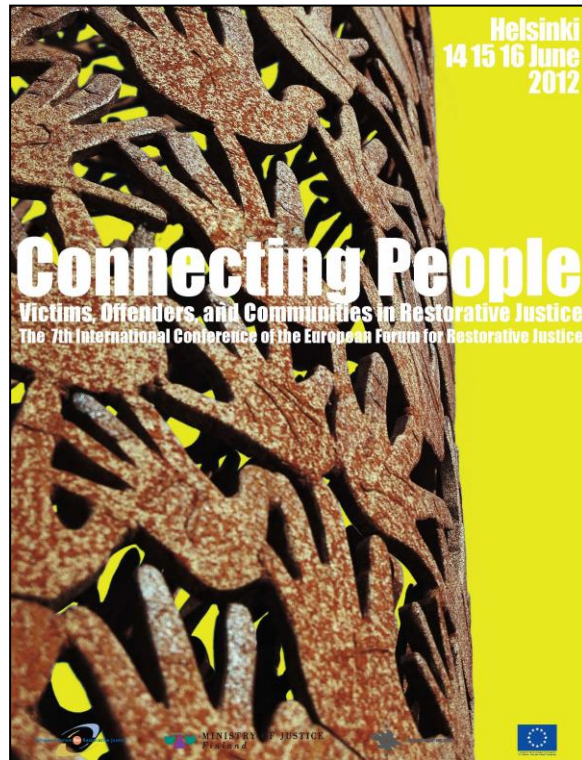
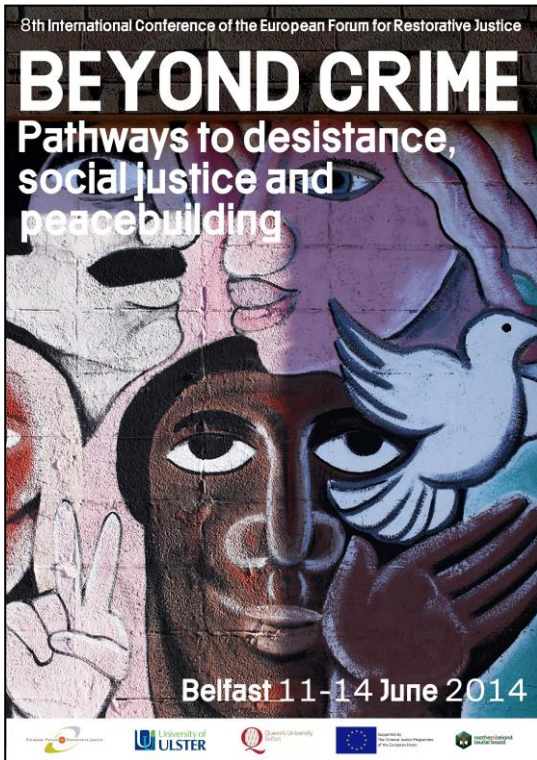
Restorative justice is cheaper than the criminal justice system, saving costs on legal expenses, prisons, offenders' rehabilitation, victims' support.

European Forum for Restorative Justice

Restorative Justice Week 17-24 November 2013 - Inspiring Innovation

Restorative Justice is a process where people affected by an injustice come together to discuss the causes and consequences of the injustice as well as possible solutions to repair the harm inflicted. Victims, offenders and possibly the community have an active role in explaining the real impact of the offense and find a way to actually restore justice. The European Forum for Restorative Justice is engaged in spreading restorative practices throughout Europe. It brings together policymakers, researchers and practitioners who work together with the aim of sharing information and developing new inspirational and innovative ways to find justice. Find us on www.eurforum.org

EFRJ posters for the international conferences (Belfast 2014, Helsinki 2012, Bilbao 2010)



6.2. List of films and documentaries

A list of movies on restorative justice (but also more in general on offenders' rehabilitation, conflict resolution, peace, forgiveness and justice) has been collected in this appendix. More information on these movies can be found online. For new additions on this list, please visit www.euforumrj.org/publications/films-and-documentaries.

Medling Vid Brot (produced by Eleonore Lind, 2014, 147 minutes). A film to train and discuss about mediation (in Swedish only).

Cesare must die (directed by Paolo Taviani and Vittorio Taviani, 2012, 76 minutes). The rehearsals of inmates at a high-security prison in Rome prepare for a public performance of Shakespeare's "Julius Caesar".

Concrete Steel and Paint (directed and produced by Cindy Burstein and Tony Heriza, 2011, 55 minutes). The story of a restorative programme using art to facilitate dialogue between victims and imprisoned offenders.

Face to Face – Scratch beneath the surface (directed by Michael Rymer, 2011). The story of a community conference to let the offender explain his actions.

Fambul Tok (directed by Sara Terry, 2011). The story of healing in post-conflict Sierra Leone through the intimate stories of perpetrators and victims.

Two sided story (directed by Tor Ben Mayor, 2011). The documentary follows the experiences of 27 Palestinians and Israelis that participated in the "Narrative Project" organised by the NGO "Parents Circle- Families Forum".

Blueprint For Emotion - Why Relationships Matter (Heartspeak Productions, 2010, 68 minutes). This lecture is highly recommended for restorative justice practitioners: it focuses on the impact of emotions during restorative interventions.

Video Letters from Prison (directed by Milt Lee, 2010, 54 minutes). The story of three sisters reconnecting with their incarcerating father through a series of video letters.

12 Angry Lebanese: The Documentary (directed by Zeina Daccache, 2009, 78 minutes). For 15 months, 45 inmates work on a theatre play which touches upon the themes of forgiveness, self- development, stigma and hope.

The Transformation of West Philadelphia High School: A Story of Hope (produced by International Institute for Restorative Practices – IIRP, 2009). The story of the implementation of restorative practices and strong leadership in a troubled high school in Philadelphia.

The Amy Wall Story (produced by the Center for Peacemaking and Conflict Studies, Fresno Pacific University, 2009). The story of a victim-offender reconciliation programme after a car accident caused the death of a 17 years old girl.

Letters from Prison (directed by Edson Costa, 2008, 7 minutes). The short film tells the life behind the prison bars through the letters exchanged by three incarcerated youngsters. Available on YouTube (www.youtube.com/watch?v=hch3UaCfymk).

I've Loved You So Long (directed by Philippe Claudel, 2008, 117 minutes). The story of a woman confronted with the unexpected goodness of her family after spending fifteen years in prison.

The Heart of Jenin (directed by Marcus Vetter and Leon Geller, 2008, 89 min). The story of a Palestinian boy shot by Israeli soldiers and his father's gesture of peace: donating his son's organs to Israeli children.

Flowers of Rwanda - Making Peace with Genocide (directed by David Muñoz, 2008, 24 minutes). This film considers whether killers and survivors can coexist in peace 14 years after the genocide.

Take (directed by Charles Oliver, 2007, 98 minutes). The story of two strangers who met in tragedy; they will meet face-to-face to speak about loss, forgiveness and redemption only once he will be on death row.

Beyond Conviction (directed by Rachel Libert, 2006, 97 minutes). The story of three crime victims on their journey towards meeting face-to-face with the perpetrator.

Forgiveness (directed by Mara Alper, 2006, 28 minutes). Four stories on forgiveness as a healing strategy told by a prisoner, a recovering alcoholic, a grieving mother and Archbishop Desmond Tutu.

Video Letters Rwanda Pilot (directed by Eric van den Broek, 2006, 18 minutes). Episode of two survivors separated by the Rwandese conflict speak with each other via video letters. Available on YouTube (www.youtube.com/watch?v=e-CpdxZB1Zg).

Videoletters (directed by Katarina Rejger and Eric van den Broek, 2005, 75 minutes). Three short documentaries around the theme of reconciliation. When the war separated people from ex-Yugoslavia, videoletters have been used to re-bring people together and promote reconciliation. See the website: www.videoletterstudy.net.

The Way Home (distributed by Odyssey Networks, 2004, 60 minutes). Glenn Close narrates three stories on how individuals discover the gift of forgiveness and how it transforms their lives.

Levity (directed by Ed Solomon, 2003, 100 minutes). The story of an ex-life-sentenced murderer who attempts to so seek redemption with the family of his victim.

A Justice that Heals (directed by Jay Shefsky, 2002, 60 minutes). The story of a family searching for a "justice that heals" after a murder case.

Meeting with a Killer - One Family's Journey (directed by Lisa F. Jackson, 2001). This film documents the journey of a family who prepares to meet the man who murdered their daughter.

Long Night's Journey Into Day (directed by Frances Reid and Deborah Hoffmann, 2000, 94 minutes). This film follows several cases from the South African Truth and Reconciliation Commission, showing how communication has been used to attempt the country's social reconciliation.

Facing the Demons (produced by International Institute for Restorative Practices – IIRP, 1999, 60 minutes). The story of a restorative justice conference after a murder case.

Burning Bridges (produced by International Institute for Restorative Practices – IIRP, 35 minutes). The story of a restorative justice conference after some juveniles burned an historical bridge.

The Woolf Within (produced by Why Me?, 11 minutes). The story of Peter Woolf and Will Riley after their meeting in a restorative justice process.

Confronting (Series by Oprah Winfree Network). Short documentaries on victim-offender mediation often in very serious crimes.

Spiritual Roots of Restorative Justice (24 minutes). Documentary on restorative justice described by victims, offenders, judges, lawyers, scholars, etc.

Journey to the Centre - Documentary on Restorative/ Reparative Justice (24 minutes). Documentary on a group of inmates joining a group of church volunteers for building a labyrinth.

Inside the Distance by Sharon Daniel (www.insidethedistance.net).

Several short films from the **Foresee Research Group** (<http://www.foresee.hu/en/films/>).

Several short films from **Heartspeak Productions** (<http://heartspeakproductions.ca/>).

Several short films from **The Institute for Restorative Justice and Restorative Dialogue** (www.utexas.edu/research/cswr/rji/media.html).

Several short films from **Restorative Justice for All** (<http://rj4all.info/rjv>).

Several short films of real stories told by the parties who participated in a restorative justice process of the **National Mediation Services** in Norway (www.konfliktraadet.no): not available online.

Creative and political theatre activities of Palestinian artists and actors filmed by **Actors of Resistance** (www.actorsofresistance.com).

Several **TED talks** on restorative justice and relevant topics, such as:

- Brené Brown: The power of vulnerability (www.ted.com/talks/brene_brown_on_vulnerability#);
- Symeon Brown: Who are the bad guys in Britain's prisons? (www.youtube.com/watch?v=QxwE7C1mEnw);
- Natalie DeFreitas: Rethinking the Impact of Traditional Justice (www.youtube.com/watch?v=Jx4ExrPT8Wg);
- Katy Hutchison: Restorative Practices to Resolve Conflict/Build Relationships (www.tedxtalks.ted.com/video/Restorative-Practices-to-Resolve);
- Jean Klasovsky: Repairing our schools through restorative justice (www.youtube.com/watch?v=tqktOiYG5NM);
- Bryan Stevenson: We need to talk about an injustice (www.ted.com/talks/bryan_stevenson_we_need_to_talk_about_an_injustice);
- Daniel Reisel: The neuroscience of restorative justice (www.ted.com/talks/daniel_reisel_the_neuroscience_of_restorative_justice);
- Shaka Senghor: Why your worst deeds don't define you (www.ted.com/talks/shaka_senghor_why_your_worst_deeds_don_t_define_you).

Movies and documentaries on **Films For Action**, “a community-powered learning library and alternative news center for people who want to change the world” (www.filmsforaction.org).

Short videos of **RSA Animate** and **RSA Short** (Royal Society for the encouragement of Arts, Manufactures and Commerce) on different types of social challenges (www.thersa.org).

6.3. Sample invitations to different events

Two sample invitations for organizing events and launching awareness campaigns have been collected in this appendix.

Sample of an invitation for participating in a photo contest

[LOGO OF THE ORGANISATION, EVENT AND/OR PHOTO CONTEST]

“Restorative Justice and *the topic of the year*”

During the Restorative Justice Week 2014, the EFRJ offers a new initiative in order to involve more people in raising awareness about RJ. The idea is to create a photo contest, open to all, which has the theme “RJ and *the topic of the year*”.

The contest will take the form of a competition of photographic shots telling about RJ and in particular about “the topic of the year”. Personal experiences, feelings, ideas, etc. can be portrayed by pictures of people, groups of people, places, quotes, drawings, etc.: any creative idea is welcome, as far as the topic remains “RJ and *the topic of the year*”!


The pictures may be shot by a smartphone or a camera. To participate, just send your photo by following one of these two ways:

- Upload the photo on the wall of the Facebook page of the European Forum for Restorative Justice- RJ Week 2014, commenting under the title "RJ and *the topic of the year*- Name and Surname- City" (obviously, you must have chosen "like" on the page to do so).
- If you have no Facebook account, send the photo to the address someone@euforumrj.org and in the title write "RJ and *the topic of the year*-Name and Surname - City". Your photo will be uploaded to the Facebook account by the EFRJ Team.

The contest will be divided into two parts:

- 1st step – from September 1st until November 1st – During this period, the contest will be launched and the photos of all the participants will be collected. 10 photos will be selected by a vote of the EFRJ Board members and the Leuven Team. Only these 10 finalists will continue to the second stage.
- 2nd step – from November 2nd until the end of the RJ Week 2014- During this period, the 10 finalists will be voted by the public. A link for voting the photos will be provided on Facebook, EFRJ website, Twitter, LinkedIn, etc. The top 3 winners will be rewarded with *gadgets at disposal*.

Invitation for participating in the International Restorative Justice Week 2014⁵⁵



Restorative
Justice
Week 2014
November 16-23

European Forum for Restorative Justice

Inspiring innovation

[TEMPLATE FOR TRANSLATION IN YOUR LOCAL LANGUAGE]

Invitation to participate in the “RJ Lunch on Inspiring Innovation”

During the International Restorative Justice week 2014 (November 16-23), members of the European Forum for Restorative Justice (www.euforumrj.org) will be sharing food and ideas during the **RJ Lunch on Inspiring Innovation**. A number of RJ Lunches will take place across Europe during this week.

[The name of your organisation] will be the local organiser of this event in [region/country]. The theme of the **RJ Lunch** will be to look at the future direction of RJ in our country/region.

What? [specify the programme and the format of your RJ Lunch, including the screening of the film provided by the EFRJ]

When? [date and hour]. Be on time!

Where? [address of the venue]

Fee? The **RJ Lunch** is free of charge, but every participant should bring some food and/or drinks to be shared with others.

Registrations? Participants should register to facilitate the organisation of the event: please send an email to [email] with your name, profession, organisation and contact details.

More info? Please contact our local organisers at [contact person and contact details]

Enjoy your RJ meal!

⁵⁵ More information on this event can be found here: www.euforumrj.org/events/international-rj-week-2014.

6.4. Sample letters

Several letters sent to each party to make the offer of restorative justice have been collected during the research project. Four samples are presented here.

Sample Letter to the Victim

Office of the Prosecutor

Dear sir/madam,

On the ____ of _____ you were the victim of _____. As the public prosecutor, it is my responsibility to handle this case. In this case, an offender is known. The judge will later decide upon the punishment of the offender.

You were involved in a harmful incident, where you may have suffered emotional and possibly financial harm. We know you are in a difficult situation. You are probably asking yourself how is something like this possible, why do people do this, what kind of person would do such a thing. It might be important to you to let the offender know what he/she did to you and what the consequences were for you and your surroundings. Maybe you are interested in compensation, or some other type of restoration. Because the offender is also challenged in his/her behaviour, the procedure can play a role in helping him/her to refrain from future criminal acts.

During a mediation procedure, these questions and concerns can be dealt with in a safe space and with the support of a mediator. We work together with the _____, an officially recognised and successful organisation with educated and experienced mediators who will listen to your story. They are prepared to discuss whether a contact with the offender is appropriate in your case and what it may mean for you.

The majority of victims in your situation has participated in a similar programme. Studies showed that 90% of the respondents would choose for mediation if they were given the opportunity.

You may choose for a direct or indirect mediation. An indirect mediation will allow you to send messages to the offender through the mediator, without meeting him/her face-to-face.

The conversation is confidential and the mediator will not be able to testify against you in Court. Your decision is entirely voluntary and you can stop at any time. The procedure is free of charge. If you have a lawyer, you can inform him or her about this procedure.

If you are interested, you can contact the mediation service. The contact details may be found below. If you send in the attached return slip, a mediator will contact you.

Jan was addicted to drugs when he assaulted the shop owner during a robbery. He has been punished for the crime and was involved in a drug rehabilitation programme. He wanted to explain to Pete, the victim, how it came so far. He also wondered how the man was doing and wanted to personally offer an apology. Pete suffered from anxiety, and though still working in his shop, was substantially more afraid than before the assault. When they met, Pete was open and able to also ask questions that he still had. After mediation, Pete was thankful for the apology and could finally continue with his normal routine.

Sincerely,

The Public Prosecutor

Sample Letter to the Offender

Office of the Prosecutor

Dear sir/madam,

On the ____ of _____ you were involved in _____. As the public prosecutor, it is my responsibility to handle this case. The judge will later decide upon your punishment.

- Do you want the opportunity to express remorse to the victim?
- Do you want to tell your side of the story?
- Do you want to help the victim to move on?

If you answered yes to any of these questions, then victim-offender mediation may be an appropriate step in your case.

During a mediation procedure, these questions and concerns can be dealt with in a safe space and with the support of a mediator. We work together with the _____, an officially recognised and successful organisation with educated and experienced mediators who will listen to your story. They are prepared to discuss if contact with the victim is appropriate in your case and what it may mean for you.

The majority of offenders in your situation has participated in a similar programme. Studies showed that 90% of the respondents would choose for mediation if they were given the opportunity.

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Jan was addicted to drugs when he assaulted the shop owner during a robbery. He has been punished for the crime and was involved in a drug rehabilitation programme. He wanted to explain to Pete, the victim, how it came so far. He also wondered how the man was doing and wanted to personally offer an apology. Pete suffered from anxiety, and though still working in his shop, was substantially more afraid than before the assault. When they met, Pete was open and able to also ask questions that he still had. After mediation, Pete was thankful for the apology and could finally continue with his normal routine.

Sincerely,

The Public Prosecutor

Sample letter to victims of serious crimes⁵⁶

Restorative justice organisation

Dear sir/madam,

In the past years, the parties involved in a crime have become increasingly involved in their own case. According to [*the relevant law*], parties can exchange information, questions or expectations indirectly (through a neutral mediator) or directly (through a meeting led by the neutral mediator). Both parties can take the initiative to start the mediation procedure. Such a procedure will not terminate nor replace the criminal procedure. You can find more information about this procedure in the brochure in attachment.

Our service received a request for mediation from [*offender*] who is incarcerated in the prison in [*town*] and who was convicted of a serious crime of which you and your family have fallen victim to. Before we take any further steps, we would like to first hear your opinion.

We realize that this letter might be very unexpected for you. We also have our doubts, considering the severity of what has happened. It is completely understandable if you do not want any contact with the offender. In other cases, we have experienced that sometimes victims may have questions or a message for the offender. Because we do not want to deny you this opportunity, nor ignore your wishes by making a decision for you, we decided to write you so that you can decide yourself if you would like us to intervene.

If you want to know more about mediation or if you want to find out if this procedure could be something for you, we would be happy to make an appointment. In this meeting we can discuss the questions or expectations that you have. Of course this is only an informative discussion. Afterwards you can decide entirely by yourself if you want to participate.

The content of the meeting is confidential and the mediation is free. Obviously, you can consult an attorney or any other person about this offer. The [*offender's*] family has also received this offer for mediation.

[*The letter ends with one of these options:*]

- If you are interested in this offer, I would like to ask you to contact me.
- I suggest that I contact you at the end of next week to discuss your options further.

If you would like, I can come to your home for a visit.

You can also always contact me, also to simply ask questions and share your thoughts and emotions. You can reach me every weekday at [*office number*] or on my cell phone [*personal number*]. If I am away or in a meeting, please do leave a message and your telephone number. I will call you back as soon as possible.

If in the future you wish to consider this offer, feel free to contact our mediation service.

We hope to respect you.

Kind regards,

The Mediator

Enclosure: Mediation service brochure

⁵⁶ This letter was translated and adapted by the authors from the letter presented by Buntinx (2014), a practitioner from the Flemish Forum for Restorative Justice and Mediation “Suggnomè” (Belgium), during the training “Accessibility and Initiation of Restorative Justice” in Leuven.

Hi,

My name is Sten Stenson and I work as a mediator in Stenson municipality.

Through our cooperation with the social services and the police I have been informed about the [*theft, fight, vandalism, etc.*] you were involved in on the [*time and date*].

In Stenson municipality we offer victim-offender mediation according to the Mediation Act (2002:445). The police handling the case informed you about victim-offender mediation and you gave your permission for us to contact you.

I would like to invite you to a first meeting where I would like to tell you more about victim-offender mediation and what that might mean to you. After that meeting we will decide together how we are going to proceed with the mediation.

[*The letter ends with one of these options:*]

- I will contact you by phone to book a time for the first meeting.
- I would like you or one of your guardians to phone me to book a time for the first meeting.
- I have booked a time for you on the [*time*]. The address is: [*place*].

Kind regards,

The Mediator

⁵⁷ This letter has been taken from a Swedish handbook on mediation in criminal cases produced by the National Council for Crime Prevention (Brottsförebyggande rådet - Brå). The translation from Swedish into English has been made by Eleonore Lind. The original text can be found on page 75, Appendix 6 "Proposal for a written notice to the perpetrator and guardians". There is no specific letter for victims in this handbook.

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International research shows that restorative justice is a positive instrument for dealing with crime and harms: victims' needs are more frequently satisfied, recidivism is reduced and overall satisfaction rates are often far higher than in the criminal justice system. Despite this, restorative justice remains under utilised. How can restorative justice processes be successfully initiated and made more accessible to citizens?



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